

Hon Kim Chance; Hon Norman Moore; Deputy President; Mr Tom Stephens; Hon Ray Halligan; Hon Jim Scott;
Hon John Fischer; Hon Frank Hough

SITTINGS OF THE HOUSE, EXTENDED AFTER 6.00 PM

Thursday, 7 November

HON KIM CHANCE (Agricultural - Leader of the House) [2.38 pm]: I move without notice -

That the House do sit beyond 6.00 pm or until necessary to ensure that passage of order of the day No 36, Animal Welfare Bill 2001.

Subsequent to the success of the motion, I will move that we proceed immediately with Order of the Day No 36, notwithstanding the current bulletin. Normally, I would expect that such a motion would not be necessary. Indeed, when I sought additional hours for the next two sittings weeks - the House was gracious enough to comply with my request - I indicated by nodding to the Leader of the Opposition that it should not be necessary for us to sit extra hours over the next two weeks in addition to those sought in my motion. It was my belief at that time that the Government's priority legislation could all be dealt with within that time frame. Of course, that was based on the assumption that the Government maintained control of the flow and management of the business of the House. Events of today have changed that. I do not imply or express any criticism when I say that, but the House took control of the business of the House from the Government. Therefore, it is necessary for the Government to seek to re-establish a time frame in which it can achieve its objectives. Honourable members will be aware that I welcomed them exercising their democratic rights under Standing Order No 127 to take charge of one part of the management of the business of the House. My welcome of that was genuine and sincere. However, it is necessary for the Government to now make adjustments to the time frames of the House to accommodate its requirements for legislation to be dealt with in a reasonable time. As I indicated, upon the success of my motion I will move to take the House directly to order of the day No 36. I noted the sincere and genuine concern of members opposite and on this side of the House about the importance of the Animal Welfare Bill. That argument has convinced me that it is necessary for us to move ahead with this Bill and put it ahead of the Government's priorities.

Several members interjected.

Hon KIM CHANCE: I accept that that is the will of the House. Consequently I feel confident that the House will be unanimous in its support of this motion.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [2.41 pm]: The Opposition will not support this motion for obvious reasons.

Hon Kim Chance: The poor animals!

Hon NORMAN MOORE: That is the most pathetic thing the Leader of the House has said since I have known him.

Hon Kim Chance: It was good enough for you to take control of the House.

Hon NORMAN MOORE: There is public demand for the Animal Welfare Bill to be passed because government members, including the minister sitting alongside the Leader of the House, have told the world that the Bill has not been passed because the upper House will not deal with it. Government members have said that this is the fault of not just the Liberal Party but also the Greens (WA). The House agreed today to deal with this Bill next Tuesday.

Hon Kim Chance: Your arguments were too convincing and I was moved to do it now.

Hon NORMAN MOORE: What a pathetic statement! The Leader of the House puts out a Business Program every day, for which I have congratulated him. This tells members what will happen each day.

The DEPUTY PRESIDENT (Hon George Cash): Order, members! I have just read the motion and the daily order of business. The motion seeks to contradict an earlier decision of the House. This morning the House agreed that the order of the day for the Animal Welfare Bill would be made the first order of the day for Tuesday, 12 November 2002. That motion was carried. If there is to be some alteration to how that Bill is to be dealt with, at the very minimum we will have to suspend standing orders, because the House has already made a decision on that Bill today.

Point of Order

Hon TOM STEPHENS: Before you make a ruling, Mr Deputy President, I ask you to consider that the motion moved by the Leader of the House does not in fact contradict the motion earlier moved and carried by the House. Rather, it simply advances order of the day No 36 for resolution. It may well be that the House, in considering order of the day No 36, may not be able to bring that item to resolution before we adjourn. In that circumstance it is possible that the Animal Welfare Bill would still be in front of the House when we come back on Tuesday.

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Therefore, the Bill could be dealt with pursuant to the motion moved and carried by the Opposition when it seized control of the Government's agenda.

Standing Order No 129 provides that -

Any motion connected with the conduct of the business of the Council may be moved by a Minister at any time without notice.

This motion simply endeavours to utilise that standing order. I encourage you, Mr Deputy President, to recognise that it would still be possible for this motion to be carried by a simple majority of the House without in any way requiring a rescission of the earlier motion. The intent of the earlier motion was obviously to expeditiously advance the passage of the Animal Welfare Bill. The current motion enhances the capacity of the House to expedite the passage of that Bill - before next Tuesday. The Bill could be passed by six o'clock this evening. However, if amendments are moved, it may be necessary for the final stages of the Bill to be dealt with next Tuesday. I do not think that you had got to the point of making a ruling, Mr Deputy President. I encourage you to not go down that path.

