

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 65

WEDNESDAY, JUNE 11 2003

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. Petitions

Hon Derrick Tomlinson presented a petition from 83 residents of Western Australia for increased State funding of catholic and other non-Government school children. (Tabled paper 1120).

Hon Paddy Embry presented a petition, by delivery to the Clerk, [SO 130], from 352 residents of Western Australia for increased State funding for Albany Residential College. (Tabled paper 1121).

Hon Barbara Scott presented a petition, by delivery to the Clerk, [SO 130], from 29 residents of Western Australia for increased State funding of catholic and other non-Government school children. (Tabled paper 1122).

3. Paper

The following Paper was laid on the Table by -

Parliamentary Secretary to the Minister for Planning and Infrastructure

Ministerial Approvals -

East Perth Redevelopment Act 1991 - Development Application 03/28 - Brown Street,
East Perth (City Farm)..... 1119

4. Totalisator Agency Board Betting (Modification of Operation) Amendment Bill 2003

The Minister for Racing and Gaming: To move on the next day of sitting -

That a Bill for "An Act to extend the operation of the *Totalisator Agency Board Betting (Modification of Operation) Act 2000*" be introduced and read a first time.

5. Management of the Fremantle Cemeteries to the Metropolitan Cemeteries

Hon Simon O'Brien: To move on the next day of sitting -

(1) That the Standing Committee on Public Administration and Finance be directed to inquire into and report on the transfer from July 1 2003 of management of the Fremantle Cemetery to the Metropolitan Cemeteries Board, with particular reference to -

(a) the history of the Fremantle Cemetery Board;

- (b) the respective financial positions of each authority at the time of the decision to transfer management of the Fremantle Cemetery;
- (c) the processes of consultation and decision-making that gave rise to the decision;
- (d) testing the claims of improved efficiency and elimination of duplication asserted by the Minister for the Local Government in support of the decision to transfer management of the Fremantle Cemetery to the Metropolitan Cemeteries Board, against counter-claims of reduced competition and increased costs; and
- (e) the impacts upon the community served by the Fremantle Cemetery if the transfer of management proceeds.

(2) That the Committee do report not later than August 31 2003.

6. City of Perth - Amendment to the Perth Parking Local Law 1999 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan, moved, without notice -

That Order of the Day No. 170, *City of Perth - Amendment to the Perth Parking Local Law 1999 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

7. Motion Appearing on Notice Paper - Alterations of Position - Reserves (Reserve 43131) Bill 2003 - Referral to Standing Committee on Legislation

Hon Jim Scott moved, without notice -

That Motion No. 20, *Reserves (Reserve 43131) Bill 2003 - Referral to Standing Committee on Legislation* becomes Motion No. 1 on Wednesday, June 25 2003.

On the question, That the motion be agreed to.

Question - put.

The House divided.

Ayes (17)

Hon George Cash	Hon Simon O'Brien
Hon Robin Chapple	Hon Barbara Scott
Hon Murray Criddle	Hon Jim Scott
Hon Paddy Embry	Hon Christine Sharp
Hon Peter Foss	Hon Bill Stretch
Hon Ray Halligan	Hon Derrick Tomlinson
Hon Robyn McSweeney	Hon Giz Watson
Hon Dee Margetts	Hon Bruce Donaldson (<i>Teller</i>)
Hon Norman Moore	

Noes (12)

Hon Kim Chance	Hon Frank Hough
Hon Ed Dermer	Hon Louise Pratt
Hon Sue Ellery	Hon Ljiljanna Ravlich
Hon John Fischer	Hon Tom Stephens
Hon Graham Giffard	Hon Ken Travers
Hon Nick Griffiths	Hon Kate Doust (<i>Teller</i>)

Question thus passed.

Motion agreed to.

8. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2003-2004

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Racing and Gaming, That the Consolidated Fund Estimates 2003-2004 be noted.

Debate resumed.

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

9. Racing and Gambling Legislation Amendment and Repeal Bill 2003, Racing Restriction Bill 2003, Racing and Wagering Western Australia Tax Bill 2003 and Racing and Wagering Western Australia Bill 2003

The Orders of the Day having been read for the debate on the second reading of these Bills.

Debate resumed.

Interruption pursuant to Sessional Order.

10. Select Committee into Water Services - Establishment

Motion No. 11 having been called.

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

In paragraph (1) -

- (1) After "future" - To insert "sustainable"; and
- (2) After "supply," - To insert "quality,"

to the motion of Hon Norman Moore as follows -

- (1) A Select Committee is appointed to inquire into and report on the issues confronting Western Australia that arise from, or relate to, the present and future supply, retention, and maintenance of water services throughout the State.
- (2) The Committee has power to send for persons, papers and records.
- (3) Standing Orders 322, 323, 330 and 331 apply to the proceedings of the Committee and any contrary or inconsistent provision of Chapter XXIII is modified accordingly.
- (4) The Committee may present interim reports without a requirement for leave and is to report finally not later than June 3 2003.

