

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 18

FOURTH SESSION OF THE THIRTY-FIFTH PARLIAMENT

THURSDAY, 12 OCTOBER 2000

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Dr Constable presented a petition from 119 persons requesting planning authorities to consult with the local community of City Beach regarding the proposed co-location of Perth International School with the City Beach High School and in particular, because of concern about increases of traffic in surrounding streets, an alternative access road from Bold Park Drive to be considered (P. 38).

3. Papers

The following papers were presented and ordered to lie upon the Table of the House -

Financial Statements

Government Railways Commission (Westrail) - Report on financial and operational aspects for the quarter ended 30 June 2000 (328).

Annual Reports - 1999-2000

Esperance Port Authority (329).

Office of Energy (330).

Statement of Corporate Intent

Grain Pool of Western Australia 2000-2005 (331).

4. Brief Ministerial Statement – Poor Seasonal Conditions in Western Australia's Agricultural Region

The Minister for Primary Industry made a brief Ministerial Statement.

5. Grievances

The Speaker called for grievances which were then made.

6. Message from the Governor

Message No. 37 from His Excellency the Governor was reported assenting to the following Bills -

Forest Products Act 2000, Act No. 34 of 2000.

Conservation and Land Management Amendment Act 2000, Act No. 35 of 2000.

Electoral Amendment Act 2000, Act No. 36 of 2000.

Parliamentary Superannuation Legislation Amendment Act 2000, Act No. 37 of 2000.

Legal Contribution Trust Amendment Act 2000, Act No. 38 of 2000.

Road Traffic Amendment Act 2000, Act No. 39 of 2000.

7. Select Committee on Pricing of Petroleum Products

Mr Barron-Sullivan, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Report - Select Committee on Pricing of Petroleum Products (332).

Minutes - Select Committee on Pricing of Petroleum Products (333).

Transcripts of Evidence - Select Committee on Pricing of Petroleum Products (334A and 334B).

Submissions - Select Committee on Pricing of Petroleum Products (335A, 335B, 335C, 335D and 335E).

Committee members spoke on the report.

8. Land Administration Amendment Bill 2000 (No. 9)

The Order of the Day for the third reading of the Bill having been read, the Minister for Lands moved, That the Bill be read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

9. Criminal Code Amendment (Home Invasion) Bill 2000 (No. 5)

The Order of the Day for the resumption of the debate upon the second reading of the Bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

10. Members' Statements

The Acting Speaker called for members' statements which were then made.

11. Statement by the Speaker – Purpose of Question Time

The Speaker made the following statement -

Question Time primarily is about holding the Executive Government accountable to the Parliament.

All of us have been trusted by our electors to maintain and develop the framework of laws and financial parameters within which the State Government functions. A major aspect of our role is to oversee Government to ensure that it carries out its functions within this framework and in the best interests of the people of Western Australia.

Members come to this House as legitimate representatives of the diverse population of a great State, and they hold differing views about the best way for our society to grow and prosper. No one outside the Parliament should be surprised that there is robust and challenging debate from time to time, because this House is designed to be a place for decision making in the face of competing values and interests and a place for debate about public issues. Consensus is the most common outcome in this Assembly but it is the differences that are highlighted to the public. Without doubt, the most contentious time in the Legislative Assembly is Question Time.

While Question Time is used to probe and push, it is also used by both sides of the House for point scoring from time to time. That is natural, but it should not be allowed to dominate Question Time so that the probing of Government is less effective. If Question Time is to be used as a contest, it is apparent that the Opposition is at a huge disadvantage and it is hardly surprising that if a Minister is directly attacking the Opposition that they will want to respond. Equally, if the opposition asks questions attacking an individual, they must expect an answer which might reciprocate. If it is debates which are wanted, there are ample other forms of the House under which these can occur, and these are available as much to the Government as they are to the Opposition.

We are in the run up to an election to be held some time in the next few months and that affects the character of Question Time, but I advise Members that the Speaker is not going to be a tool of either side of the House. My role is to ensure that the House works properly, and in relation to Question Time, that means that there is a reasonable opportunity for the Government to be held accountable for its policies and actions.

