

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 58

THURSDAY, MAY 8 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. Petition

Hon Giz Watson presented a petition from 200 residents of Western Australia requesting preservation for public use, access and enjoyment in perpetuity of Sunset on the Swan River Foreshore at Dalkeith. (Tabled paper 1032).

3. Papers

The following Papers were laid on the Table by -

**Parliamentary Secretary to the Minister for State Development on behalf of the
Parliamentary Secretary to the Minister for Health**

Annual Reports -

Swan Bells Foundation Inc., The (2001-2002) (Date received 07/05/2003)..... 1030

Parliamentary Secretary to the Minister for Planning and Infrastructure

Proclamations -

Aboriginal Affairs Planning Authority Act 1972 - Proposed recommendation under
section 25(1)(b), for an alteration to the excision area description of Reserve
23079..... 1031

4. Local Court Amendment Rules (No.2) 2002 - Disallowance

Orders of the Day having been read -

Hon Ray Halligan moved, without notice -

That Order of the Day No. 171, *Local Court Amendment Rules (No. 2) 2002 - Disallowance*,
be discharged from the Notice Paper.

Question - put and passed.

5. Port Authorities Amendment Regulations 2003 - Disallowance

Orders of the Day having been read -

Hon Ray Halligan moved, without notice -

That Order of the Day No. 172, *Port Authorities Amendment Regulations 2003 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

6. University of Western Australia – Amending Statute No. 3 of 2002 - Disallowance

Orders of the Day having been read -

Hon Ray Halligan moved, without notice -

That Order of the Day No. 173, *University of Western Australia – Amending Statute No. 3 of 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

7. Public Transport Authority Bill 2003

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 President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16.
Debate ensued.
Clause agreed to.
Clauses 17 to 19 agreed to.
Clause 20.
Debate ensued.
Clause agreed to.
Clauses 21 to 32 agreed to.
Clause 33.
Debate ensued.
Clause agreed to.
Clause 34.
Debate ensued.
Clause agreed to.
Clauses 35 and 36 agreed to.
Clause 37.
Debate ensued.
Clause agreed to.
Clauses 38 to 50 agreed to.
Clause 51.
Debate ensued.
Clause agreed to.
Clauses 52 to 55 agreed to.
Clause 56.
Debate ensued.
Clause agreed to.
Clauses 57 to 61 agreed to.
Clause 62.
Debate ensued.
Clause agreed to.
Clause 63.
Debate ensued.
Clause agreed to.
Clauses 64 to 131 agreed to.
Clause 132.
Debate ensued.
Clause agreed to.
Clauses 133 to 171 agreed to.
Clause 172.
Debate ensued.
Clause agreed to.
Clause 173.

Debate ensued.

Clause agreed to.

Clauses 174 to 197 agreed to.

Clauses 198.

Debate ensued.

Clause agreed to.

Clauses 199 to 208 agreed to.

Clause 209.

Debate ensued.

Clause agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Hon Murray Criddle moved -

That the Bill be recommitted for the purpose of reconsidering Clause 29.

Question - put and passed.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Recommittal of Clause 29.

Hon Peter Foss moved -

Page 18, line 27 - To insert after the word "request" -

“

except where under paragraph (b) the document is to be laid before either House of Parliament by its own order.

”.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Deputy President resumed the Chair.

The Chairman reported, That the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

8. Consolidated Fund Estimates 2003-2004 – Tabling of Papers

The following Papers were laid on the Table by -

Minister for Racing and Gaming

Budget Papers and Related Papers -

2002-03 Budget - Budget Speech - Budget Paper No. 1	1027A
2003-04 Budget - Budget Statements - Budget Paper No. 2 (Volume 1)	1027B
2003-04 Budget - Budget Statements - Budget Paper No. 2 (Volume 2)	1027C
2003-04 Budget - Budget Statements - Budget Paper No. 2 (Volume 3)	1027D
2003-04 Budget - Economic and Fiscal Outlook - Budget Paper No. 3	1027E
2003-04 Budget - Budget Overview.....	1027F
2003-04 Budget - Reader's Guide to the 2003-04 Budget Statements.....	1027G
2003-04 Budget - Compact Disk.....	1027H

9. Suspension of Sessional Orders - Presentation of Budget

The Minister for Racing and Gaming moved, without notice -

That so much of Sessional Orders be suspended so far as will enable me -

- (1) To move the following motion and read the accompanying Budget speech -
That pursuant to Standing Order 49(1)(c) the Legislative Council take note of Tabled Paper No. 1027 (2003-2004 Budget Statements), laid upon the Table of the House on May 8 2003.
- (2) That the time for Non-official Business be extended between 5.00pm to 5.30pm.

The motion requiring the concurrence of an absolute majority.

Question - put.

The Deputy 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.

