

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 20

WEDNESDAY, OCTOBER 18 2000

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

The President, Hon George Cash, took the Chair and read prayers.

2. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

A Tough Assignment - Teacher Placements in Government Schools
Performance Examination (Report No. 9) October 2000..... 382

Leader of the House

Proposals -

Land Administration Act 1997 - Submission No. 27/2000 - Class "A" Reserve
22384..... 383

Minister for Transport

Annual Reports - 1999-2000 -

Agriculture Western Australia (Date received 17/10/2000)..... 384

Department for Family and Children's Services (Date received 17/10/2000) 385

Attorney General

Annual Reports - 1999-2000 -

Commercial Tribunal of Western Australia (Date received 17/10/2000) 386

Department of the Registrar Western Australian Industrial Relations
Commission (Date received 17/10/2000)..... 387

Legal Costs Committee (Date received 17/10/2000) 388

3. Select Committee into the Finance Broking Industry in Western Australia - Extension of Reporting Time

Hon Ken Travers presented a Report of the Select Committee into the Finance Broking Industry in Western Australia seeking an extension of time from October 31 2000 to November 30 2000, and should the House not sit on that day, the Chairman is to present the Report to the President who may direct it to be released. On presentation to the President, the Report is deemed to be tabled and ordered to be printed. (Table paper 390).

Hon Ken Travers moved, That the Report do lie upon the Table and be adopted and agreed to.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

4. Standing Committee on Legislation - Fifty-Third Report - Sentencing Matrix Bill 1999

Hon Bruce Donaldson presented the Fifty-Third Report of the Standing Committee on Legislation in relation to the *Sentencing Matrix Bill 1999*. (Table paper 389).

Hon Bruce Donaldson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

Hon Bruce Donaldson moved -

That pursuant to SO 324, it is ordered that the evidence taken in private by the Standing Committee on Legislation from Hon Peter Foss QC MLC, Attorney General, on July 28 1999 and September 13 2000 (including documents tabled during such private evidence) in relation to the *Sentencing Matrix Bill 1999* not be disclosed or published in any form or to any person without further order.

Question - put and passed.

5. Interests in Rural and Regional Western Australia - Failure of State Government

Motion No. 1 having been called.

Debate resumed on the motion of Hon Tom Stephens as follows -

That this House -

- (1) Condemns the State Government for its failure to safeguard and improve the interests of rural and regional Western Australia and its misplaced priorities.
- (2) Calls on the Government to amend its policies and give priority to the delivery of core Government services to all West Australians, especially in the areas of health, education, community safety and public transport.

Interruption of Debate - One hour having elapsed after the time fixed for the meeting of the House, the President announced that leave of the House would be necessary to enable the debate to continue.

Leave denied.

6. Questions Without Notice

Questions without notice were asked by Hon Tom Stephens, Hon Kim Chance, Hon Jim Scott, Hon Helen Hodgson, Hon John Cowdell, Hon Cheryl Davenport, Hon Graham Giffard, Hon Giz Watson, Hon Tom Helm, Hon Ed Dermer, Hon Christine Sharp, Hon Bob Thomas, Hon Ljiljanna Ravlich and Hon Norm Kelly.

7. Order of Business

Ordered - That Orders of the Day Nos 9, 10, 11 and 12 be taken before Order of the Day No. 1. (Leader of the House).

8. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Graham Giffard as follows -

That the following words be added to the Address-in-Reply -

“ But regrets to inform Your Excellency that the policies of this Government have resulted in significant scope for improvement in the way that legislation and the public sector generally is being administered; and requests Your Excellency to call on the Government to address the ineffective management practices which are resulting in a waste of public monies. ”.

Debate resumed.

On the motion of Hon Ray Halligan the debate was adjourned to the next sitting.

9. Select Committee into the Finance Broking Industry in Western Australia - Extension of Reporting Time

The Order of the Day having been read for the adjourned debate on the motion of Hon Ken Travers, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

10. Rights in Water and Irrigation Amendment Bill 1999

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Leader of the House moved, That the report be adopted.

Question - put and passed.

The Leader of the House, by leave, moved, That the Bill be now read a third time.

The President having reported that the 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. Government Railways (Access) Amendment Bill 2000

The Order of the Day having been read for the further consideration of this Bill, in Committee.

The President left the Chair.

In Committee

(Hon John Cowdell in the Chair)

Clause 6.

Debate resumed.

Clause, as amended, agreed to.

Clauses 7 to 12 agreed to.

New Clause.

The Minister for Transport moved -

Page 17, after line 12 - To insert the following new clause -

“

13. Rail Freight System Act 2000 amended

Section 89 of the *Rail Freight System Act 2000* is repealed.

”.

New Clause agreed to.

Long Title.

The Minister for Transport moved -

Page 1 - To delete "*Government*".

Amendment agreed to.

Long Title, as amended, agreed to.

The President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

12. Protective Custody Bill 2000

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 Hon Bob Thomas the debate was adjourned to the next sitting.

13. Transport Co-ordination Amendment Bill 1998

The Order of the Day having been read for the further consideration of this Bill, in Committee.

The President left the Chair.

In Committee

(Hon John Cowdell in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Hon Norm Kelly moved -

Page 5, after line 2 - To insert the following new paragraph -

“

- (a) the full text of any document that constitutes any agreement, arrangement or transaction, or any variation or amendment of an agreement, arrangement or transaction;

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon Kim Chance
 Hon John Cowdell
 Hon Cheryl Davenport
 Hon Graham Giffard
 Hon Tom Helm
 Hon Helen Hodgson

Hon Norm Kelly
 Hon Ljiljana Ravlich
 Hon Jim Scott
 Hon Ken Travers
 Hon Giz Watson
 Hon Bob Thomas (*Teller*)

Noes (13)

Hon Murray Criddle
 Hon D M Davies
 Hon Bruce Donaldson
 Hon Peter Foss
 Hon Ray Halligan
 Hon Barry House
 Hon Murray Montgomery

Hon N F Moore
 Hon Mark Nevill
 Hon Murray Nixon
 Hon Greg Smith
 Hon W N Stretch
 Hon Muriel Patterson (*Teller*)

Amendment thus negatived.

On the question, That the clause stand as printed.

Debate ensued.

Question - put and passed.

Clause agreed to.

Clauses 8 to 12 agreed to.

Clause 13.

Hon Norm Kelly moved -

Page 11, after line 23 - To insert the following new subclause -

“

- (2b) Without limiting subsection (1), the Governor may make regulations prescribing standards to be observed in the provision of passenger services by omnibuses including standards in respect of —
- (a) safety, comfort, maintenance and presentation of vehicles;
 - (b) management of those services;
 - (c) education and training;
 - (d) the competence of drivers; and
 - (e) the competence of the providers of those services.

”.

Debate ensued.

Interruption of Debate [SO 61(c)].

14. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.24pm until Thursday, October 19 2000 at 11.00am.

Members present during the day's proceedings

Attendance: Present all members except Hon Nick Griffiths, Hon Simon O'Brien and Hon Barbara Scott.

L B MARQUET
Clerk of the Legislative Council

HON GEORGE CASH
President of the Legislative Council