

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 27

THURSDAY, NOVEMBER 14 2002

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Papers

The following Papers were laid on the Table by -

President

Annual Reports -

Parliamentary Commissioner for Administrative Investigations [Ombudsman] (2001-2002) (Date received 13/11/2002)..... 461

Leader of the House

Annual Reports -

Egg Marketing Board, The Western Australian [Golden Egg Farms] (2001-2002)
(Date received 13/11/2002)..... 462

Minister for Housing and Works on behalf of the Minister for Racing and Gaming

Annual Reports -

Gaming Commission of Western Australia (2001-2002) (Date received 13/11/2002)..... 463

Public Trustee (2001-2002) (Date received 13/11/2002)..... 464

Racecourse Development Trust (2001-2002) (Date received 13/11/2002)..... 465

Racing Penalties Appeal Tribunal of Western Australia (2001-2002)
(Date received 13/11/2002)..... 466

Parliamentary Secretary to the Minister for State Development

Annual Reports -

Industry and Technology, Department of (2001-2002) (Date received 13/11/2002)..... 467

Tourism Commission, Western Australian [WATC] (2001-2002)
(Date received 13/11/2002)..... 468

Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports -

Dampier Port Authority (2001-2002) (Date received 13/11/2002) 469

Ministerial Approvals -

East Perth Redevelopment Act 1991 - Subdivision Application 00/02 - Survey Plan
33721, Northbridge 470

3. Standing Committee on Uniform Legislation and General Purposes - National Crime Authority (State Provisions) Amendment Bill 2002 - Extension of Reporting Time

Hon Simon O'Brien presented a Report of the Standing Committee on Uniform Legislation and General Purposes in relation to the *National Crime Authority (State Provisions) Amendment Bill 2002* seeking an extension of time from November 14 2002 to November 28 2002. (Tabled paper 471).

Hon Simon O'Brien moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

4. Australian Involvement in Military Action in Iraq

Motion No. 6 having been called.

Debate resumed on the motion of Hon Dee Margetts as follows -

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.

Hon Frank Hough, pursuant to SO 48, tabled documents quoted from during debate. (Tabled paper 472).

Interruption of Debate [SO 195].

5. Consideration of Committee Reports

The Order of the Day having been read for the consideration of Committee reports.

The President left the Chair.

In Committee

(Hon John Cowdell in the Chair)

Standing Committee on Procedure and Privileges - Fifth Report - Standing Order No. 73 - Time Limits on Speeches

Point of Order

Hon Norman Moore raised the following Point of Order -

Will the President indicate when this debate will conclude as the decision last week was made for only last week. While I am on my feet, I suggest that a solution to this is that we deal with Committee Report No. 6 from the Procedure and Privileges Committee first, because that deals with this issue, and then we could move on to the other Report. That would sort out a couple of problems at the same time. I seek the President's ruling on what time this debate will conclude.

President's Ruling

The President ruled as follows -

The Leader of the Opposition is correct that under our current Standing Orders without alteration either permanently, as is proposed in the Sixth Report, or as a temporary expedient, we will continue this debate until one o'clock. We are now in Committee of the Whole. Any move to change the order would require us, by motion, to go out of Committee in order to effect that change. I call the first item at this stage. As Members can talk for 10 minutes at a time, it might be appropriate that the Leader of the Opposition speak to the Leader of the House during that time and we can see whether we can report progress at some time.

Debate resumed on the motion of Hon George Cash, That the Report be adopted and agreed to.

Debate ensued.

Interruption of Debate [SO 61A].

6. Wildlife Conservation (Fauna Protection) Amendment Bill 2002

Hon Christine Sharp pursuant to notice, moved -

That a Bill for "An Act to provide for the conservation and protection of fauna in cases where habitats are likely to suffer damage, or fauna will be subjected to interference or damage by intrusive activity, by amending the *Wildlife Conservation Act 1950* and including production contracts formed under the *Forest Products Act 2000*" be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Christine Sharp moved, That the Bill be now read a second time.

Hon Christine Sharp, by leave, tabled a stuffed Western Quoll for the remainder of today's sitting. (Tabled paper 473).

Debate stands adjourned.

7. 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.

On the motion of Hon Alan Cadby the debate was adjourned to the next sitting.

8. Order of Business

Ordered - That Order of the Day No. 72 be taken before Order of the Day No. 23. (Leader of the House).

9. Railway (Jandakot to Perth) Bill 2002

The Order of the Day having been read.

Hon Peter Foss sought leave to defer moving the motion standing in his name until a later stage.

Leave granted.

Debate resumed on the second reading of this Bill.

Leave was granted to Hon Norman Moore to continue his remarks at a later stage of this day's sitting.

10. Questions Without Notice

Questions without notice were taken.

Parliamentary Secretary representing the Minister for Education, by leave, incorporated into *Hansard* the answer to question without notice No. 351 asked by Hon Dee Margetts.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled a document in relation to a working paper on the modelling of patronage forecasts for the South West Metropolitan Railway. (Tabled paper 474).

11. Railway (Jandakot to Perth) Bill 2002

Debate resumed on the second reading of this Bill (cf item 10 above).

Interruption of Debate [SO 61(b)].

12. Fire and Emergency Services Legislation Amendment Bill 2001

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 29

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Fire and Emergency Services Legislation Amendment Bill 2001*.

Fred Riebeling

Speaker

Legislative Assembly Chamber

Perth, 14 November 2002

13. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, November 26 2002 at 3.00pm.

Question - put and passed.

14. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 6.10pm until Tuesday, November 26 2002 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple, Hon Bruce Donaldson, Hon Nick Griffiths and Hon Robyn McSweeney.

L B MARQUET

Clerk of the Legislative Council

HON JOHN COWDELL

President of the Legislative Council