Deputy President's Ruling

The DEPUTY PRESIDENT: I have listened to the comments of the Minister for Housing and Works. I was concerned about the motion because it seeks to have the House sit not only beyond 6.00 pm - there is nothing wrong with that part of the motion - but also until necessary to ensure the passage of the Animal Welfare Bill. My understanding of the words "to ensure passage of the Animal Welfare Bill 2001" is that the Government wishes to complete the passage of the Bill through this House tonight. If that were done, it would contradict what was agreed to earlier this morning. If that is not the intention of the motion, I am happy to allow the matter to progress, but certain words will have to be removed from the motion. There is nothing wrong with sitting beyond 6.00 pm, if that is the will of the House. There is nothing wrong with advancing the Animal Welfare Bill on the Notice Paper. However, the House agreed that this Bill would be listed as the first item of business on Tuesday, 12 November. If the motion before the House is agreed to, it will ensure that that Bill is not listed on Tuesday, because the House will complete the passage of the Bill tonight. There is some confusion as to the intent of the motion.

Hon KIM CHANCE: Thank you for that advice, Mr Deputy President. I seek some further clarification from you. If the motion had provided that the Bill be progressed to the third reading stage by the end of this day's sitting, it probably would not have contradicted the earlier decision of the House. In other words, if the motion asked that the Bill be taken only to the third reading stage, the Bill would still arise next week.

The DEPUTY PRESIDENT: If the Leader of the House were to agree to amend this motion to enable the third reading or some other stage of the Bill to be taken on Tuesday, I am sure this matter could be progressed. The wording at present precludes that from happening.

Hon TOM STEPHENS: We have been discussing this matter by raising points of order. I assume that the Leader of the Opposition is still on his feet. Is it possible at this point for me to move an amendment to the motion moved by the Leader of the House to ensure that the motion is in order?

The DEPUTY PRESIDENT: You cannot move that while the Leader of the Opposition is on his feet. I interrupted the Leader of the Opposition to point out an error in the wording of the motion, to which the Minister for Housing and Works took a point of order. If in a moment the minister wants to amend the motion, I would be more than pleased because it might then comply with what we agreed to earlier. In the meantime, the Leader of the Opposition has the call on the question that the motion be agreed to.

Debate Resumed

Hon NORMAN MOORE: I was indicating before that interlude that each day we are provided with a Business Program which lists the order of business for the day. Listed on today's Business Program are: the Address-in-Reply, the Home Building Contracts Amendment Bill, the Railway (Jandakot to Perth) Bill, the Civil Liability Bill, the Workers' Compensation and Rehabilitation (Acts of Terrorism) Amendment Bill, the Insurance Commission of Western Australia Amendment Bill and then the Animal Welfare Bill. That program was handed out this morning and we accepted it in good faith. I am now advised, without any notice at all, that we will not deal with the Government's number one priority, the railway Bill, but that we will instead deal with the Animal Welfare Bill, which is at the bottom of the Government's list. I would have thought that, with an element of courtesy, the Leader of the House would have advised me what he was planning to do. I know he advised someone else, but he did not advise the Opposition. I do not have a problem with dealing with the Animal Welfare Bill now if that is what the Leader of the House wants. However, this House made provision to deal with it next Tuesday. That was a properly determined decision of the House. The crocodile tears of the Leader

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of the House and his ministerial colleagues defy belief. They did that every second day for the entire time they sat on this side of the House. The crocodile tears amuse me. As I said this morning, the only reason I moved the motion to deal with the Bill next Tuesday is that the Parliamentary Secretary to the Premier keeps telling everybody lies about this Bill. We have always said that we will deal with it, and today we tested the Government to see whether it was prepared to deal with it. Instead of telling the world that it is our fault that the Bill has not been passed, the Government should say that it is its fault. Let us get this out of the way. We will deal with it whenever the Government wants.

Hon Tom Stephens: Which is now.

Hon NORMAN MOORE: That is fine, but we will not sit beyond six o'clock if I have any say about it. Following the request of the Leader of the House, we agreed without argument to sit an extra two hours today, as well as extra hours on Tuesday and Wednesday. I have previously suggested to the Leader of the House that we should sit longer hours to complete more business. We agreed this week to sit extra hours without any complaint at all. We are sitting for an extra two hours today. We are prepared to sit until six o'clock, but I am not prepared to agree to sit beyond six o'clock. I am sorry if I am disturbing the Leader of the House's conversation, but I would like him to listen to what I am saying. At his request, this week we agreed without complaint to sit extra hours. Now, without any notice to anybody, he has moved this motion.

