

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 57

WEDNESDAY, MAY 7 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 Barry House presented a petition from 83 residents of Western Australia for increased State Funding of Catholic and other Non-government School Children. (Tabled paper 1024).

3. Papers

The following Paper was laid on the Table by leave, by -

Minister for Housing and Works

Agreements -

Interim Agreement 2020/100 between the Department of Conservation and Land Management and the Royal Australasian Ornithologists Union - Broome Bird Observatory for Reserve No. 41066..... 1023

4. Veterinary Preparations and Animal Feeding Stuffs Amendment Bill 2003

The Minister for Agriculture, Forestry and Fisheries pursuant to notice, moved -

That a Bill for “An Act to amend the *Veterinary Preparations and Animal Feeding Stuffs Act 1976* and for related purposes” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a second time.

The Minister for Agriculture, Forestry and Fisheries tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1025).

Debate stands adjourned.

5. Public Interest Disclosure Bill 2002

The Order of the Day having been read for the further consideration, in Committee, of Message No. 51 from the Legislative Assembly.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

The Message was as follows -

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Public Interest Disclosure Bill 2002*, has agreed to Amendment Nos 1 to 8 and 10, and has disagreed to Amendment No. 9.

Speaker

Legislative Assembly Chamber

Perth, 19 March 2003

Debate resumed on the motion of the Minister for Racing and Gaming as follows -

That the Council do not insist on Amendment No. 9.

Question - put and passed.

The President resumed the Chair.

The Chairman reported, That the Committee had considered Message No. 51 from the Legislative Assembly, and had agreed to not insist on Amendment No 9.

Report adopted.

Legislative Assembly acquainted accordingly.

6. Order of Business

Ordered - That Order of the Day No. 160 be taken after Order of the Day No. 168. (Minister for Housing and Works).

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.

On the motion of Minister for Housing and Works the debate was adjourned to a later stage of this day's sitting.

8. Cannabis Control Bill 2003

The Deputy President reported the receipt of Message No. 67 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be now read a first time.

Question - put.

The House divided.

Ayes (13)

Hon Kim Chance
Hon Robin Chapple
Hon Kate Doust
Hon Adele Farina
Hon Graham Giffard
Hon Nick Griffiths
Hon Dee Margetts

Hon Ljiljanna Ravlich
Hon Jim Scott
Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (12)

Hon Alan Cadby
 Hon George Cash
 Hon Paddy Embry
 Hon Peter Foss
 Hon Ray Halligan
 Hon Frank Hough

Hon Barry House
 Hon Norman Moore
 Hon Simon O'Brien
 Hon Barbara Scott
 Hon Derrick Tomlinson
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be now read a second time.

The Parliamentary Secretary to the Minister for Health, by leave, tabled advice from the Crown Solicitor's Office dated April 28 2003 in relation to the Cannabis Control Bill 2003. (Tabled paper 1026).

Debate stands adjourned.

9. Order of Business

Ordered - That Order of the Day No. 163 be taken forthwith. (Minister for Housing and Works).

10. Public Transport Authority Bill 2003

Pursuant to the Order of the House.

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

Debate resumed.

On the motion of the Parliamentary Secretary to the Minister for Planning and Infrastructure the debate was adjourned to the next sitting.

11. Consumer Credit (Western Australia) Amendment Bill 2002

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

Debate resumed.

On the motion of the Minister for Housing and Works the debate was adjourned to the next sitting.

12. Prostitution Amendment Bill 2003

The President reported the receipt of Message No. 68 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

13. Order of Business

Ordered - That Motion No. 18, *Estimates Committee - Order*, be taken before Motion No. 11, *Select Committee into Water Services - Establishment*. (Leader of the House).

14. Estimates Committee - Order

The Leader of the House pursuant to notice, moved -

That for the purpose of considering the Estimates and Expenditure for the fiscal year 2003-04 the following order be made -

“

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.

”.

Debate ensued.

Hon George Cash, moved -

To delete Clause 6.

Debate ensued.

On the question, That Clause 6 be deleted.

Question - put.

The House divided.

Ayes (16)

Hon George Cash
Hon Murray Criddle
Hon Paddy Embry
Hon Ray Halligan
Hon Frank Hough
Hon Barry House
Hon Robyn McSweeney
Hon Dee Margetts

Hon Norman Moore
Hon Simon O'Brien
Hon Barbara Scott
Hon Jim Scott
Hon Christine Sharp
Hon Derrick Tomlinson
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Noes (9)

Hon Kim Chance
Hon Kate Doust
Hon Adele Farina
Hon Graham Giffard
Hon Nick Griffiths

Hon Ljiljanna Ravlich
Hon Tom Stephens
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Amendment thus passed.

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

Leave was granted to Hon George Cash to continue his remarks on the amended motion.

Question - put and passed.

15. Select Committee into Water Services - Establishment

Motion No. 11 having been called.

Debate resumed on the amendment 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.

Interruption pursuant to Sessional Order.

16. Questions Without Notice

Questions without notice were taken.

Hon Bill Stretch, by leave, incorporated into *Hansard* a question without notice asked of the Leader of the House in relation to State Government Old Growth Forests Policy.

The Leader of the House tabled a response to a question without notice asked by Hon Bill Stretch in relation to State Government Old Growth Forests Policy and, by leave, incorporated the response into *Hansard*. (Tabled paper 1028).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that the answer to question on notice No. 566 asked by Hon George Cash will be provided in the near future.

17. Member's Statements

Statements were taken.

Hon Robin Chapple, by leave, tabled documents in relation to Objections 55/967 and 57/967 to Survey of Prospecting Licences 26/1832 and 26/1858. (Tabled paper 1029).

18. Adjournment

Pursuant to Sessional Order 2(2) the House adjourned at 5.53pm until Thursday, May 8 2003 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford and Hon Louise Pratt.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council