

LEGISLATIVE COUNCIL  
THURSDAY, SEPTEMBER 19 2002

11.00am

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Prayers

**ORDER OF BUSINESS**

Notification of Royal Assent - Message No. 11

Petitions

Statements by Ministers and Parliamentary Secretaries

Papers For Tabling

(President)

(Leader of the House)

(Minister for Racing and Gaming)

(Parliamentary Secretary to the Minister for Planning and Infrastructure)

Notices of Questions

Notices of Motions for Disallowance

Notices of Motions to Introduce Bills

Notices of Motions

Questions without Notice (4.00pm)

Motions without Notice

**Motions**

**4. North West Shelf Joint Venture Contract** (*Notice given August 13 2002*)

Resumption of debate (Wednesday, September 18 2002, Hon Robin Chapple (mins 20)) on motion of Leader of the House as follows -

That this House congratulates the North West Shelf Joint Venture in winning the \$25 billion contract to sell liquefied natural gas to China but calls for a major revamp of the Federal Government's Commonwealth Grants Commission process due to the inherent way it disadvantages Western Australians in the sharing of benefits from major resource projects between the Commonwealth and this State.

**5. Select Committee into the Fremantle Eastern Bypass - Establishment**  
(*Notice given August 13 2002*)

Hon Simon O'Brien: To move -

- (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 and is to report finally not later than November 30 2002.

## Orders of the Day

### 1. Address-in-Reply

Resumption of debate adjourned Hon Bruce Donaldson (Wednesday, September 18 2002) on motion of Hon Sue Ellery.

### 54. Restoration of Legislative Assembly Bill to Legislative Council Notice Paper; 55. Restoration of Legislative Assembly Bills to Legislative Council Notice Paper; 56. Legislative Council Procedures for Restoration of Bills from Previous Session (August 22 2002)

Consideration in Committee (Wednesday, September 18 2002) of Legislative Assembly Messages Nos 3, 4 and 5 cognate debate.

Leader of the House moved in response to Legislative Assembly Messages Nos 3 and 4 -

That the following message be sent to the Legislative Assembly -

“

Mr Speaker

The Legislative Council has considered Legislative Assembly Messages 3 and 4 relating to the -

#### *Yallingup Foreshore Land Bill 2002*

#### *Volunteers (Protection from Liability) Bill 2002*

#### *Home Building Contracts Amendment Bill 2002*

In response, the Legislative Council invites the Legislative Assembly by return message to state that it has passed the bills and, on receipt of such

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message, will deal with those bills appropriately.

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Leader of the House further moved in response to Legislative Assembly Message No. 5 -

That the following message be sent to the Legislative Assembly -

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Mr Speaker

The Legislative Council has considered Legislative Assembly Message 5 relating to the -

***Yallingup Foreshore Land Bill 2002***  
***Volunteers (Protection from Liability) Bill 2002***  
***Home Building Contracts Amendment Bill 2002***

In response, the Legislative Council -

- (1) does not agree that the difficulties associated with the 3 bills can be rectified by altering internal practice and procedure. The bills lapsed on prorogation by operation of law;
- (2) recommends that the Government reconsider the necessity for annual prorogations said to arise from section 4 of the *Constitution Act 1889* and notes the divergence of interpretation and practice despite a provision identical to section 4 appearing in the Constitution of the Commonwealth and each of the States.

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to which Hon Norman Moore moved -

Insert after “States” the following -

“

- (3) reminds the Legislative Assembly that a bill must have been on the Notice Paper in the previous session if it is to be restored, that is, the bill must have been in the possession of the House. Possession cannot occur until a bill is introduced and given a first reading. On that basis, the House never had possession of the 3 bills and had nothing to restore;
- (4) rejects the assertion that transmission of a bill between the Houses is a “stage” in passage. Parliamentary authorities are in agreement on the meaning of “stage” and no mention is made of transmission in that context;
- (5) requests the Legislative Assembly to cite a reference to the written law that expressly or impliedly amended section 46(5) of the *Constitution Acts Amendment Act 1899* so as to enable the Legislative Assembly to “require” this House to comply with the Assembly’s demands relating to the passage of legislation.

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**\*22. Fire and Emergency Services Legislation Amendment Bill 2001 [LA 75-2B] Minister for Racing and Gaming**

Second reading adjourned Minister for Racing and Gaming (Tuesday, September 17 2002). cf SNP 75 Issue 1 - August 15 2002.

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**\*10. Public Interest Disclosure Bill 2002 [LA 103-2] Minister for Racing and Gaming**

Second reading continuation of remarks Hon Jim Scott (mins 35) (Tuesday, September 17 2002). *cf SNP 103 Issue 1 - August 15 2002.*

**12. Occupational Safety and Health Amendment Bill 2002 [LA 110-1] Minister for Racing and Gaming**

Second reading adjourned Hon Bruce Donaldson (Thursday, June 20 2002).

**17. Child Support (Adoption of Laws) Amendment Bill 2001 [LA 47-2] Minister for Racing and Gaming**

Second reading adjourned Hon Bruce Donaldson (Wednesday, November 14 2001) (SO 230A no longer applies). *See Legislation Committee Report # 9.*

**15. Electronic Transactions Bill 2001 [LA 38-1] Minister for Racing and Gaming**

Second reading adjourned Hon Bruce Donaldson (Tuesday, October 23 2001) (SO 230(A) no longer applies). *See Legislation Committee Report # 7.*

\* For amendments see Supplementary Notice Paper #

For full text see Supplementary Notice Paper for other business before the House.

**L B MARQUET**

Clerk of the Legislative Council

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