Hon Kim Chance: You changed the Government's priorities. We are accommodating the time of the House to fulfil the requirements imposed by that change. You made the decision to change it. That is fine, and this is what we will do to accommodate it.

Hon NORMAN MOORE: We have already said that we will debate the Animal Welfare Bill now, although it is not on the Government's list. However, we will not sit beyond six o'clock. We have already agreed to the Leader of the House's request to sit longer hours this week. It has nothing at all to do with priorities. It is the Leader of the House's gross mismanagement -

Hon Kim Chance: You changed the priorities of the Government. Now you must find the time to deal with your request.

Hon NORMAN MOORE: It is not my responsibility to manage the House. It is time the Leader of the House accepted his responsibilities. All he ever does is blame somebody else. It is always somebody else's fault.

Hon Kim Chance: I did not move the motion.

Hon NORMAN MOORE: He cannot organise anything. He has prepared a Business Program. He has asked the House to pass six Bills, and the Opposition has agreed to pass five without any problem. We have asked the House to do what the Parliamentary Secretary to the Premier and the Minister for Local Government and Regional Development want. Does he have the guts to tell the Royal Society for the Prevention of Cruelty to Animals Western Australia that this Bill is not a priority of this Government and that it can stick it up its jumper? It is not a priority of this Government.

Hon Kim Chance: It is not a priority for you.

The DEPUTY PRESIDENT: Order, members! If the Leader of the Opposition speaks through the Chair and the Leader of the House desists from interjecting, the rest of us can hear what is being said.

Hon NORMAN MOORE: I regret to say that this is becoming a very one-sided affair. We agreed to sit extended hours without any complaint at all. We recognise that the Government has a legislative program. The Leader of the House wrote to me at the beginning of the week outlining the Bills the Government wants passed, and I gave him an indication of our view on that. We will debate the Animal Welfare Bill now, but I will not agree to sit beyond six o'clock simply because the Leader of the House wants to be a smart person. He is trying to retrieve his position and give the impression to those people who want this Bill passed that it will be the Opposition's fault if it is not because we will not agree to sit here all night to pass it. He blames somebody other than himself every time. I hope that the Greens (WA) take my view that we have collectively agreed to sit extra hours. They also agreed to debate this Bill next Tuesday. There is time to debate it next Tuesday. We will sit extra hours next week, and the Bill can be passed, as can most of the other Bills on the Notice Paper. However, we have indicated to the Government that debate on the railway Bill will take longer than it expects. Why should it not? It will result in the expenditure of a minimum of \$1.4 billion, and the Government does not want to debate it. It is prepared to trade off a railway station to prevent a parliamentary committee considering the Bill. However, this motion is about the Animal Welfare Bill, and we will discuss that now. I do not believe we should sit beyond six o'clock because we have already agreed to sit extra hours to suit the Government's convenience. The backlog on the Notice Paper is its own bloody fault.

Amendment to Motion

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Hon John Fischer; Hon Frank Hough

HON TOM STEPHENS (Mining and Pastoral - Minister for Housing and Works) [2.56 pm] - by leave: I move -

That all words after “6.00 pm” be deleted and the following substituted -
for the purpose of considering order of the day No 36.

The DEPUTY PRESIDENT: As I understand, the reason for the amendment is to overcome the problem I announced that, because of the earlier decision of the House, it will not be possible to take a vote on the third reading at today’s sitting.

HON RAY HALLIGAN (North Metropolitan) [2.57 pm]: Hon Norman Moore mentioned the Business Program. Members in this place have over the term of this Government needed to take note of the Business Program to determine the legislation that is to be brought forth each day.

Hon Ken Travers: It is a new innovation.

Hon RAY HALLIGAN: As we have found out today, it is not worth the paper it is written on.

Hon Kim Chance: Not when you take control of the Notice Paper.

Hon RAY HALLIGAN: The Leader of the House can stand and argue his case in a moment, but I will argue mine now.

The DEPUTY PRESIDENT: Order, members! One at a time.

Hon RAY HALLIGAN: The difficulty with the Business Program is, as I said, that it is not worth the paper it is written on. We find all too often that the debates for which non-government members prepare themselves are not the priority of the Government on the day on which it said they would be the priority.

Hon Ken Travers: Are you not ready to debate the Animal Welfare Bill?

