

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 13

WEDNESDAY, JUNE 20 2001, 4.00pm

ORDER OF BUSINESS

Petitions, Papers for Tabling, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions on Notice, Questions without Notice, Urgency Motions, Motions Without Notice, Motions and Orders of the Day.

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MOTIONS

3. Impact of Greenhouse Gas Emissions (*Notice given May 1 2001*)

Resumption of debate (Thursday, June 14 2001, Hon Peter Foss) on amendment of Hon Christine Sharp to insert after the word "impacts" the following -

"and calls on the Government to formulate and begin implementation of a State Greenhouse Strategy within six months from the date on which this motion is passed."

to the motion of Hon Jim Scott as follows -

That the House notes the implications of the rapid rise of Greenhouse gas emissions on the West Australian ecosystems, human population and economy and supports any measures intended to reduce these emissions and their impacts.

4. Waste Management Impact on Health (*Notice given May 1 2001*)

Hon Giz Watson: To move -

That this House notes the significant problems arising in the area of waste management including the impacts on health, remediation of sites contaminated by inappropriate disposal of waste and the siting of waste facilities.

5. Impact of the GST on the State's Finances and Economy (*Notice given May 2 2001*)

Hon Ken Travers: To move -

That the House notes the impact of the GST on the State's finances and economy.

6. Repudiation of Nuclear Missile Reduction Treaties by the United States of America (*Notice given May 3 2001*)

Hon Giz Watson: To move -

That this House, noting -

- (a) President Bush's repudiation of longstanding nuclear missile reduction treaties to which the United States is a signatory;
- (b) the likely consequences of the President's decision will trigger a new nuclear arms race and increase Australia's being attacked because of the strategic importance of the joint facilities located in various parts of the country,

calls upon the Commonwealth Government to bar port visits by United States warships and discontinue the use of US-Australian joint facilities for the deployment of nuclear missiles.

***10. Standing Order 73 - Repeal and Substitution** (*Notice given June 12 2001*) *cf* SNP 902

Leader of the House: To move -

That -

1. Standing order 73 is repealed and the following is substituted –

“

73. Limits on speaking times and certain debates

- 1 In the Council, a member may speak –
 - (a) to an original question for not more than 45 minutes;
 - (b) on an amendment for not more than 15 minutes;
 - (c) to the question as amended for not more than 45 minutes if speaking for a first time;
 - (d) in reply for not more than 30 minutes;
 - (e) to the question for an adjournment of the House, excluding SO 72, for not more than 10 minutes,

and in relation to paragraph (a) the time specified may be extended, by leave, for not more than 15 minutes.
- 2 In a committee of the whole no member may speak for more than 10 minutes on each occasion.
- 3 Nothing in subclause 1(a)-(c) applies to –
 - (a) the Leader of the House;
 - (b) the Leader of the Opposition;
 - (c) the minister or member having charge of the business under consideration.
- 4 Nothing in this order affects a member's entitlement to speak.
- 5 Under SO 72 –
 - (a) the mover may speak for not more than 15 minutes;
 - (b) any other member may speak for not more than 10 minutes;
 - (c) any reply is not to exceed 5 minutes.

- 6 At the expiration of the time stated for each of the following debates, either the question is to be put and determined or, where SO 72 applies, the motion lapses :

| Question | Max time |
|---|----------|
| Adjournment to end day's sitting | 40 mins |
| Special adjournment under SO 61(d)(ii) | 20 mins |
| SO's suspension without notice – SO 433 | 60 mins |
| SO 72 adjournment | 60 mins |
| Motion on notice (but not when an order of the day) | 120 mins |

- 7 The Council, by ordinary resolution, may modify or exclude the application of this order in relation to a particular matter or for a specified period or both.
2. Standing order 72 is amended by deleting the words “The whole debate” and ending “10 minutes.”

11. Standing Orders 303, 310, 311, 312, 313, 314 - Repeal and Substitution (*Notice given June 12 2001*)

Leader of the House: To move -

That -

Standing orders 303, 310, 311, 312, 313, 314 are repealed and the following substituted –

“

310. Application

This Chapter applies to the committees in Schedule 1 and to the proceedings of a committee appointed under SO 313.1.

