

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 45

THURSDAY, MARCH 13 2003

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

2. Paper

The following Paper was laid on the Table by -

Parliamentary Secretary to the Minister for Planning and Infrastructure

Proposals -

Land Administration Act 1997 - Submission No. 4/2003 - Amendment to Class 'A'

Reserve 22674 839

3. Ministerial Statement - Kimberley Chemical Use Review Intrim Report

The Minister for Agriculture, Forestry and Fisheries, by leave, made a Ministerial Statement with respect to the Kimberley Chemical Use Review Intrim Report of the Expert Medical Panel.

The Minister for Agriculture, Forestry and Fisheries, tabled an Intrim Report of the Expert Medical Panel to Evaluate the Kimberley Chemical Use Review Recommendations. (Tabled paper 840).

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

4. Order of Business

Ordered - That Orders of the Day be taken forthwith. (Leader of the House).

5. Select Committee on Rules, Orders and Usages of the House - Final Report to be adopted by an absolute majority

Hon Norman Moore moved, without notice -

That the recommendation of the Select Committee on Rules, Orders and Usages of the House for the adoption of the proposed orders appended to the final report be agreed to by an absolute majority.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

6. 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)

Select Committee on Rules, Orders and Usages of the House - Final Report

Hon Norman Moore moved, That the orders as recommended in the Final Report be agreed to.

Debate ensued.

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy President resumed the Chair.

The President reported, That the Committee of the Whole House had considered the -

Select Committee on Rules, Orders and Usages of the House - Final Report made some progress, and seeks leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

7. Order of Business

Ordered - That Order of the Day No. 51(1) be taken until 1.00pm. (Leader of the House).

8. Consideration of Committee Reports

Pursuant to the Order of the House.

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

The Deputy President left the Chair.

In Committee

(Hon John Cowdell in the Chair)

Select Committee on Rules, Orders and Usages of the House - Final Report

Debate resumed on the motion of Hon Norman Moore, That the Report be agreed to.

Order 1.

“

1. Sitting weeks for calendar 2003

The weeks of sitting for 2003 are as stated in Schedule 1.

”.

Debate ensued.

Order agreed to.

Orders 2 and 3.

“

2. Sitting and adjournment times

- (1) In each sitting week, the Council is to meet on the days and at the times as follows –

Tuesday	03.00 pm
Wednesday	10.00 am
Thursday	10.00 am
Friday	10.00 am

- (2) Unless sooner adjourned, the House stands adjourned by operation of this Order at the following times –

Tuesday	10.00 pm
Wednesday	06.10 pm
Thursday	06.10 pm
Friday	05.10 pm

- (3) Any sitting is suspended between 1.00 and 2.00 pm, 6.00 and 7.30 pm, 3.45 and 4.00 pm on Wednesday and Friday, and 4.15 and 4.30 pm on Thursday.

3. Committee meetings – SO 302B

Standing order 302B is amended –

- (a) in paragraph (1), by deleting all words after “business” and substituting –

“ on each Monday in a sitting week. ”;

- (b) by deleting paragraph (2) and substituting –

“

- (2) Paragraph (1) does not affect the ability of a committee to meet at any time when the Council is not sitting or a sitting is suspended.

”.

”.

Orders agreed to.

Order 4.

“

4. Routine of business

- (1) At each sitting after Prayers, the business of the House is to be taken as follows –

- (a) Condolence motions and Governor’s message notifying royal assent to bills;
- (b) presentation of petitions and tabling of papers;
- (c) notices of motions to introduce bills, disallow statutory instruments, and other matters for which notice is required;
- (d) statements under SO 125(aa);
- (e) motions without notice.

- (2) The question on a motion without notice for orders on tabling a paper is to be determined without amendment or debate, but the mover, at the time of moving or in answer to another member's request, may give a brief statement of the reason for, or the purpose of, the order sought.
- (3) A motion without notice that is contingent upon an order of the day being called cannot be moved under subclause (1)(e).

”.

Hon Norman Moore moved -

To insert the following new subclause -

“

- (4) For the purpose of SO 139(b), questions under the standing order are to be taken at the times for each day as follows -

Tuesday	4.30 pm
Wednesday	5.00 pm
Thursday	4.30 pm
Friday	4.00 pm

”.

