

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 21

THURSDAY, OCTOBER 24 2002

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### 1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

The President, Hon John Cowdell, took the Chair and read prayers.

### 2. Statement by President - Parliament House - Northern Extension Plans

The President made the following Statement -

Members will have seen in the lobby outside, for the viewing of Members, the plans for the Parliament House northern elevation and extensions. We hope that work will start in January. For the first sitting of next year we expect that this House will meet in the old ballroom, which is the proposed new library. That may cause some inconvenience to Members. However, the net outcome of extra space and more offices will more than compensate for the temporary inconvenience. The plans are available in the corridor for Members to view. Members' feedback would be most welcome.

### 3. Ministerial Statement - Peel Region Scheme

The Minister for Racing and Gaming, on behalf of the Minister for Agriculture, Forestry and Fisheries made a Ministerial Statement with respect to the Peel Region Scheme.

The Minister for Racing and Gaming, on behalf of the Minister for Agriculture, Forestry and Fisheries, by leave, tabled documents in relation to the Peel Region Scheme. (Tabled paper 390A-T).

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

### 4. Papers

The following Papers were laid on the Table by -

#### **Minister for Racing and Gaming**

*Annual Reports -*

Metropolitan Cemeteries Board (2001-2002) (Date received 23/10/2002)..... 383

*Response to Reports -*

Joint Standing Committee on Delegated Legislation - Code of Conduct Local Law of  
the City of Perth (Minister for Local Government) ..... 384

*Annual Reports -*

Anti-Corruption Commission (2001-2002) (Date received 23/10/2002) .....	385
Energy, Office of (2001-2002) (Date received 23/10/2002) .....	386
Registrar, Western Australian Industrial Relations Commission, Department of the [WAIRC] (2001-2002) (Date received 23/10/2002) .....	387

**Parliamentary Secretary to the Minister for Planning and Infrastructure***Annual Reports -*

Psychologists Board of Western Australia (2001-2002) (Date received 23/10/2002) .....	388
Government Railways Commission, The Western Australian (2001-2002) (Date received 23/10/2002) .....	389
Metropolitan Region Scheme Amendment No. 1041/33 - South West District Omnibus (No. 5) Addendum .....	391

**5. Standing Order 230(b) - Referral to Standing Committee on Procedure and Privileges**

Hon Norman Moore, by leave, moved, without notice -

That the Standing Committee on Procedure and Privileges consider and report to the House whether, in light of the Acting President's ruling on the application and effect of SO 230(b) given on Wednesday, October 23 2002, it is desirable to amend the rule so as to ensure that debate on a Bill stands adjourned for a specified period immediately following the speech given by the Minister or Member in charge of the Bill when moving for the second reading.

Debate ensued.

Question - put and passed.

**6. Select Committee into the Fremantle Eastern Bypass - Establishment**

Motion No. 5 having been called.

Debate resumed on the amendment of Hon Norman Moore as follows -

That the words "That a Select Committee of five Members is appointed, any three of whom constitute a quorum" be deleted and the following words be substituted -

" That the Standing Committee on Public Administration and Finance be required ",

to the motion of Hon Simon O'Brien as follows -

- (1) That a Select Committee of five Members is appointed, any three of whom constitute a quorum, to inquire and report on the history of that part of the Metropolitan Region Scheme known as the Fremantle Eastern Bypass and related road infrastructure including -
  - (a) initial inclusion of the bypass in the Metropolitan Region Scheme;
  - (b) subsequent modifications to the Metropolitan Region Scheme in respect of the bypass;
  - (c) the decision making process and advice given to Government by relevant Government agencies including agencies responsible for Main Roads, Planning, Transport and Environment;
  - (d) directions given by Government to agencies with responsibility for decision making; and
  - (e) other matters pertaining to the history and possible future of the Fremantle Eastern Bypass that the Committee may consider useful to bring to the attention of the House.

- (2) The Committee have power to send for persons, papers and records and to travel from place to place.
- (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 is to report finally not later than November 30 2002.

*Interruption of Debate* [SO 195].

## 7. Consideration of Committee Reports

The Order of the Day having been read for the consideration of Committee reports.

The Deputy President left the Chair.