311. Membership of committees

- 1 Members are appointed to serve on a committee by the House.
- 2 Where the number of members nominated for appointment exceeds the number of the available places, the members are to be elected by ballot.

312. Effect of periodical retirement

A periodical retirement under section 8(2) of the *Constitution Acts Amendment Act 1899* terminates a member's appointment to a committee.

313. Casual vacancies – how created and filled

- 1 A member causes a vacancy in membership of a committee if –
 - (a) for any reason other than a periodical retirement, the member's seat becomes vacant; or
 - (b) the member resigns from the committee by writing addressed to the President; or
 - (c) the member is removed by the House; or
 - (d) without the prior leave of the committee, the member fails to attend 3 consecutive meetings at the places and times appointed by the committee.
- 2 The member who caused the vacancy under subclause 1(b), (c), or (d) is eligible for reappointment under subclause 3 or 4.

- 3 A vacancy is to be filled –
- (a) by an appointment under SO 311 made within 6 sitting days of the day on which the House was made aware of the vacancy; or
 - (b) by the President under subclause 4
- 4 The President is to fill a vacancy if –
- (a) it occurs during a prorogation or an adjournment of at least 14 days; or
 - (b) the chairman of the committee certifies that an immediate appointment is necessary for the orderly and efficient transaction of the committee's business, and the President is to inform the House of any appointment made under this subclause on the sitting day following the date of the appointment.
- 5 An appointment under subclause 4 must maintain the representation of political interests that existed on the committee before the vacancy occurred.

ORDERS OF THE DAY

19. Prohibition on Fishing (Lancelin Island Lagoon) Order 2001 - Disallowance

Moved *pro forma* (SO 152 (b)) June 12 on motion of Hon Peter Foss (Days remaining 5 after today)

That the *Prohibition on Fishing (Lancelin Island Lagoon) Order 2001* published in the *Gazette* on March 20 2001 and tabled in the Legislative Council on May 23 2001 under the *Fish Resources Management Act 1994*, be and is hereby disallowed.. (Tabled paper 206).

20. Cockburn Sound Crab Fishery Management Plan Amendment 2001 - Disallowance

Moved *pro forma* (SO 152 (b)) June 12 on motion of Hon Peter Foss (Days remaining 5 after today)

That the *Cockburn Sound Crab Fishery Management Plan Amendment 2001* published in the *Gazette* on April 3 2001 and tabled in the Legislative Council on May 23 2001 under the *Fish Resources Management Act 1994*, be and is hereby disallowed. (Tabled paper 204).

21. Abrolhos Islands and Mid West Trawl Management Plan Amendment 2001 - Disallowance

Moved *pro forma* (SO 152 (b)) June 12 on motion of Hon Peter Foss (Days remaining 5 after today)

That the *Abrolhos Islands and Mid West Trawl Management Plan Amendment 2001* published in the *Gazette* on April 3 2001 and tabled in the Legislative Council on May 23 2001 under the *Fish Resources Management Act 1994*, be and is hereby disallowed. (Tabled paper 204).

22. Kimberley Prawn Management Plan Amendment 2001 - Disallowance

Moved *pro forma* (SO 152 (b)) June 12 on motion of Hon Peter Foss (Days remaining 5 after today)

That the *Kimberley Prawn Management Plan Amendment 2001* published in the *Gazette* on April 3 2001 and tabled in the Legislative Council on May 23 2001 under the *Fish Resources Management Act 1994*, be and is hereby disallowed. (Tabled paper 204).

1. Address-in-Reply

Resumption of debate (Tuesday, June 19 2001, Hon Bruce Donaldson) on motion of Hon Ken Travers

5. Standing Order 230 - Amendment (*Notice given May 1 2001*)

Resumption of debate, in committee, (Wednesday, May 30 2001, Hon Dee Margetts (mins 6)) on the question that paragraph (b) be agreed to, to the motion of Leader of the House -

That Standing Order 230 is amended -

- (a) in paragraph (a) by deleting the words “shall be adjourned” and substituting “stands adjourned without question put”;
- (b) by inserting after paragraph (c) the following paragraph;
 - “
 - (ca) A bill that has a schedule containing the text of an agreement to which the State is a party that, upon its enactment, would ratify and give statutory effect to that agreement stands referred to the *Environment and Public Affairs Committee* when debate is adjourned under paragraph (a);
 - ”;
- (c) in paragraph (d) by deleting the words “*Constitutional Affairs Committee*” and substituting the words “*Legislation Committee*”.

