

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 54

WEDNESDAY, APRIL 9 2003

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. New Order 313 - Consideration of Annual Estimates - Appointment of Committee on Estimates and Expenditure

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

That for the purpose of considering the Estimates and Expenditure for the fiscal year 2003-04 the following order be made -

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313. Consideration of Annual Estimates

- 1 A committee of the whole (the “Estimates Committee”) is appointed to consider the Annual Estimates of Expenditure and related documents (the “Budget Papers”) which, on being tabled, stand referred to the Estimates Committee accordingly.
- 2 The Chairman of Committees, acting with the advice of the committee established under SO 125A, is to determine -
 - (a) the Votes in the Budget Papers to be considered and the order in which they will be considered;
 - (b) for each Vote, the day and time for its consideration;
 - (c) the final date for lodging questions on notice (if any) relating to each Vote; and
 - (d) cause a copy of that determination to be given to each member, each minister, and the chief executive officers of the departments or other State instrumentalities whose operations are wholly or partly funded from the Votes determined under paragraph (a).
- 3 Any variation or cancellation of a determination is to be made, if practicable, in accordance with the requirements of subclause 2.
- 4 The Chairman of Committees is the Chairman of the Estimates Committee and has those powers necessary or incidental to the maintenance of the orderly conduct of its proceedings.

- 5 When considering a Vote -
 - (a) there is no question to be resolved;
 - (b) members may ask oral questions of the appropriate minister in the Council and, with the minister's consent but subject nonetheless to SO 331, of any person appearing with that minister.
- 6 The Estimates Committee is not to require the attendance of a person by name or office unless the person is authorized or required by law to perform a function with a public purpose and there is no capacity for a minister -
 - (a) to give directions as to the manner or occasion when the function is to be performed, or
 - (b) to alter or nullify an effect resulting from a performance of the function.
- 7 Not later than 1 sitting day after the day on which the question for the second reading of a bill appropriating the Consolidated Fund for the ordinary annual services of the Government is first put, the Estimates Committee may report on any matter arising from its consideration of the Budget Papers.
- 8 Standing order 234 does not apply to a bill that appropriates the Consolidated Fund in accordance with the Budget Papers if, when it is read a second time, no notice has been given of a motion for a purpose permitted under section 46 of the *Constitution Acts Amendment Act 1899*, and in such a case the question for the third reading is to be put immediately.
- 9 The House stands adjourned over each day that is subject to a determination under subclause 2(b).
- 10 Despite subclause 9, if satisfied by the Leader of the House that a matter requires the immediate attention of the House, the President may recall the House to sit on such a day at a specified time, and any proceedings of the Estimates Committee on that day are suspended for the duration of the sitting.
- 11 The business to be transacted on a day provided for in subclause 10 is that determined by the Leader of the House and need not be confined to consideration of the matter for which the House is recalled.

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3. Order of Business

The Leader of the House moved, That Order of the Day No. 108 be now taken.

Debate ensued.

Question - put and passed.

4. Environmental Protection Amendment Bill 2002

The Order of the Day having been read.

The Leader of the House moved, without notice -

That the *Environmental Protection Amendment Bill 2002* be discharged and referred to the Standing Committee on Legislation and is to report to the House not later than May 16 2003.

Debate ensued.

Question - put.

The House divided.

Ayes (21)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Paddy Embry
Hon Adele Farina
Hon John Fischer
Hon Peter Foss
Hon Graham Giffard
Hon Nick Griffiths

Hon Ray Halligan
Hon Frank Hough
Hon Barry House
Hon Norman Moore
Hon Louise Pratt
Hon Barbara Scott
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (4)

Hon Dee Margetts
Hon Jim Scott

Hon Christine Sharp
Hon Robin Chapple (*Teller*)

Question thus passed.

5. City of Perth - Amendment to the Perth Parking Local Law 1999 - Disallowance

Hon Ray Halligan, by leave, gave notice that at the next day of sitting he will move -

That the *City of Perth - Amendment to the Perth Parking Local Law 1999* published in the *Gazette* on February 7 2003 and tabled in the Legislative Council on March 4 2003, under the *Local Government Act 1995*, be and is hereby disallowed.

6. Local Court Amendment Rules (No. 2) 2002 - Disallowance

Hon Ray Halligan, by leave, gave notice that at the next day of sitting he will move -

That the *Local Court Amendment Rules (No. 2) 2002* published in the *Gazette* on December 20 2002 and tabled in the Legislative Council on March 4 2003, under the *Local Courts Act 1904*, be and is hereby disallowed.