Debate ensued.

The Leader of the House moved -

To delete the times and substitute -

“ 4.00 pm ”.

Debate ensued.

The Leader of the House, by leave, withdrew the amendment standing in his name.

Amendment - put and passed.

Order, as amended, agreed to.

Orders 5 to 7.

“

5. Arrangement of business for each sitting day

- (1) If business under Order 4 is not completed within an hour of the time at which the Council met, any matter then under consideration and any business not reached is held over to the next sitting. The orders of the day are then to be called *seriatim* as published in the *Business Program*.
- (2) A minister must exercise a discretion under SO 127, or a power under SO 129, in accordance with the express provisions of this Order.
- (3) A motion moved under SO 129 that complies with subclause (2) passes with a simple majority.
- (4) Subject to subclause (5), on the completion or interruption of business under Order 4, the orders of the day are to be taken in the order determined under SO 127.
- (5) Consideration of business under subclause (4) is suspended between the times shown for each of the following days –
 - Wednesday 02.00 pm – 05.00 pm;
 - Thursday 02.00 pm – 04.15 pm;
 - Friday 02.00 pm – 03.45 pm.

6. Motions on Notice – when debated - maximum time for debate

- (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.

7. Time reserved on Thursday for business not subject to SO 127

- (1) Between 2.00 pm and 4.15 pm on a Thursday, the Council is to consider the business appearing on the *Business Program* determined under Order 8.
- (2) Any debate interrupted at 4.15 pm stands adjourned.
- (3) More than 1 matter may be listed for consideration including a motion without notice, a motion under SO 72, or an order of the day but excluding –
 - (a) business in the name of a minister or parliamentary secretary;
 - (b) a motion on notice whether or not it has been moved;
 - (c) business if debate would contravene SO 98.

”.

Orders agreed to.

Order 8.

“

8. How non-official business determined – SO 72 modified

- (1) Business subject to Order 7 –
 - (a) is determined by weekly rotation among the political groups of members on a *pro rata* basis ascertained as follows –

$$\frac{(\acute{a}) \times (\phi)}{28}$$

where \acute{a} = number of group's non-official members; ϕ = sitting Thursdays; 28 = total non-official members;
 - (b) is to be provided, together with the text of any motion without notice or a motion under SO 72, to the Clerk at least 90 minutes before the House is to meet.
- (2) Standing order 72 is altered –
 - (a) in subclause (1) by substituting “Thursday” for “Tuesday”;
 - (b) by deleting subclause (2) and (3);
 - (c) in subclause (5)(a) by deleting all words after “exceed” and substituting “135 minutes, and the speeches of the mover and other speakers having a maximum of 20 minutes”.

”.

Debate ensued.

Order agreed to.

Orders 9 to 11.

“

9. Committee reports and ministerial statements

- (1) At 2.00 pm on each Friday until 3.45 pm the Council is to proceed to consideration, in committee, of orders of the day under SO 336(b) (standing committee reports excluding reports on bills), select committee reports, and ministerial statements.
- (2) Orders of the day under subclause (1) are to be listed in order of tabling and in alternating sequence between reports and ministerial statements.
- (3) Standing order 369 is amended by deleting the words “or notice may be given” and substituting “ and motion made without notice, either then or at a subsequent sitting”.
- (4) Debate on an order of the day under subclause (1) is not to exceed 105 minutes.

10. Members’ statements

- (1) Business under consideration on Wednesday, Thursday, and Friday:
 - (a) 40 minutes before the time of adjournment; or
 - (b) 45 minutes before the time of adjournment if the House is in committee at that time,

is to be interrupted and stands adjourned where paragraph (a) applies or reported to the House where paragraph (b) applies. The question to adopt a report is to be determined forthwith and is not capable of being superseded by a motion to recommit or for any other purpose.
- (2) In the time between the interruption of business under subclause (1) and the time fixed for the adjournment of the House, a member may speak on any matter without need for a motion, for not more than 10 minutes. A member speaking at the time of adjournment is to be interrupted and the House stands adjourned.

