

COMMITTEE REPORTS - CONSIDERATION

Committee

The President (Hon John Cowdell) in the Chair.

Standing Committee on Procedure and Privileges - Part I - Deletion of Requirement for "Seconding" - Part II - Standing Order 230 - Adjournment of Debate at Conclusion of Second Reading Speech - Fourth Report

Hon GEORGE CASH: I move -

That the report be noted and the recommendations of the committee be agreed to and the relevant standing orders be amended accordingly.

This report comprises two parts; part 1 deals with the deletion of the requirement for seconding and part 2 deals with Standing Order No 230 and the need for a formal adjournment of a debate at the conclusion of the second reading speech by the minister or member in charge of the Bill. Although the issues contained in the report are relatively simple, the House deserves an explanation about the various issues raised.

Members are aware that it has been the practice of the former Standing Orders Committee and the now Standing Committee on Procedure and Privileges to review standing orders as time permits. When a practice of the House is clearly out of step with the standing orders, action is taken by the committee to redress that difference. In Standing Order No 108, which deals with an objection to a ruling of the President, Standing Order No 112, which deals with adjournment of debate and Standing Order No 433, which deals with suspension of standing orders, the words "if seconded" are contained either in the distinct form or in words to that effect. The committee has considered those three standing orders and recommends that various words be deleted so that there is no reference in the standing orders to the need for seconding of those types of motions. It should be recognised that the Chair will still require that a formal motion, such as the Address-in-Reply motion, be formally seconded.

The committee recommends the deletion of the words "if seconded" from Standing Order No 108, the deletion of the words "A motion for the adjournment of a debate need not be seconded" from Standing Order No 112, and the deletion of the words "and seconded" from Standing Order No 433. I have formally moved in my motion for the Committee to agree to those deletions..

Part 2 of the report deals with Standing Order No 230. Members are aware that this standing order deals with the question for the second reading and is written as follows -

After the first reading motion may be made:

- (a) *"That the Bill be now read a second time"* and the speech of the Minister or Member in charge given, at the conclusion of which the debate shall be adjourned; or
- (b) That the second reading be made an order of the day for the next sitting.

The committee recognises that in the first instance, Standing Order No 230(a) is mandatory in its direction. It has been the practice of the House for a considerable period to require that a member - usually the Opposition Whip - move that, following the introduction and second reading speech of the Bill by the minister or member in charge, the debate be adjourned to the next sitting of the House. The committee believes that this is an unnecessary practice and recommends that Standing Order No 230(a) be amended by deleting all the words after "debate" and substituting "stands adjourned". If this is agreed to, there will be no need for a member to formally move that a second reading debate by a minister or member in charge of the Bill be adjourned to the next sitting of the House.

The committee recommends that Standing Order No 230(b) be amended by inserting after "sitting" the words "or for a specified sitting day". At the moment 230(b) states -

That the second reading be made an order of the day for the next sitting.

The committee believes that in the interests of caution, we should also include "or for a specified sitting day". This is an option available to a member that the committee believes should be formalised by way of amendment to the standing order.

As these are relatively simple and straightforward amendments that have been discussed at some length in the Procedure and Privileges Committee, and to which no objection was raised, I am pleased to commend my motion.

Hon NORMAN MOORE: This comment may be completely out of left field and I apologise if it is; however, a question arose last night when we had the second reading speech about a Bill that had been introduced and read

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for a first time a week ago. Last night it was suggested by the Leader of the House that we debate the Bill on the basis that we had had one week's notice, which was the tradition of this Chamber. My view was that we needed one week's notice after the second reading speech. However, the committee has recommended that Standing Order No 230(b) be amended by inserting after the word "sitting" the words "or for a specified sitting day". Could that be mistaken to mean "at a later stage of this day's sitting"? It would be interesting if a second reading speech was adjourned to a later stage of the day's sitting and we then moved onto the debate. We must try to maintain the tradition that once the speech has been read, members have at least a week to deal with it. Could a specified sitting day be taken to mean "at a later stage of this day's sitting"?