10. Consolidated Fund Estimates 2003-2004 - Presentation

The Minister for Racing and Gaming moved, without notice -

That pursuant to Standing Order 49(1)(c) the Legislative Council take note of Tabled Paper No. 1027 (2003-2004 Budget Statements), laid upon the Table of the House on May 8 2003.

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

11. Matter of Urgency - Department of Housing and Works Policy for awarding of housing and construction contracts

The Deputy President read the following letter -

Dear Mr Marquet

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency "That the Hon Tom Stephens, in his capacity as Minister for Housing and Works, be condemned for his irrational and potentially corrupt policy relating to the awarding of housing and construction contracts for the Department of Housing and Works".

Yours sincerely

Hon George Cash

Member for North Metropolitan Region

Four members having risen in support.

Hon George Cash moved the motion.

Debate ensued.

The Minister for Housing and Works, pursuant to SO 47, tabled a document being his speech notes from which he was quoting. (Tabled paper 1033).

Point of Order

Hon Derrick Tomlinson raised the following Point of Order -

I request that the Minister table the document he identified as copious notes to which he referred. A prior ruling has been made in this place that when a request is made to table documents read by a member, they are all the documents the member holds in his hand at the time of identification.

12. Questions Without Notice

Questions without notice were taken.

Point of Order

Hon Norman Moore raised the following Point of Order -

Under current arrangements this half hour, which is normally for Government business, is set aside for the continuation of private members' business. The beginning of private members' time was taken up by the reading of the budget speech. I draw to your attention the fact we had not finished the debate. There are many members who wish to speak on it. We must finish at half-past-five.

President's Ruling

The President ruled as follows -

I make the point that technically the new sessional order clearly indicates that there are periods of one half hour for question time and following that on different days there are either periods of Members' statements or orders of the day. We have taken a strict interpretation in respect of not allowing question time to intrude into the 40 minutes for Members' statements or allowing it to intrude, so to speak, into other non-government business. I suppose one could say that if we are to be consistent, we should not allow it to intrude into government business.

The point is taken that in fact I have allowed question time, certainly in the form of the minister's answer, to go over into what would normally be orders of the day. Today, instead of orders of the day, by virtue of an earlier motion we will deal with non-official business, but the point that the Leader of the Opposition has made is valid. I ought not to let question time go over on any day. There is really no discretion here. Therefore, I will interpret the sessional order to mean that there is no discretion uniformly whether we are to deal with non-official business or orders of the day. I therefore uphold the point of order of the Leader of the Opposition and clarify for the benefit of members that there should not be a discretion on any day about the length of question time, and there will not be.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that answers will be provided in the near future to question on notice No 563 asked by Hon Jim Scott and question on notice No 586 asked by Hon Robin Chapple.

13. Matter of Urgency - Department of Housing and Works Policy for awarding of housing and construction contracts

Debate resumed on the motion of Hon George Cash (cf item 11 above).

Deputy President's Ruling

The Deputy President ruled as follows -

I indicated in response to a point of order made by Hon Derrick Tomlinson that I would take into account a previous ruling before making a final determination on the application of Standing Order No 47 to the papers held by the Minister for Housing and Works during his speech on Hon George Cash's urgency motion.

The ruling I was referred to was given by Deputy President House on 4 August 1993 and dealt with an entirely different situation. However, part of the ruling is relevant in the present case. The Deputy President stated -

... although a Minister may quote selectively from the document, the whole document must be tabled.

In that case, the Minister was holding a number of papers from which he quoted. The document to which Standing Order No 47 applied comprised the several papers that the Minister had quoted from during his speech. The issue of confidentiality was also a factor in that case, but is not in the issue on which I am giving my ruling. There is no conflict between the way I have indicated I will rule and the 1993 ruling that was referred to by President Griffiths with approval some weeks later.

In 1993, the document from which the Minister quoted was a number of discrete documents each of which was quoted from by the Minister. In this case, as the Minister has assured the House, he quoted from what he has described as copious speech notes contained on a number of pages. While conceding that he had other papers in his hand, he states that at no stage were they used in the course of giving his speech. I, therefore, restate my original impression that Standing Order No 47 applies to documents that are quoted from by a Minister. If papers held in a Minister's hand at the same time as those used in debate are requested to be tabled, but are not quoted from, Standing Order No 47 does not apply to those papers.

The Minister for Housing and Works, by leave, tabled documents in relation to the Minister's Response to a motion relating to Government Policy of awarding housing and construction contracts for the Department of Housing and Works. (Tabled paper 1034).

Debate resumed.

Motion lapsed.

14. Member's Statements

Statements were taken.

The Parliamentary Secretary to the Minister for State Development, by leave, tabled documents in relation to Department of Minerals and Energy - Failure to act on its own legal advice in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 1035).

15. Adjournment

The House adjourned at 5.58pm until Friday, May 9 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