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### In Committee

(Hon George Cash in the Chair)

#### *Standing Committee on Environment and Public Affairs - Second Report - Sessional Report on Inquiries and Petitions - January 1 2002 to August 9 2002*

Debate resumed on the motion of Hon Kate Doust, That the Report be noted.

*Interruption of Debate* [SO 61A].

## 8. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

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

## 9. Constitution Amendment Bill 2002

The Minister for Racing and Gaming on behalf of the Leader of the House pursuant to notice, moved -

That a Bill for "An Act to amend the *Constitution Acts Amendment Act 1899*" be introduced and read a first time.

Question - put.

The House divided.

### Ayes (13)

Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jon Ford  
Hon Graham Giffard  
Hon Nick Griffiths

Hon Dee Margetts  
Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Jim Scott  
Hon Ken Travers  
Hon Ed Dermer (*Teller*)

### Noes (12)

Hon George Cash  
Hon Murray Criddle  
Hon Paddy Embry  
Hon John Fischer  
Hon Frank Hough  
Hon Barry House

Hon Robyn McSweeney  
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 Minister for Racing and Gaming moved, That the Bill be now read a second time.

*Point of Order*

Hon Barry House raised the following Point of Order -

When the Minister was reading the second reading speech, I think he deliberately missed out the word "almost" in a previous paragraph. I saw him take a pen to the second reading speech from which he is quoting. I seek some clarification on that because it may be important at some stage as to whether the word "almost" is supposed to be in the second reading speech.

*Deputy President's Ruling*

The Deputy President ruled as follows -

What the Minister actually says in his second reading speech to the House, as recorded by Hansard, is to be taken as the second reading speech. The second reading speech notes are distributed to Members as a courtesy to enable Members to follow, in general terms, what is being said. Usually, the notes are word for word of what is being said. However, the bottom line is that what the Minister says during his second reading speech is what is to be taken to be the second reading speech as it will be recorded in Hansard in due course. That is one of the reasons why second reading speeches are generally not interrupted. It is important to get down the exact words that are spoken and not just rely on the typewritten notes that are provided for guidance.

Debate stands adjourned.

**10. Carbon Rights Bill 2002**

The Deputy President reported the receipt of Message No. 19 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Racing and Gaming, on behalf of the Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Racing and Gaming, on behalf of the Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a second time.

Debate stands adjourned.

**11. Tree Plantation Agreements Bill 2002**

The Deputy President reported the receipt of Message No. 20 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Racing and Gaming, on behalf of the Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Racing and Gaming, on behalf of the Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a second time.

Debate stands adjourned.

**12. Acts Amendment (Carbon Rights and Tree Plantation Agreements) Bill 2002**

The Deputy President reported the receipt of Message No. 21 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Racing and Gaming, on behalf of the Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Racing and Gaming, on behalf of the Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a second time.

Debate stands adjourned.

**13. Civil Liability Bill 2002**

The Deputy President reported the receipt of Message No. 22 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

**14. Questions Without Notice**

Questions without notice were taken.

The Minister for Racing and Gaming tabled documents in relation to analyses of results conducted on the contents of the drums of herbicides discovered in Dwellingup in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 392).

**15. Government Response to Standing Committee on Legislation Report - Taxation Administration Bill 2001 - Tabling of Papers**

The Minister for Racing and Gaming, by leave, tabled a response to the Standing Committee on Legislation Report - *Taxation Administration Bill 2001*. (Tabled paper 393).

**16. Civil Liability Bill 2002**

Debate resumed on the second reading of this Bill (cf item 13 above).

Debate stands adjourned.

**17. Special Adjournment**

The Minister for Racing and Gaming moved, without notice -

That the House at its rising adjourn until Tuesday, November 5 2002.

Question - put and passed.

**18. Adjournment**

The Minister for Racing and Gaming moved, That the House do now adjourn.

Question - put and passed.

The House adjourned at 4.36pm until Tuesday, November 5 2002 at 3.30pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Kim Chance, Hon Peter Foss, Hon Bill Stretch and Hon Tom Stephens.

Member granted leave: Hon Giz Watson

**L B MARQUET**  
Clerk of the Legislative Council

**HON JOHN COWDELL**  
President of the Legislative Council