The PRESIDENT: It is my understanding that a "specified sitting day" does not apply to "a later stage of this day's sitting", nor was it intended to make that change. The debate would normally be adjourned to the next sitting day. However, the committee wanted to make plain that that could be specified as a day certain rather than automatically the next one. It does not affect in any way the current practice of the House in not allowing that debate to be dealt with on the same day.

Question put and passed.

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

Hon KATE DOUST: I move -

That the report be noted.

The Standing Committee on Environment and Public Affairs, which consists of seven members, is a very hard-working committee. This is a very important report because it gives a good overview of the breadth and amount of inquiries and petitions that the committee has dealt with between January and August this year. It is important for people to understand why it is significant to present and discuss this type of report in the House. Due to the type of inquiry through petitions or self-referral, many issues are covered in this report that might not normally be presented in an individual report at the completion of an inquiry.

A number of issues listed in this report are still ongoing and are very important. I will mention a couple of those matters that have consumed much of the committee's time and might take a lot longer to deal with than we initially thought. The first issue I will refer to is the Wagerup Alcoa refinery inquiry that was commenced last year. The committee has held a number of public hearings to deal with this matter and has heard from experts from a range of fields, including specialists from America, who have discussed various topics such as chemical exposure. Workers, community members and the company have made submissions to the inquiry. A lot of information is still being provided to the committee and it is in the process of pooling all this information. We look forward to commencing the draft of the final report in the next couple of months. That inquiry has been very important. It will have some interesting ramifications for the community and Alcoa. Hopefully, as a result of the inquiry, changes will be made to some legislation.

Recently, the committee completed a couple of inquiries into petitions. The Gnarabup waste water treatment plant inquiry was reported to the House yesterday. Working on these types of issues has been a new experience for me because my background does not include dealing with environmental issues.

Hon Norman Moore: Or sewerage farms.

Hon KATE DOUST: I have been surprised at the amount of time the House spends on those types of issues. Unfortunately, I did not attend the two field trips to sewerage plants that were organised for the committee, but I understand that the other committee members gained a lot from them.

Hon Norman Moore: It is a wonderful experience.

Hon KATE DOUST: I am sure it is. The committee delved into those issues and Hon Christine Sharp will be able to talk about that report in far greater detail than I could. A lot of work has been done on those areas.

The committee is beginning to research the gene technology Bills that have been referred to it, and its terms of reference have been extended. At the time of this sessional report being drafted, the committee was in the first weeks of considering the issues. The report on those Bills does not have to be presented to the House until June 2003. We have commenced our first hearings into the matter. This will be a fascinating area to inquire into and our recommendations will have some interesting ramifications for the State.

A number of petitions were finalised between January and August 2001. At the time of the last sessional report, we had not finished inquiries into some petitions. There was some debate among committee members on the live sheep trade petition, and we have since finalised our work on that matter. Robust debate often occurs in our

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committee because its members have a diverse range of views, which is very healthy. The committee members have established very positive working relationships, which has been good because we must work through a large volume of material sent to us by either referred Bills and self-referred inquiries or a number of petitions with which the subcommittee must deal.

I am interested in some petitions that concern my electorate. Hon Simon O'Brien referred to the committee a petition regarding the Hillview Estate subdivision. That matter was finalised during this period and the committee decided that the issue was being handled appropriately through government and community mechanisms. In time, we look forward to seeing the results of the committee's work.

A number of petitions are still being considered. I will leave it up to the members of the petition subcommittee to provide the House with more detail about them because the main committee has not examined many of them. It is important to provide this type of report to the House because otherwise petitions get tabled or referred to the committee and often people might think that they disappear into the ether. Sometimes not much information is provided unless an inquiry is held into a matter and an individual report is supplied. The information supplied to members is very positive. The committee is able to consider particular issues in depth and provide a result for the petitioner and the community.

This is a very interesting report. It gives a good overview of the type of work the committee has been and is currently working on. As I said, it has been a bit of an eye-opener for me because it is not an area with which I am familiar; however, I am becoming more comfortable with it. This has been a very valuable experience and I look forward to participating on the committee because members can express quite freely their different positions. It is interesting to watch their positions expand or change because of the type of discussions that take place.