8. Shortage of Public Housing - Ministerial Statement

Consideration

9. Corporations (Commonwealth Powers) Bill 2001 [LC 10-1] *Minister for Racing and Gaming*

Second reading adjourned Hon Bruce Donaldson (Tuesday, May 29 2001). *see Legislation Committee First Report*

10. Corporations (Ancillary Provisions) Bill 2001 [LC 15-1] *Minister for Racing and Gaming*

Second reading adjourned Hon Bruce Donaldson (Tuesday, May 29 2001). *see Legislation Committee First Report*

11. Corporations (Administrative Actions) Bill 2001 [LC 16-1] *Minister for Racing and Gaming*

Second reading adjourned Hon Bruce Donaldson (Tuesday, May 29 2001). *see Legislation Committee First Report*

12. Corporations (Consequential Amendments) Bill 2001 [LC 19-1] *Minister for Racing and Gaming*

Second reading adjourned Hon Bruce Donaldson (Tuesday, May 29 2001). *see Legislation Committee First Report*

13. Co-operative Schemes (Administrative Actions) Bill 2001 [LC 13-1] *Minister for Racing and Gaming*

Second reading adjourned Hon Bruce Donaldson (Tuesday, May 29 2001). SO 230 (c) and (d) apply until June 28

14. Agricultural and Veterinary Chemicals (Western Australia) Amendment Bill 2001 [LC 14-1] *Minister for Agriculture*

Second reading adjourned Hon Bruce Donaldson (Tuesday, May 29 2001). SO 230 (c) and (d) apply until June 28

16. Introduction of GMO's into the Western Australian Farming System - Ministerial Statement

Consideration

*17. New SO 313 - Appointment of Estimates Committee (*Notice given May 29 2001*)

Further consideration in committee (continuation of remarks Hon George Cash Tuesday June 19) on the motion moved by the Leader of the House as follows - *cf SNP 901*

(1) The following standing order is inserted –

313. Consideration of Annual Estimates

- 1 A committee of the whole (the “Estimates Committee”) is appointed to consider the Annual Estimates of Expenditure and related documents (the “Budget Papers”) which, on being tabled, stand referred to the Estimates Committee accordingly.
- 2 The Chairman of Committees, acting with the advice of the committee established under SO 125A, is to determine –
 - (a) the Votes in the Budget Papers to be considered and the order in which they will be considered;
 - (b) for each Vote, the day and time for its consideration;
 - (c) the final date for lodging questions on notice (if any) relating to each Vote; and
 - (d) cause a copy of that determination to be given to each member, each minister, and the chief executive officers of the departments or other State instrumentalities whose operations are wholly or partly funded from the Votes determined under paragraph (a).
- 3 Any variation or cancellation of a determination is to be made, if practicable, in accordance with the requirements of subclause 2.
- 4 The Chairman of Committees is the Chairman of the Estimates Committee and has those powers necessary or incidental to the maintenance of the orderly conduct of its proceedings.
- 5 When considering a Vote –
 - (a) there is no question to be resolved;
 - (b) members may ask oral questions of the appropriate minister in the Council and, with the minister’s consent but subject nonetheless to SO 331, of any person appearing with that minister.
- 6 The Estimates Committee is not to require the attendance of a person by name or office unless the person is authorized or required by law to perform a function with a public purpose and there is no capacity for a minister –
 - (a) to give directions as to the manner or occasion when the function is to be performed, or
 - (b) to alter or nullify an effect resulting from a performance of the function.
- 7 Not later than 1 sitting day after the day on which the question for the second reading of a bill appropriating the Consolidated Fund for the ordinary annual services of the Government is first put, the Estimates Committee may report on any matter arising from its consideration of the Budget Papers.
- 8 Standing order 234 does not apply to a bill that appropriates the Consolidated Fund in accordance with the Budget Papers if, when it is read a second time, no

notice has been given of a motion for a purpose permitted under section 46 of the *Constitution Acts Amendment Act 1899*, and in such a case the question for the third reading is to be put immediately.

