

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 77

TUESDAY, APRIL 16 2002

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

2. Suspension of Standing Orders - Electoral Reform Case Before the Supreme Court and Censure of Minister for Local Government and Regional Development

Hon Peter Foss moved, without notice -

That so much of Standing Orders be suspended so as to allow me to move and debate to conclusion the following motion -

This House condemns -

- (a) the campaign of misinformation by the Government as to the nature of the case currently before the Supreme Court at the suit of the Clerk of the Parliaments; and
- (b) the threats made by the Premier and Attorney General to attempt to prevent Local Government from providing support for a proper contradictor,

and censures the Hon Tom Stephens for the blatant lies in correspondence with the *Golden Mail* and other local newspapers supposedly whilst carrying out his duties as Minister for Local Government.

President's Ruling

The President ruled as follows -

Hon Peter Foss has argued and presented a case at length that this motion is a matter of urgent necessity because of Standing Order No. 433 and that a Suspension of Standing Orders should be entertained. Having carefully considered the submission of Hon Peter Foss, I am of the opinion that this is not a matter of urgent necessity in that it does not require the urgent consideration of the House. There is no action that the House can take on this matter which will be before the courts tomorrow. I listened very carefully to the argument that a complaint has been made about the Minister's or the Government's presentation of the yes case and that colleagues' reputations have been maligned and slurred. The motion does not in any way have to be tied to the court action that commences tomorrow. I am reminded of the rulings in this regard of my predecessor. In particular, one ruling pointed out that such matters should be carefully considered. Hon George Cash stated -

In so doing, I am obliged to weigh the urgency and the importance to the House of the subject matter of the motion against the disruption that would be caused to the routine business if I were to allow it to proceed. In reaching a decision, I should have regard to other avenues available to the member to achieve his or her objective, short of seeking the Suspension of Standing Orders.

The motion for which suspension is sought cannot be characterised as urgent, particularly when it is considered that the Government's position, could be ascertained by asking a question without notice, or by raising the matter on the motion to adjourn the House, or by giving notice of motion in the ordinary way.

This is a clear case that fits that ruling in that it is a matter that could be dealt with in an ordinary Notice of Motion under Standing Order No. 72 or an adjournment. I therefore rule that this is not a matter that requires urgent attention and I will not entertain a motion under Standing Order No. 433.

3. Ministerial Statement - City of South Perth Inquiry

The Minister for Local Government and Regional Development made a Ministerial Statement with respect to the City of South Perth Inquiry.

The Minister for Local Government and Regional Development moved, That the Report of the Inquiry into the City of South Perth do lie upon the Table and be printed. (Tabled Paper 1372)

Question - put and passed.

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

4. Extension of Sitting Hours

The Minister for Housing and Works moved -

That from Wednesday, April 17 2002 until Thursday, June 27 2002 the House continue to sit until 11.00pm on Tuesdays and Wednesdays and 6.00pm on Thursdays and that the House commence its sittings on Wednesdays at 3.30pm and Thursdays at 10.00am.

Debate ensued.

Question - put and passed.

5. Taxation Administration Bill 2001 - Discharge from Notice Paper - Referral of Clauses to Standing Committee on Legislation

The Minister for Housing and Works, on behalf of the Minister for Racing and Gaming, moved, without notice -

That the Order of the Day for the second reading of the *Taxation Administration Bill 2001*, be discharged and the Bill be referred to the Standing Committee on Legislation for the purposes of consideration of Clause Nos 67, 94 and 100.

Debate ensued.

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

6. Labour Relations Reform Bill 2002

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

Debate resumed.

7. Questions Without Notice

Questions without notice were asked by Hon Norman Moore, Hon Barry House, Hon Robin Chapple, Hon John Fischer, Hon Dee Margetts, Hon George Cash, Hon Peter Foss, Hon Jim Scott, Hon Barbara Scott, Hon Derrick Tomlinson, Hon Giz Watson, Hon Robyn McSweeney, Hon Alan Cadby, Hon Christine Sharp and Hon Simon O'Brien.

8. Labour Relations Reform Bill 2002

Debate resumed on the second reading of this Bill (cf item 6 above).

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells. A quorum being formed, the debate continued.

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Interruption of Debate [SO 61(b)].

9. Prisons Amendment Bill 2002

The President reported the receipt of Message No. 85 from the Legislative Assembly forwarding the Bill for concurrence.

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

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

10. Criminal Investigation (Identifying People) Bill 2001

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 86

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Criminal Investigation (Identifying People) Bill 2001*, has agreed to amendments No. 4 to 9, 13 and 15, and has disagreed to amendments No. 1 to 3, 10 to 12, 14 and 16.

K Hodson-Thomas
Acting Speaker

Legislative Assembly Chamber
Perth, 16 April 2002

Ordered - That consideration, in Committee, of Message No. 86 be made an Order of the Day for the next sitting.

11. Adjournment

The Minister for Housing and Works moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 10.12pm until Wednesday, April 17 2002 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kim Chance.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council