I congratulate the chair of the committee, Hon Chrissy Sharp, on the way she manages the committee. In recent times some changes have been made to the committee staff. As such, because of the heavy workload of inquiries, we have been able to operate in a more manageable and expeditious way and deal with as many issues as possible. I look forward to the completion in particular of the Alcoa Wagerup inquiry. That has had a major impact on the workers and the community in the area. We are currently inquiring into the issue of swimming pool fences, and hearings will commence shortly. Over the next 12 months, the inquiry into the gene technology Bills will be a fascinating one. I also look forward to the results of that inquiry, which we will present to the House.

Hon PETER FOSS: I should have popped up a little earlier because I wanted to speak more generally on this item of business rather than on the individual items of business. We have a very good process in this House for dealing with most issues. This House must be one of the few Houses of Parliament in which people can lodge a petition and it does not go straight into the rubbish bin.

Hon Christine Sharp: As far as I know, we are the only Parliament.

Hon PETER FOSS: I think the member is right; I do not know of any other Parliament that has such a process. It is a very good process. What is the point of people petitioning Parliament if the petition then goes straight into some cubbyhole? Interestingly, that was one of Bob Pike's ideas, and he must be given credit for it, because it was a genuine attempt to deal with members of the public and to make the Parliament theirs.

Hon Ray Halligan: And grievances.

Hon PETER FOSS: Yes. This House also has a process to deal with the disallowance of regulations. Under the original process, if the motion had been moved but not dealt with, the regulations were disallowed on prorogation. In government I moved a motion that would allow the motion to be moved pro forma, because it seemed to me that the motions paper was getting so blocked up that members did not even get a chance to move their motion; and, if they did not get that chance, the motion disappeared. In other ways that has given this House the power to ensure that members can take over and deal with delegated legislation and that it is not just left to government. It is a very good process indeed.

The adjournment debate is excellent. Every day every member is given a 10-minute opportunity in which to raise concerns. Many members use that time. It makes a big difference to the effectiveness of the members of this House. Another important process is referred to in Standing Order No 230A, because time and again we, as members of Parliament, have found ourselves presented with uniform legislation, usually at the end of a session, which has had to be passed then and there. That is another important area in which we have ensured that matters are not pushed aside and the Parliament is not bypassed.

Today I will raise a little point that I have raised before, because I believe that if I raise it often enough, perhaps it will gain some acceptance. I note that not everyone will agree with it. When I first suggested it, even Hon

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Norman Moore was not thrilled with the idea. I refer to the question of dealing with ministerial statements. We have a good process now whereby ministerial statements do not interrupt the general business of the House. However, they virtually disappear forever. I proposed a way in which we might be able to deal with them without impinging on government business in any way. Every now and then we proceed to the consideration of committee reports and there are not enough reports to consider. I suggest to members that we seriously consider allowing ministerial statements to be considered during this item of business. It is accepted that a ministerial statement in this House is not a polemic; it is a genuine attempt to inform. It is a matter that the minister considers important, yet we never get to discuss it again. I can understand why the Government does not allocate time in which to discuss ministerial statements; obviously it wants to deal with other business. That is why I have proposed this method with which to deal with ministerial statements, a method that does not in any way impinge on the Government's time. I have raised the issue before and I raise it again today. I suggest that the House seriously consider that, in the second hour of the sitting of the House on Thursdays, after committee reports have been considered - committee reports are more important - we deal with any ministerial statements remaining on the Notice Paper that have not been debated in the House. That order is important, because I regard the business arising from committees as absolutely essential to debate in the House. However, if the Government were to consider that point - I would like to follow it up - we might very well put the final tick on processes which deal with such matters in this House and which are matched by no other House of Parliament.

The CHAIRMAN: I presumed that, for the benefit of the Chair, the member was referring to the functions of not only this Committee but also all committees and the committee process generally. That is why I allowed the member to continue, knowing that he was aware of the parameters.