- 9 The House stands adjourned over each day that is subject to a determination under subclause 2(b).
- 10 Despite subclause 9, if satisfied by the Leader of the House that a matter requires the immediate attention of the House, the President may recall the House to sit on such a day at a specified time, and any proceedings of the Estimates Committee on that day are suspended for the duration of the sitting.
- 11 The business to be transacted on a day provided for in subclause 10 is that determined by the Leader of the House and need not be confined to consideration of the matter for which the House is recalled.

(2) Standing order 49(c) is repealed.

18. Appointment of Delegated Legislation Committee (*Notice given May 29 2001*)

Consideration in committee

Leader of the House: To move -

Schedule 1 of Standing Orders is amended by adding the following clause –

6. Delegated Legislation Committee

- 6.1 A Delegated Legislation Committee is established.
- 6.2 The Committee consists of 8 members, 4 of whom are appointed from each House. The Chairman must be a member of the Committee who supports the Government.
- 6.3 A quorum is 4 members of whom at least 1 is a member of the Council and 1 a member of the Assembly.
- 6.4 A report of the Committee is to be presented to each House by a member of each House appointed for the purpose by the Committee.
- 6.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 6.6 In its consideration of an instrument, the Committee is to satisfy itself that the instrument –
 - (a) is authorized or contemplated by the empowering enactment;
 - (b) does not have an adverse effect on existing rights, interests, or legitimate expectations beyond giving effect to a purpose authorized or contemplated by the empowering enactment;
 - (c) does not:
 - (i) oust or modify the rules of fairness; or
 - (i) deprive a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review; or
 - (ii) impose terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable;
 - (d) contains provisions that, for any reason, would be more appropriately contained in an Act.
- 6.7 In this clause –

“adverse effect” includes abrogation, deprivation, extinguishment, diminution, and a compulsory acquisition, transfer, or assignment;

“instrument” means –

- (a) in subclause 6.5:
 - (i) subsidiary legislation in the form in which, and with the content it has, when it is published;
 - (ii) a document, not being subsidiary legislation, made for a public purpose under a written law or other lawful authority by the Crown, its servants, agents, or instrumentalities;
- (b) in subclause 6.6, an instrument within the meaning of paragraph (a)(i) or (ii) that is made subject to disallowance by either House under a written law;

“subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

23. Joint Standing Committee on the Anti-Corruption Commission

Consideration in committee of Legislative Assembly Message No 3 (Tuesday, June 12 2001).

25. Revenue Laws Amendment (Assessment) Bill 2001 [LA 12-1] Minister assisting the Treasurer

Second reading cognate debate adjourned Hon Bruce Donaldson (Tuesday, June 19 2001).

26. Revenue Laws Amendment (Taxation) Bill 2001 [LA 11-1B] Minister assisting the Treasurer

Second reading cognate debate adjourned Hon Bruce Donaldson (Tuesday, June 19 2001).

27. Metropolitan Region Scheme (Fremantle Controlled Access Highways) Bill 2001 [LC 9 - 1] Hon Jim Scott

Second reading adjourned Hon Ed Dermer (Tuesday, June 12 2001).

28. Nuclear Activities (Prohibition) Bill 2001 [LC 18-1] Hon Giz Watson

Second reading adjourned Hon Ed Dermer (Tuesday, June 12 2001).

30. Sports Drug Testing Bill 2001 [LA 7-1] Parliamentary Secretary to the Minister for Sport and Recreation

Second reading adjourned Hon Bruce Donaldson (Wednesday, June 13 2001).

31. Petroleum Legislation Amendment Bill 2001 [LA 4-2B] Minister for Racing and Gaming

Second reading adjourned Hon Bruce Donaldson (Thursday, June 14 2001).

32. Supply Bill 2001 [LA 1-1] Minister for Racing and Gaming

Second reading adjourned Hon Bruce Donaldson (Tuesday, June 19 2001).

* For amendments see Supplementary Notice Paper #

For full text see Supplementary Notice Paper for other business before the House.

L B MARQUET

Clerk of the Legislative Council