The Chair can consider who should get the call, the length of Question Time, the length of answers and the nature of questions. If the proper operation of the House calls for it, I will adjust all or any of those accordingly. I may decide, for example, to allocate more questions to non-Government members or to further extend Question Time.

I also have other options open to me, including the option to tighten up on the nature of interjections and I encourage members to remember what I have said so many times about some interjections being tolerated if they are relevant, if they come from the questioner, or from the person with some responsibility in the area, and if they are not repetitious.

One last point. As Speaker, I have been deliberately slow to take steps which may culminate in the removal of members from the Chamber, but Members should know that I will do what is necessary, on both sides of the House, to allow the Chamber to function properly.

12. Questions

Questions without notice were taken.

Questions on notice 804 to 833 were asked.

Questions on notice 269, 299, 402, 503, 518, 555, 594, 596, 597, 606, 658, 660, 693, 727, 758, 762 and 768 were answered.

13. Statement by the Speaker - Access to the Speaker's Gallery

The Speaker made the following statement -

I would like to remind members that use of the Speaker's Gallery by members and their guests is not a right but a privilege that is extended by myself.

Only yesterday I experienced the embarrassment of having a member's guests filling my gallery and effectively denying access to other guests I had already invited to view question time. The member's guests also ignored several large signs placed on one bench indicating it was reserved for the Speaker's guests. As a result of the immense embarrassment suffered by myself, the offending member is now denied use of the Speaker's Gallery until further notice.

Members should be aware that there are specific rules applying to the Speaker's Gallery which are on display at the entrance to the Chamber. Members wishing to use the Gallery for guests should contact the Sergeant-at-Arms who will make arrangements on my behalf. However, this does not prevent members from seeking permission directly from myself. Members are responsible for their guests and must personally usher them in and out of the Chamber.

I warn members that if there is any repetition of yesterday's event, I will not suffer embarrassment and I may instruct the Sergeant-at-Arms to immediately remove the offending member's guests from the Speaker's Gallery.

14. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

15. Criminal Code Amendment (Home Invasion) Bill 2000 (No. 5)

The Order of the Day for the further consideration in detail of the Bill was read.

Clause 4 agreed to.

New clause.

Mr Wiese moved,

Page 4, after line 3 - To insert the following -

“

5. Review of new Section 244

- (1) Two years after this Act receives the Royal Assent, a full review of the operation of this Act shall be carried out by a Committee of both Houses of Parliament established for that purpose.
- (2) The Committee shall, within six months of its establishment, report to each House of Parliament whether new Section 244 of the Criminal Code as inserted by this Act, should be continued in force, amended, or repealed.
- (3) If the recommendations contained in the report under subsection (2) have not been the subject of a resolution agreed to by both Houses of Parliament within three years of the date on which this Act receives the Royal Assent, Section 244 as inserted by this Act will be repealed and the section deleted by this Act will be reinserted in the Criminal Code on that date.

”.

Question put and negatived.

Title agreed to.

Consideration in detail concluded.

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

The Minister for Police moved, That the Bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

16. Offenders (Legal Action) Bill 2000 (No. 16)

The Order of the Day for the second reading of the Bill was read.

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 Police moved, That the Bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

17. Acts Amendment (Iron Ore Agreements) Bill 2000 (No. 11)

The Order of the Day for the resumption of the debate upon the second reading of the Bill was read.

Debate resumed.

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 Resources Development moved, That the Bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

18. Universities Legislation Amendment Bill 2000 (No. 151)

The Order of the Day for the resumption of the debate upon the second reading of the Bill was read.

Debate resumed.

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 Education moved, That the Bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 4.54 p.m. until Tuesday, 17 October 2000 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Ms Anwyl, Mrs Holmes, Mr Osborne, Mr Riebeling and Mr Sweetman.

PETER J. McHUGH
Clerk of the Legislative Assembly

GEORGE J. STRICKLAND
Speaker of the Legislative Assembly