Hon LOUISE PRATT: I enjoy being on the Standing Committee on Environment and Public Affairs because of the diversity of issues that come before it. This manner of reporting, whereby the diversity of issues is discussed in the Chamber to show members what has been going on and to also be accountable to the community, is a very good way of dealing with issues.

I often find that when I am out and about in the community and people are enthusiastically signing petitions to go to the other place -

Hon Peter Foss: They are wasting their time.

Hon LOUISE PRATT: I occasionally tell them that perhaps they are wasting their time, because not a lot happens with those petitions.

I sometimes become overwhelmed with the number of issues the committee is dealing with and I think to myself, "My goodness, how can we possibly deal with any more?" I am trying to work out whether I am doing myself a disservice by saying that. However, I believe in the committee process, whereby members can report back to Parliament, and therefore the community, on the issues we have been petitioned about. When various members of Parliament participate in different parliamentary conferences and the like, perhaps we should promote this process more strongly to encourage other Parliaments to adopt this excellent initiative.

The Alcoa inquiry has been a very interesting experience thus far. I did not think I would ever find relevance for my high school chemistry, but I have been proved wrong; likewise with my high school biology for the gene technology inquiry. My scientific knowledge is expanding greatly.

The committee has at last finalised a few petitions, in particular the petition on the live sheep trade. The committee felt at the time that it had taken the issue as far as it could. At the time the committee voted on it, I was of that view, and I still am of that view. However, I note that these issues continue to bubble along in the community, in particular the death of a large number of sheep in Port Augusta in South Australia from, I think, salmonella in their feed stocks. That issue highlighted the fact that Western Australia's statistics indicate fewer deaths than in other States and that we are continuing to drive down sheep deaths during transport. However, I believe it is not a healthy trade for the poor animals that must make that terrible journey, nor is it a good thing for the employment of meat workers in this State. I am pleased to say that the committee heard evidence that attempts are being made by the Government to improve the process for meat exports and it is doing as much as possible in the down processing of those products.

The committee also closed off inquiries into a number of petitions relating to Bills on the Notice Paper, as those Bills will shortly come on for debate in the House. Similarly, with the earlier debate on the eastern bypass, the committee's view is that the House must deal with legislation before it and must decide whether to refer legislation back to the committee.

The fact that Parliament prorogues was found to be inconvenient to a number of petitioners and I would like something to be done about that. The committee was in the awkward position of having to ask petitioners to resubmit their petitions if they wanted the committee to continue its inquiries into them. Although that might

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have provided petitioners with an opportunity to take stock and consider whether their issues continued to be relevant to them -

Hon Nick Griffiths: Hon Norman Moore wants to talk about events of 17 years ago.

Hon Norman Moore: This House passed a Bill three times to modify the effects of prorogation, but those Bills were rejected by the Labor Party in the other House.

Hon LOUISE PRATT: I was not a participant in those debates.

Hon Norman Moore: I know that. However, if the member reads those Bills, she will see that they would have overcome the problem she raised.

Hon LOUISE PRATT: I am sure I will have an opportunity to engage in those debates; however, I did not do so previously because I was not a member of this House. The practical impact of the problem is that a vast number of petitions had to be resubmitted. Petitioners were confused about the reason for having to do that; in fact, I too found it confusing.

I look forward to the debates that we will have, particularly on the inquiry into the Alcoa refinery at Wagerup and the gene technology Bills. I have a personal interest in gaining an understanding of gene technology issues, and I believe they are of great importance to the State. I look forward to making a contribution in those areas. I thank the chair of the committee who has done an excellent job to the extent that I enjoyed our committee time on most days that we met.

Hon RAY HALLIGAN: I commend Hon Christine Sharp, Hon Kate Doust and the other committee members for presenting a report such as this. Hon Christine Sharp would be aware that the former Standing Committee on Constitutional Affairs published a report on petitions - and I will explain why - but this committee has gone beyond that; it has included a report on its inquiries. That is a very good thing and it is important that this type of information come before the House.