Point of Order

Hon Norman Moore raised the following Point of Order -

With some trepidation, I seek a point of clarification. This motion was adjourned and became an Order of the Day. However, it is still a motion and it is listed for debate today. The Opposition would be happy to conclude the debate. I am not sure whether anything is technically required to make it a motion again instead of an Order of the Day.

Deputy President's Ruling

The Deputy President ruled as follows -

I understand that Sessional Order No. 6 overrides the Standing Orders, and provides that -

- (1) Upon a suspension of business under Order 5(5) on a Wednesday, motions on notice may be moved and debated until 5.00 pm and a debate in progress at that time is adjourned until the next sitting Wednesday.
- (2) The maximum time for debate on any motion on notice, including the mover's reply where permitted, is 330 minutes at which time any debate is interrupted and the question must be resolved immediately.

One hour and 33 minutes remain in which to debate this motion. It is appropriate to proceed with it as it is listed.

Hon Norman Moore, by leave, withdrew Motion No. 11 standing in his name and substituted the following -

That the Standing Committee on Public Administration and Finance inquire into and report on the issues confronting Western Australia that arise from, or relate to, the present and future supply, retention, and maintenance of water services throughout the State.

Question - put and passed.

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

- (1) After "future" - To insert "sustainable"; and
- (2) After "supply," - To insert "quality,"

Amendment - put and passed.

Motion, as amended, agreed to.

11. Select Committee to Investigate and Recommend the Appointment of a Commissioner for Children - Establishment

Motion No. 13 having been called.

Debate resumed on the amendment of Hon Robin Chapple as follows -

After line 25, after the last dot point - To insert -

“ • The impacts of Government and industry policy on the wellbeing of children. ”,

to the motion of Hon Barbara Scott as follows -

That a Select Committee of three Members be appointed to inquire into and report on -

- (1) The appointment of a Commissioner for Children or the establishment of an independent Office for Children as the most appropriate means of establishing an Advocate for Children to enable better Government for children and to ensure Government and Parliament are aware of the needs of children.
- (2) The responsibilities and duties of such a Commission or Office. This investigation should include but need not be limited to an examination of -
 - Developing an appropriate Advocate for children in the heart of Government;
 - Legislative and policy impact statements for children;
 - An advocacy function for children;
 - Coordination across Government agencies affecting children;
 - Ensuring that child participation is basic to the functioning of the Commission/Office and to the development of public policy;
 - Developing and benchmarking a strategy for children;
 - Investigating complaints and reporting on maladministration of Government;
 - The physical and mental health of children, including the importance of sport and play in child development and litigious and industrial issues restricting these, the role of television, videos and computers, time spent in childcare, immunisation rates, services for disabled children;
 - Research relevant to children and its relevance to the development of public policy;
 - The impact of the justice system on children;
 - The transport system and its relevance to children's needs;
 - The staffing and budget for this Commission/Office; and
 - Any other matters that impact on the good growth and development of young children.

- (3) The Committee has power to send for persons, papers and records and to travel from place to place.
- (4) The Committee report to the House not later than June 30 2004 and if the House do then stand adjourned, the Committee to deliver its report to the President who shall cause the same to be printed by authority of this order.

Amendment - put and passed.

Debate resumed on the motion, as amended.

The Parliamentary Secretary to the Minister for Health was granted leave to speak again.

The Parliamentary Secretary to the Minister for Health, by leave, tabled documents in relation to a media statement from the Minister for Community Development regarding the new advisory council appointed by the State Government to combat child deaths. (Tabled paper 1123).

Debate resumed.

Motion, as amended, agreed to.

12. Corporal Punishment on Convicted Offenders

Hon Frank Hough pursuant to notice, moved -

That the Government take such action to empower the Courts with the discretion to impose corporal punishment on convicted offenders in certain circumstances.

Debate ensued.

Interruption pursuant to Sessional Order.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Housing and Works tabled documents being the Department of Environmental Protection Code of Conduct Policy (June 2000) and a copy of the Policy 'Acceptance of Gifts and other Benefits' in response to question on notice No. 657 asked by Hon Robin Chapple. (Tabled paper 1124).

The Minister for Housing and Works tabled documents being temperature results of waste oil that has been burnt at the Loongana Lime premises in Kalgoorlie (March-April 2003) in response to question on notice No. 668 asked by Hon Robin Chapple. (Tabled paper 1125).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents being Appendices to a report "Assessment of Risk for Various Railway Route Options through Perth CBD" in response to a question without notice asked by Hon Peter Foss. (Tabled paper 1126).

14. Member's Statements

Statements were taken.

Hon Jim Scott, by leave, tabled documents in relation to a Report of the Inquiry into the City of Belmont by the Department of Local Government and Regional Development (April 2003). (Tabled paper 1127).

15. Adjournment

Pursuant to Sessional Order 2(2) the House adjourned at 6.10pm until Thursday, June 12 2003 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council