

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 20

WEDNESDAY, OCTOBER 23 2002

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Petition

Hon Norman Moore presented a petition from 2 083 residents of Western Australia requesting support for legislation to address concerns for adequate safety mechanisms on locomotives and at rail crossings. (Tabled paper 380).

3. Paper

The following Paper was laid on the Table by -

Minister for Racing and Gaming

Annual Reports -

Information Commissioner, Office of the (2001-2002) (Date received 22/10/2002) 379

4. Vocational Education and Training Amendment Regulations 2002 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Vocational Education and Training Amendment Regulations 2002* published in the *Gazette* on August 16 2002 and tabled in the Legislative Council on August 22 2002, under the *Vocational Education and Training Act 1996*, be and are hereby disallowed.

5. Mines Safety and Inspection Amendment Regulations 2002 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Mines Safety and Inspection Amendment Regulations 2002* published in the *Gazette* on September 3 2002 and tabled in the Legislative Council on September 10 2002, under the *Mines Safety and Inspection Act 1994*, be and are hereby disallowed.

6. Industrial Relations (WA Industrial Appeal Court) Amendment Regulations 2002 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Industrial Relations (WA Industrial Appeal Court) Amendment Regulations 2002* published in the *Gazette* on September 6 2002 and tabled in the Legislative Council on September 10 2002, under the *Industrial Relations Act 1979*, be and are hereby disallowed.

7. Industrial Relations (Employer-Employee Agreements) Regulations 2002 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Industrial Relations (Employer-Employee Agreements) Regulations 2002* published in the *Gazette* on September 6 2002 and tabled in the Legislative Council on September 10 2002, under the *Industrial Relations Act 1979*, be and are hereby disallowed.

8. Constitution Amendment Bill 2002

The Leader of the House: To move on the next day of sitting -

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

9. Road Traffic (Vehicle Standards) Regulations 2002 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan, moved, without notice -

That Order of the Day No. 86, *Road Traffic (Vehicle Standards) Regulations 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. 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.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Housing and Works tabled documents in relation to a list of individual Shires illustrating the amount of funding received for waste management and recycling for the period July 1998 to June 2001 in response to a question without notice asked by Hon Dee Margetts. (Tabled paper 381).

The Minister for Housing and Works tabled documents in relation to a copy of the Structural Investigation Report for the Homeswest property situated at 6 Farr Avenue, North Perth in response to a question without notice asked by Hon George Cash. (Tabled paper 382).

12. Select Committee into the Fremantle Eastern Bypass - Establishment

Debate resumed on the amendment of Hon Norman Moore to the motion of Hon Simon O'Brien (cf item 10 above).

Interruption of Debate [SO 195].

13. Address-In-Reply

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

Debate resumed.

Extension of Time - Leave granted to Hon Bill Stretch to extend his speaking time.

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

14. Home Building Contracts Amendment Bill 2002

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

Debate resumed.

Question - put and passed.

Bill read a second time.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting.

15. Plant Pests and Diseases (Eradication Funds) Amendment Bill 2002

The Order of the Day having been read.

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.

Point of Order

Hon Norman Moore raised the following Point of Order -

My understanding of Standing Order No. 230 - I may be wrong, but I thought I asked a question about this when we changed the Standing Order last week - is that following a second reading speech, it is a requirement that the Bill automatically stand adjourned until the next sitting of the House. I was concerned, last time we discussed this matter, that a situation might arise in which a Bill has its first reading on one occasion, a week later the second reading speech is made, the intervening week is regarded as the one week traditionally

allowed for legislation to lie on the Table in this Chamber, and the debate continues when we have only just heard the second reading speech. I would like a ruling on whether we can proceed directly to the second reading debate without the Leader of the House being given leave.

The Deputy President left the Chair at 9.05pm

The Deputy President resumed the Chair at 9.21pm

Deputy President's Ruling

The Deputy President ruled as follows -

The second reading of the Bill was made an Order of the Day for the next day of sitting. Under Standing Order No. 127, the Leader of the House has a discretion as to the sitting day on which the item of business will be considered. Last week's amendment, which inserted an ability for the Minister in charge of a Bill to specify a date certain for taking the second reading, states in clear terms an option that has been available. An Order of the Day is defined in Standing Order No. 194 as a Bill or other matter ordered by the House to be taken into consideration on a particular day; that is, on a sitting day as specified in the motion or, where not so specified, on a sitting day as determined by the Leader under Standing Order No. 127.

Standing Order No. 230 provides two ways of proceeding. The Minister's second reading speech may be delivered immediately following the first reading; that is, when the Bill has been distributed - a practice introduced in 1989. The debate then stands adjourned until the next sitting day. From last week, adjournment is automatic - a motion is no longer required. Alternatively, the second reading itself may be made an Order of the Day in the manner I have already described. It has always been the case that an Order of the Day, regardless of the nature or the business item, can be completed on the same day as that on which consideration commenced. Accordingly, I rule that the second reading of the Bill can be determined at today's sitting.

Debate ensued.

Point of Order

Hon Norman Moore raised the following Point of Order -

I would like to speak on the ruling, if I may. I have not had time to digest the ruling in its entirety, but, with all due respect, it sounds odd to me and is contrary to the undertaking that I was given in the Committee Stage last week in respect of this matter. My understanding of past procedure is that if a Minister wants a Bill to proceed through all stages at one sitting, he seeks leave to suspend the Standing Orders. On this occasion, the Minister should seek the suspension of Standing Orders so that this matter can proceed. We can then sit down and digest your ruling, which I find odd to say the least.

Deputy President's Ruling

The Deputy President ruled as follows -

Members, as I clearly understand it, there is no dissent from the ruling. Therefore, there is no requirement for the Minister to seek leave to suspend Standing Orders. However, if he wishes to meet the request of the Leader of the Opposition, I will accept and consider such a motion. However, I draw the Minister's attention to the fact that an absolute majority of the House will be required.

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

Question - put and passed.

Bill read a third time and passed.

16. Railway (Jandakot to Perth) 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 Hon Simon O'Brien as follows -

That the Order of the Day for the second reading of the Bill be discharged and the Bill be referred to the Standing Committee on Public Administration and Finance.

Interruption of Debate [SO 61(b)].

17. Adjournment

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

Question - put and passed.

The House adjourned at 10.01pm until Thursday, October 24 2002 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple, Hon Peter Foss and Hon Robyn McSweeney.

Member granted leave: Hon Giz Watson

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council