As has been mentioned, Western Australia appears to be the only Parliament in Australia that provides petitioners with information and often a detailed explanation of their grievance. That is a good thing in itself because petitioners should be made aware of that information. However, without this report, members of Parliament would not be aware of it. It is a good thing to make members of Parliament aware of it and to have the report on the record so that others who follow us can see what has been done. Although the report is only a precis, which is all it need be, it indicates exactly what is happening with petitions.

I note that the committee initiated some inquiries. The Alcoa refinery inquiry is very much a topical issue. Not only the committee but also the Parliament must be made aware of these issues; I am sure they are many and are ongoing. I note that it might be some considerable time before the committee's final report is available, which is understandable considering the magnitude of the issue.

The report states that another petition is continuing; that is, the petition about swimming pool fencing requirements. This issue has been debated in the House in disallowance motions and the like. It is a particularly important issue because the community has concerns with not only the deaths of toddlers in swimming pools but also the confusion that people have in the type of fencing required for a pool. It is relatively clear to members of Parliament because we have the legislation before us. However, many people are not aware of the issues and, when they find out about them, often question those requirements. For instance, they ask why the requirements for a new pool are different from the requirements for their next-door-neighbour's pool, which may be 12 years old and does not require protective fencing. People do not understand the reasons for those different requirements and I hope the committee will look into that matter fully.

Hon Louise Pratt: We have a hearing on Monday.

Hon RAY HALLIGAN: I would like to see the report. The committee should continue to look into the matter. The past few days have been quite warm and we are moving into the best of our spring and summer days and the swimming season again. Unfortunately, in the next six months we might very well have to come to terms with the issue of swimming pool fencing and toddler drownings. The sooner the committee can provide a report on those issues, the sooner there might be an advantage to us all.

I note that the committee has completed inquiries on some petitions. The report has been tabled and members have an opportunity to read that report. I note that first mentioned in the report is an inquiry into the gene technology Bills. At the time of writing the report, an issue arose about whether the Bills would be restored to the Notice Paper and referred back to the committee. We now know that has been done. In the terms of the inquiry, under Standing Order No 230A, the committee has correctly stated in its report at paragraph 4.4 -

Extract from Hansard

[COUNCIL - Thursday, 17 October 2002]

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The Committee's inquiry will focus on the terms of the Bills as drafted. The policy of the Bills, as evidenced by the Second Reading Speech and Explanatory Memorandum, is not a matter of inquiry for the Committee.

I accept that. That was the stance of the previous Standing Committee on Constitutional Affairs. It was not the committee's role to consider government policy. This committee was dealing with uniform legislation, and it was a matter of determining whether the Bills presented to this House dovetailed with the legislation in the Commonwealth and other States and suited the purpose of this State, other than in policy terms. I note that the committee has sent letters requesting written submissions to 57 stakeholders and interested parties. The committee and this Parliament needs to know before the Bills are debated whether there are any glaring concerns and whether any major stakeholders or interested parties want to say something that they would otherwise not have the opportunity to say. I refer to the section on petitions that have been finalised. The committee received a petition asking for a moratorium on genetically engineered products. The report states -

The matter involved the Gene Technology Bill 2001 and Gene Technology Amendment Bills 2001 that are to be considered by the House, therefore the matter will be dealt with during debate.

Under Standing Order No 230A, the committee cannot consider policy when considering a Bill. However, I suggest that when dealing with a petition, there is the opportunity to bring forward arguments that might suggest that that policy is deficient. I wonder whether this is around the wrong way. The petition might have allowed the committee to collate this information. The previous constitutional affairs committee used to do exactly as this committee has done. It would not look at policy. That was the Government's concern. The committee's role was not to try to change policy, unless it found a glaring error that it needed to point out to the House by way of a report. We dealt with a similar circumstance with the euthanasia debate. The Democrats had introduced a Bill, and there was also a motion on notice and a petition - all manner of things. A petition was presented and referred to the committee. The House had the opportunity to debate the Bill and the motion. The constitutional affairs committee went to Darwin when there was talk of the Northern Territory becoming a State. It had the opportunity on that trip to talk with Dr Philip Nitschke and a number of people well versed in palliative care. Although the committee had no intention of trying to draw conclusions from the information it received, it wrote a report on the issues, putting forward the positives and the negatives as expressed to it. We presented that information to the Parliament so that when the Bill or the motion on euthanasia was debated, people could refer to that report and, having checked certain things for themselves, contribute to that debate. I think we had a much more meaningful debate.