11. Interpretation and application

- (1) These Orders are to be read and applied so as to give effect, to the fullest extent, to the purpose for which they are made without regard to technicalities or matters solely of form.
- (2) Where a provision of an Order conflicts, or is inconsistent, with a rule or order the provision of an Order is to be preferred and applied accordingly.
- (3) A motion to amend or rescind any Order, or to repeal these Orders or any part of them, or to extend their operation beyond the date of expiry in Order 12, is subject to SO 171.
- (4) An amendment, except that in Order 9(3), to a standing order made by a provision of these Orders lapses on expiry under Order 12.

”.

Orders agreed to.

Order 12.

“

12. Commencement and expiry

These Orders come into operation at midnight on the Sunday next following the day on which they are adopted and, unless their operation is extended by motion subject to Order 11(3), expire on December 31 2003.

”.

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy President resumed the Chair.

The President reported that the Committee of the Whole House had considered the -

Select Committee on Rules, Orders and Usages of the House - Final Report and had made some progress, and seeks leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

9. Order of Business

Ordered - That Order of the Day No. 123 be taken forthwith. (Leader of the House).

10. Adoption Amendment Bill (No. 2) 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 Kate Doust in the Chair)

Clauses 1 to 3 agreed to.

Clause 4.

Hon Derrick Tomlinson moved -

Page 2, after line 23 - To insert -

“

- (c) the adoption of a child should occur only in circumstances where there is no other appropriate alternative for the child.

”.

Debate ensued.

Amendment - put and passed.

Hon Derrick Tomlinson moved -

Page 2, lines 24 to 29 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Clause, as amended, agreed to.

Clause 5.

Hon Derrick Tomlinson moved -

Page 4, lines 4 and 5 - To delete the lines and insert instead -

“

“Aboriginal person” means any person living in Western Australia who is descended from the indigenous inhabitants of Australia who claims to be an Aboriginal and who is accepted as such in the community in which he or she lives.

”.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clauses 6 to 28 agreed to.

Clause 29.

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

Page 13, line 20 - To delete “has” and insert instead -

“ is the younger of prospective joint adoptive parents who, as a couple, have ”.

Amendment - put and passed.

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

Page 13, line 24 - To delete “has” and insert instead -

“ is the older of prospective joint adoptive parents who, as a couple, have not ”.

Amendment - put and passed.

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

Page 13, after line 25 - To insert -

“

- (iiib) is not more than 50 years older than the child in the case where the prospective adoptive parent is the younger of prospective joint adoptive parents who, as a couple, have adopted a child before;
- (iiic) is not more than 55 years older than the child in the case where the prospective adoptive parent is the older of prospective joint adoptive parents who, as a couple, have adopted a child before;
- (iiid) is not more than 45 years older than the child in the case where the prospective adoptive parent is a prospective sole adoptive parent and has not adopted a child before (whether as a joint or sole adoptive parent); or
- (iiie) is not more than 50 years older than the child in the case where the prospective adoptive parent is a prospective sole adoptive parent and has adopted a child before (whether as a joint or sole adoptive parent);

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 30 to 87 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 Deputy President having reported that the Deputy 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.

11. Regional Development Commissions Amendment Bill 2002

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

Debate resumed.

12. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Planning and Infrastructure tabled documents in relation to a Draft Technical Report on the Model, Description, Calibration and Validation of Spectre 2.0 in response to a question without notice asked by Hon Peter Foss. (Tabled paper 841).

13. Regional Development Commissions Amendment Bill 2002

Debate resumed on the second reading of this Bill (cf item 11 above).

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Housing and Works moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

14. Statutes (Repeals and Minor Amendments) Bill 2001

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

Hon Norman Moore moved -

That the Order of the Day No. 52 be discharged and the Bill be referred to the Standing Committee on Legislation.

Debate ensued.

The Leader of the House moved to amend the motion as follows -

“ and that the Committee report to the House by June 2 2003 ”.

Debate ensued.

Amendment - put and passed.

Question - That the motion, as amended, be agreed to - put and passed.

15. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.29pm until Tuesday, March 18 2003 at 3.30pm.

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