Hon RAY HALLIGAN: I will ignore that inane remark from a stupid member of the Labor Government. I have my notes here and I will be ready. The member will sit and listen to me for some considerable time.

Hon Tom Stephens: I thought you supported the Bill. Do not tell me you are going to filibuster.

Hon RAY HALLIGAN: I am not like that. It is a matter of putting forward the arguments. This is the House of Review. I will say some things about the Minister for Local Government and Regional Development and his hypocrisy in this House over a number of years. We have a situation before this House of total hypocrisy. I have said it before a dozen times. When he was the Leader of the Opposition in this place, the now Minister for Housing and Works continually took the business of the House out of the hands of the then Government.

Hon Tom Stephens: What did you say about it then?

Hon Norman Moore: It is gross hypocrisy.

Hon RAY HALLIGAN: I agree with Hon Norman Moore. Ministers in this place and the other place have said certain things collectively about the members of this House. They make suggestions that often end up in the newspapers, and which are totally false. They paint a picture of all members of this House. It does not look good. Members of the minor parties in this House often have to take on many portfolios. They rely on the Government’s Business Program to prepare to debate legislation. That is fair and reasonable. This is the House of Review. We are supposed to examine all legislation that the Government brings forward. I am talking about this “open and accountable” Government! It is not open and accountable. Now I am being a hypocrite. In this case, I will continue to be one because this Government is not open and accountable. Leading up to the next election many pages of information will be provided to the voting public that will show this Government up for exactly what it is.

We now have something new and different. The Government now wants to change the will of the House. The House considered a motion before it this morning and the House agreed to it. The Government, which was in the minority on that vote, did not like the will of the House. The Government has tried to circumvent it in some way. It was not able to succeed the first time and has changed things around to suit itself. I am ready to debate the Animal Welfare Bill. I have carried my papers to this House on numerous occasions over the many months we have been waiting for it to be debated. I know that some members of One Nation have expressed some concern about certain elements of the Bill. After this morning’s motion was decided I told them that it appeared that the Bill would come forward for debate on Tuesday next week. I said I would talk to them between now and then. They will now have to hurry their research.

Hon Ken Travers: Are they not ready?

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Hon RAY HALLIGAN: We will hear from them later. My concern is that this is the House of Review and everyone should be ready. Whenever it puts forward its legislation, this Government should try to ensure that everyone has been given sufficient and reasonable time to prepare for debate. That will allow the Government, at the end of the day, to say that it has “consulted” - I will not go down that path in any detail today. It is pure hypocrisy, but the Government continues to believe its own rhetoric.

Several members interjected.

The DEPUTY PRESIDENT (Hon George Cash): Order, members! The question before the Chair is the deletion of certain words. That is what the House is meant to be discussing. It must decide whether to delete some words for the purpose of inserting certain words.

Hon RAY HALLIGAN: It is those words that create the problem. We are expected to sit beyond six o'clock without any notice whatsoever. Some members have made other arrangements because the Government has given us our sitting hours. Hon Norman Moore said that the Opposition agreed to sit additional hours but now, out of the blue, the Leader of the House wants to sit for as long as the animal welfare legislation takes. There has been no consultation or negotiation, yet he expects a positive response from all members of the House. I have heard the argument about the Opposition taking the business of the Government out of its hands -

Hon Kim Chance: So let us deal with the Bill.

Hon RAY HALLIGAN: The Government has a very short memory.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! All I want is discussion on why the House should delete or insert some words so that I can put it to the vote to decide whether the House will deal with order of the day No 36. We should not worry about the Bill for the time being. Let us worry about the deletion and insertion of certain words.

Hon RAY HALLIGAN: I agree with the Leader of the Opposition, Hon Norman Moore, who said that the Opposition was prepared to debate the Bill but not sit beyond six o'clock tonight.

HON JIM SCOTT (South Metropolitan) [3.06 pm]: This is an interesting process. The House has before it a motion that appears to be somewhat of a payback. I do not think it will allow the House to get on with dealing with the Bills before it. It will only achieve the result of members becoming annoyed and yelling at each other rather than dealing with the substantive issue. I have a folder with many letters from members of the public written to the Greens (WA) outlining annoyance at how the Animal Welfare Bill has been held up in the Legislative Council. They want us to progress it as soon as possible. Members of the public have been told that the Bill has been held up by the Greens and the Opposition. The only people who would have said that are members of the Government. To scotch that claim, the Opposition moved that we debate the Bill on Tuesday. The Government is trying to get even with the Opposition by moving to debate it now. It wants to put everything aside to deal with the Bill now. It is a quid pro quo. I have already spoken to the Leader of the House about sitting beyond six o'clock. I told him that I have a very important engagement and it will place me in a very difficult situation. I will have to let down a lot of people in order to debate the Bill tonight.