Hon NORMAN MOORE: I commend the committee on providing the sessional report because it gives us an indication of where things are at. We all know that it takes more time than it should to do things, and it is important that we are kept advised about the progress of particular issues.

I refer to the comments of Hon Louise Pratt. There was a Bill to modify the effect of prorogation. This place passed it three times during the previous Labor Government's term. The Government had advice that the Assembly needed an absolute majority or a referendum to pass that Bill, with which this place did not agree. That was designed to overcome the problem that Hon Louise Pratt talked about. The intention was that the committees could continue to operate during prorogation. I think the Government should reconsider that. It was part of the message we sent to the other place during the recent dispute about where certain Bills were at prorogation. It needs to be looked at by the Parliament, and I hope the Government does that.

My contribution is about the Alcoa World Alumina Australia refinery at Wagerup inquiry. I have raised this matter on a couple of occasions. My concern is that this ongoing inquiry, combined with a vendetta being waged by at least one journalist in Western Australia, is not doing anything for the future of Alcoa in Western Australia. As the shadow minister for resources development, I have taken a very long and particular interest in the activities of companies such as Alcoa, and although I acknowledge that they have no right to poison people, they are entitled to a fair hearing and to take their business offshore. I made plans during the last parliamentary break to visit Kingston, Jamaica, where Alcoa operates. I was invited by an Alcoa executive. He is the manager of the refinery in Kingston but is also part of the board of Alcoa World Alumina Australia. I wanted to talk to the company because the executive had indicated to me that Alcoa had significant prospects in other parts of the world and that what was happening in Western Australia was very unhelpful. I was encouraged by the comments of the Minister for State Development at a recent function I attended, at which the Golden Gecko Awards for Environmental Excellence in the mining industry were presented. In his speech, the minister made reference to unsubstantiated allegations about mining companies causing serious damage to individuals and the environment. No-one was left in any doubt that he was referring to the situation at Alcoa. It was a good speech generally, but that particular comment evoked instantaneous applause from the people in the industry. That demonstrated that they are also concerned about this matter. There is an issue of sovereign risk if nations do not

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at least present a balanced position on resource development. As the company has other opportunities elsewhere in the world, we must be very careful if we want to retain this particular industry in our State.

Alcoa had every intention of expanding the Wagerup refinery. I am told that that will not proceed, partly because of the controversy surrounding its operations. I understand that it has also advised its employees that the operation at Wagerup may not continue. That is cause for great alarm because Alcoa is, in my opinion, a very good corporate citizen of Western Australia and provides a significant contribution to our economy. It had an opportunity to grow its business in Western Australia, and I am concerned that that will now not happen. One of the reasons I wanted to go to Jamaica and talk to Alcoa was to indicate that the Opposition and I presume the Government are very anxious for the company to remain and expand its operation here. I also wanted to indicate that, in the big picture, ongoing parliamentary committee inquiries and the vendettas of journalists should not be of concern to Alcoa. I hope that the committee can come to a conclusion on this matter reasonably soon. The inquiry started in November last year, and we are told that it is likely to be completed in the first half of 2003. That is an ongoing scenario. My concern is not that the committee is inquiring into this but that every time it has an open hearing, it provides a forum for people to put forward arguments that in many cases are plainly wrong, and the media have an opportunity to report those comments in their newspapers and so on in a way that does not assist the cause of Western Australia in retaining a company such as Alcoa. Although the committee has a job to do, and it is important that it does its job, I hope that it can do it more quickly than it proposes and that it at least takes care about the way its inquiries are used by certain media personalities to attack Alcoa.

Debate interrupted, pursuant to standing orders.

Sitting suspended from 1.00 to 2.00 pm