

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 23

WEDNESDAY, NOVEMBER 6 2002

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon John Cowdell, took the Chair and read prayers.

2. Petition

The President presented a petition, by delivery to the Clerk, [SO 130], from 4 050 residents of Western Australia opposing the use of the *Heritage Act of Western Australia 1990* by the City of Subiaco and the resulting effects on the rights of ratepayers. (Tabled paper 432).

3. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1019/33 - Townsites in Stoneville and Parkerville

The Parliamentary Secretary representing the Minister for Planning and Infrastructure made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1019/33 - Townsites in Stoneville and Parkerville.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

4. Papers

The following Papers were laid on the Table by -

Parliamentary Secretary to the Minister for State Development

Annual Reports -

Technology and Industry Advisory Council (2001-2002) (Date received 05/11/2002)..... 428

Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports -

Education, Department of (2001-2002) (Date received 05/11/2002)..... 429

Plans -

Metropolitan Region Scheme Section 33 Amendment No 1019/33 - Townsite
Developments in Stoneville and Parkerville 430

Reports -

Metropolitan Region Scheme Amendment No. 1019/33 - Townsite Developments in
Stoneville and Parkerville (Volumes 1, 2 and 3)..... 431

5. Order of Business - Animal Welfare Bill 2001 - Alteration of Order on Notice Paper

Hon Norman Moore moved, without notice -

That pursuant to Standing Order No. 128 that Motion No. 16, *Order of Business - Animal Welfare Bill 2001* be made Motion No. 1 for the next day of sitting.

Question - put.

The House divided.

Ayes (17)

Hon George Cash
Hon Robin Chapple
Hon Murray Criddle
Hon Paddy Embry
Hon Peter Foss
Hon Frank Hough
Hon Barry House
Hon Robyn McSweeney
Hon Dee Margetts

Hon Norman Moore
Hon Simon O'Brien
Hon Barbara Scott
Hon Jim Scott
Hon Christine Sharp
Hon Derrick Tomlinson
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Noes (9)

Hon Kim Chance
Hon Sue Ellery
Hon Jon Ford
Hon Graham Giffard
Hon Nick Griffiths

Hon Ljiljanna Ravlich
Hon Tom Stephens
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Question thus passed.

6. Regulations 219(2) and (3) of the State Superannuation Amendment Regulations (No. 2) 2002 - Disallowance - Discharge from Notice Paper

Hon Alan Cadby, moved, without notice -

That Order of the Day No. 84, *Regulations 219(2) and (3) of the State Superannuation Amendment Regulations (No. 2) 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

7. Shire of Donnybrook-Balingup Local Law - Eating Areas in Streets and Other Public Places - Disallowance - Discharge from Notice Paper

Hon Alan Cadby, moved, without notice -

That Order of the Day No. 87, *Shire of Donnybrook-Balingup Local Law - Eating Areas in Streets and Other Public Places - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

8. Vocational Education and Training Amendment Regulations 2002 - Disallowance - Discharge from Notice Paper

Hon Alan Cadby, moved, without notice -

That Order of the Day No. 99, *Vocational Education and Training Amendment Regulations 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

9. Industrial Relations (WA Industrial Appeal Court) Amendment Regulations 2002 - Disallowance - Discharge from Notice Paper

Hon Alan Cadby, moved, without notice -

That Order of the Day No. 101, *Industrial Relations (WA Industrial Appeal Court) Amendment Regulations 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. Industrial Relations (Employer-Employee Agreements) Regulations 2002 - Disallowance - Discharge from Notice Paper

Hon Alan Cadby, moved, without notice -

That Order of the Day No. 102, *Industrial Relations (Employer-Employee Agreements) Regulations 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

11. Australian Involvement in Military Action in Iraq

Hon Dee Margetts pursuant to notice, moved -

That this House notes -

- (1) The recent comments from the Prime Minister and Minister for Foreign Affairs regarding Australia's possible support for US military action in Iraq.
- (2) That these comments were made in the absence of any United Nations resolution or processes.
- (3) The threat to the livelihood of Western Australian agricultural producers and exporters in light of the Prime Minister's indication that any request for Australian assistance would be considered against the "national interest test".
- (4) The statements from Labour Leader Simon Crean that Mr Howard's and Mr Downer's statements are out of step with other international opinion.
- (5) The likely impact on the civilian population, particularly women and children.

Therefore, the Legislative Council informs the Federal Government that it does not support Australian involvement in military action in Iraq without UN backing.

Debate ensued.

Interruption of Debate [SO 195].

12. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Bruce Donaldson as follows -

That the following words be added to the end of the motion -

“

but regret to inform your Excellency that the Government is failing in its administration of the State of Western Australia.

”.

to the motion of Hon Sue Ellery as follows -

That the following address be presented to His Excellency -

To His Excellency, Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency -

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

Point of Order

Hon Norman Moore raised the following Point of Order -

Yesterday, in respect of a question I previously asked, you ruled that the answer was out of order and discourteous to the House. I have again sent that question to the Government for a proper answer. Could you advise me whether I am entitled to ask that question again, in view of the fact that an answer was provided, albeit it was discourteous and out of order?

President's Ruling

The President ruled as follows -

I take the view that the Leader of the Opposition can ask that question again.

14. Address-In-Reply

Debate resumed on the amendment of Hon Bruce Donaldson to the Address-in-Reply (cf item 12 above).

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

15. Volunteers (Protection from Liability) Bill 2002

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

The Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved -

Page 2, after line 21 - To insert -

“
 (d) for the purpose of caring for, treating or otherwise assisting people who need assistance because of a physical or mental disability or condition;
 ”.

Amendment - put and passed.

The Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved -

Page 2, after line 23 - To insert -

“
 (e) for the purpose of promoting or preserving historical or cultural heritage;
 ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 4.

The Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved -

Page 3, line 18 - To insert after "*Services*" -

“ *Authority* ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 and 9 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day's sitting.

The Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved, That the report be adopted.

Question - put and passed.

The Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

16. Railway (Jandakot to Perth) Bill 2002

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed on the motion of Hon Simon O'Brien as follows -

That the Order of the Day for the second reading of the Bill be discharged and the Bill be referred to the Standing Committee on Public Administration and Finance.

Hon Jim Scott, by leave, tabled a letter in relation to the *Railway (Jandakot to Perth) Bill 2002*. (Tabled paper 433).

Interruption of Debate [SO 61(b)].

17. Environmental Protection Amendment Bill 2002

The President reported the receipt of Message No. 25 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House, on behalf of the Minister for Housing and Works moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House, on behalf of the Minister for Housing and Works moved, That the Bill be now read a second time.

Debate stands adjourned.

18. Adjournment

The Leader of the House moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 11.58pm until Thursday, November 7 2002 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Louise Pratt.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council