Hon Kim Chance: I said that you would have time to speak before you had to go.

Hon JIM SCOTT: Then I leave and the Government continues with the Bill. Great!

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon JIM SCOTT: This Bill will not necessarily take a huge amount of time. I do not know why the House cannot just get on and deal with it until the normal adjournment time tonight. If it did, it would almost finish the Bill in the time available. I am not aware of any huge objections by the Opposition. I understand that the Bill has reasonably broad consensus, although some members might want to make one or two points. I only want to make a few points. I am not happy that we are all at each other's throats. The situation can be resolved by our talking to each other and making simple arrangements. Simple communication would be more effective than our trying to bludgeon each other into certain positions in this chess game that we are playing. I am not happy with the way things are moving.

HON JOHN FISCHER (Mining and Pastoral) [3.10 pm]: Some of the comments made by Hon Jim Scott are spot-on in this situation. The Government is now showing that it is acting without any thought. This is not about good governance, it is about spite. The Leader of the House, as a representative of the Agricultural Region, should determine that this Bill is debated properly. Many aspects of this Bill should create much

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concern for his constituents, especially in the areas of transport. This is a kid's game; it is a payback game. The Government has shown quite clearly over the past several months that it cannot put a program together and stick to it. Many people out there, if they looked at the process, would be extremely disappointed about the way the Government is handling this.

Hon Kim Chance: Do not talk to me about my governing of the business of the House when you voted with the Opposition to take control of the business out of my hands.

Hon JOHN FISCHER: That is absolutely ludicrous. So far, we have had three amendments to the motion relating to the debate on this legislation.

Hon Kim Chance: Perhaps you do not remember which side you voted on.

The DEPUTY PRESIDENT (Hon George Cash): Order, members. There is just too much noise in the Chamber.

Hon JOHN FISCHER: One Nation is prepared to go into debate at this stage, but we are totally disgusted with the way the Government has put forward its business, and unfortunately it is becoming very typical of the way the Government reacts. It is not doing it out of any sense of good governance. This is just a spiteful little game by government members to try to get themselves on top. They are an utter disgrace.

HON FRANK HOUGH (Agricultural) [3.13 pm]: I very rarely agree with Hon Jim Scott, but his words a few moments ago, and also those of Hon John Fischer, were spot-on. It has become a game of spite. I am disappointed with the Leader of the House taking this attitude. The way things are conducted in here is like being in a kindergarten. We are all supposed to be grown men and women conducting ourselves in a business-like manner. While everyone was speaking about this Bill and listening to the minister saying that we can whip it through this afternoon, I have inadvertently grabbed the wrong Bill. I have the Animal Welfare Bill 2001. The Bill I have here cannot be dealt with in a couple of minutes. Looking at it, I think it will take a couple of days.

Several members interjected.

Hon FRANK HOUGH: I will not tolerate putting up with the rubbish that members opposite, like a bunch of cockatoos -

The DEPUTY PRESIDENT (Hon Barry House): Order, members!

Hon FRANK HOUGH: I am sorry, Mr Deputy President.

The DEPUTY PRESIDENT: I am sorry, too, because Hon Frank Hough will not speak until the Chamber comes to order. One of the rules in this place is that members do not try to outshout unruly interjectors. I do not know what the numbers are in respect to the question before the House, but if members want to defy the Chair, I will take action that is afforded to the Chair under the standing orders. Just so that everyone is clear, when I report the actions of a member or members to the President, it will be in relation to suspending someone from the House for not taking direction from the Chair.

Hon FRANK HOUGH: Thank you, Mr Deputy President. For my part, I apologise; I did not hear you because members opposite were too loud.

As I was saying, the Animal Welfare Bill is our duty of care. Many aspects of this Bill need to be looked at, and many areas in it are of great concern. I am concerned about animal welfare, but the Bill that the Leader of the House has said we can whip through fairly quickly is not the one I have here. Quite a bit of debate needs to take place on this Bill, and many questions have to be asked about it. To return to the question of extended hours, that is a petty game, and I am very disappointed in the attitude of the Labor Party. That seems to be fairly indicative of what the Government is about.

Amendment put and negatived.

The DEPUTY PRESIDENT: As the words were not deleted, and the motion could not be regularised, the House will now return to the orders of the day.