7. Port Authorities Amendment Regulations 2003 - Disallowance

Hon Ray Halligan, by leave, gave notice that at the next day of sitting he will move -

That the *Port Authorities Amendment Regulations 2003* published in the *Gazette* on January 31 2003 and tabled in the Legislative Council on March 4 2003, under the *Port Authorities Act 1999*, be and are hereby disallowed.

8. University of Western Australia - Amending Statute No. 3 of 2002 - Disallowance

Hon Ray Halligan, by leave, gave notice that at the next day of sitting he will move -

That the *University of Western Australia - Amending Statute No. 3 of 2002* published in the *Gazette* on January 24 2003 and tabled in the Legislative Council on March 4 2003, under the *University of Western Australia Act 1911*, be and is hereby disallowed.

9. Unclaimed Money (Superannuation and RSA Providers) 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.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

10. Reserves (Dampier to Bunbury Natural Gas Pipeline Corridor) Bill 2002

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

Debate resumed.

Interruption pursuant to Sessional Order.

11. Perth Urban Rail Development - Tabling of Questions and Referral to Standing Committee on Public Administration and Finance

Motion No. 9 having been called, pursuant to Sessional Order.

Debate resumed on the amendment of Hon Simon O'Brien as follows -

In paragraph (1)(b) -

- (1) Lines 3 and 4, by deleting the words "and thereafter and with such other witnesses as directed by that Committee".
- (2) By inserting a line 5 after the word "itself" the following -
" from that and such other witnesses as the Committee may order "

to the motion of Hon Peter Foss as follows -

- (1) That the Parliamentary Secretary to the Minister for Planning and Infrastructure do -
 - (a) table in the House at the next sitting day three calendar days after the making of this order, full and complete answers to all the questions of which notice was given with respect to the Perth Urban Rail Development Proposal for the hearing by the Estimates Committee for the 2002-2003 Budget together with all the documents requested by those questions;
 - (b) attend before the Standing Committee on Public Administration and Finance at its next meeting after such tabling and thereafter and with such other witnesses as directed by that Committee in order that the Committee may satisfy itself as to the adequacy of such answers and tabling, and on any other matters arising out of those answers or which as a result of its inquiries the Standing Committee consider appropriate to inquire into.
- (2) The Standing Committee do generally inquire into and maintain Parliamentary supervision over the Perth Urban Rail Development and report to the House; and
- (3) The Standing Committee do report to the House -
 - (a) with respect to the compliance of the Parliamentary Secretary with part (1)(a) of this order no later than three sitting days after the making of this order; and
 - (b) with respect to compliance with part (1)(b) of this order, and any other matters related thereto, no later than December 3 2003;
 - (c) otherwise, as the Committee deems fit from time to time.

Question, That part (1) of the amendment moved by Hon Simon O'Brien be agreed to - put and passed.

Question, That part (2) of the amendment moved by Hon Simon O'Brien be agreed to - put and negatived.

Question, That the motion, as amended be agreed to.

Debate ensued.

Question - put.

The House divided.

Ayes (13)

Hon George Cash
Hon Paddy Embry
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough
Hon Barry House

Hon Norman Moore
Hon Simon O'Brien
Hon Barbara Scott
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Noes (14)

Hon Kim Chance
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Graham Giffard
Hon Nick Griffiths

Hon Dee Margetts
Hon Jim Scott
Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Question thus negatived.

12. Commonwealth Road Funding - Personal Explanation

The Parliamentary Secretary to the Minister for Planning and Infrastructure, by leave, made a personal explanation [SO 85] regarding the Commonwealth Road Funding.

13. Select Committee into Water Services - Establishment

Hon Norman Moore pursuant to notice, moved -

- (1) A Select Committee is appointed to inquire into and report on the issues confronting Western Australia that arise from, or relate to, the present and future supply, retention, and maintenance of water services throughout the State.
- (2) The Committee has power to send for persons, papers and records.
- (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 June 3 2003.

Debate ensued.

Hon Dee Margetts moved -

In paragraph (1) -

- (1) After the word "future" - To insert "sustainable"; and
- (2) After the word "supply," - To insert "quality,"

Debate ensued.

Interruption pursuant to Sessional Order.

14. Questions Without Notice

Questions without notice were taken.

15. Member's Statement

Statements were taken.

16. Adjournment

Pursuant to Sessional Order 2(2) the House adjourned at 5.57pm until Thursday, April 10 2003 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robyn McSweeney.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council