

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 63

THURSDAY, 3 APRIL 2014

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Ministerial Statement — National Partnership Agreement on Homelessness

The Minister for Child Protection made a Ministerial Statement with respect to the development of the 2014–15 National Partnership Agreement on Homelessness.

3. Public Schools – Funding Cuts

Non-Government Business No. 1 having been called, Hon Sue Ellery moved, without notice —

That this House —

- (a) condemns the Liberal-National Government for cutting funding to every public school in Western Australia and for its misleading statements in relation to these cuts; and
- (b) calls on the Liberal-National Government to reassure parents of children in public schools that there will be no further cuts to schools in the May Budget.

Debate ensued.

Hon Alanna Clohesy, by leave, tabled a document in relation to public school funding cuts. (Tabled Paper 1362).

Debate resumed.

Motion lapsed.

4. Youth Services - Funding

Private Members' Business No. 1 having been called, Hon Dave Grills moved, without notice —

That this House, in light of the commencement of National Youth Week on Friday, urges the Federal Government to allocate adequate and continued funding to youth services to ensure the needs of young Western Australians are met.

Debate ensued.

Motion lapsed.

5. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 — Disallowance*, 4, *Children's Court (Fees) Amendment Regulations 2013 — Disallowance*, 5, *Civil Judgments Enforcement Amendment Regulations 2013 — Disallowance*, 6, *Coroners Amendment Regulations 2013 — Disallowance*, 7, *District Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 8, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 — Disallowance*, 9, *Magistrates Court (Fees) Amendment*

Regulations (No. 2) 2013 — Disallowance, 10, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 — Disallowance*, 11, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, and 13, *State Administrative Tribunal Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 15, *Taxi Drivers Licensing Bill 2013*. (Leader of the House).

6. Government Railways (Parking Stations) Amendment By-law 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljana Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Government Railways (Parking Stations) Amendment By-law 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

7. Public Transport Authority Amendment Regulations 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljana Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Public Transport Authority Amendment Regulations 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

8. Water Services Regulations 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljana Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 12, *Water Services Regulations 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

9. Mining Legislation Amendment Bill 2013

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 the Leader of the House the debate was adjourned to the next sitting.

10. Workforce Reform Bill 2013

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Alanna Clohesy in the Chair)

Clause 9.

Debate resumed.

Clause agreed to.

Clauses 10 to 12 agreed to.

Clause 13.

Debate ensued.

The Deputy Chair moved —

Page 8, lines 12 and 13 — To delete the lines.

Debate ensued.

Point of Order

The Minister for Commerce raised the following Point of Order —

Hon Ken Travers attributed deliberate misinformation and falsehood on the part of another Member of this Parliament in another place who is not capable of explaining or defending those comments. That is unparliamentary. I would appreciate your ruling on this subject, Mr Deputy Chair.

Deputy Chair's Ruling

The Deputy Chair ruled as follows —

Under Standing Order 45, all imputations of improper motives and all personal reflections on Members shall be considered highly disorderly. In this case, the point of order was raised because it was said that someone was lying. That is different from saying that they may be wrong. To say that someone is lying is imputing improper motives and using unparliamentary language. I request that the Member withdraw that particular section.

Hon Ken Travers withdrew his remark.

Debate resumed.

Amendment — put.

The Committee divided.

Ayes (8)

Hon Alanna Clohesy
Hon Kate Doust
Hon Sue Ellery
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Amber-Jade Sanderson
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

Noes (17)

Hon Ken Baston
Hon Jacqui Boydell
Hon Paul Brown
Hon Jim Chown
Hon Peter Collier
Hon Brian Ellis
Hon Donna Faragher
Hon Nick Goiran
Hon Dave Grills

Hon Nigel Hallett
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Michael Mischin
Hon Helen Morton
Hon Phil Edman (*Teller*)

Amendment thus negatived.

The Minister for Commerce moved —

Page 8, lines 22 to 27 — To delete the lines and insert —

- (2A) Regulations referred to in subsection (1) must specify which parts of the Public Sector must comply with the regulations.

Debate ensued.

Question — put and passed.

Question, That the clause, as amended, be agreed to — put.

The Committee divided.

Ayes (16)

Hon Ken Baston
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills

Hon Nigel Hallett
 Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Helen Morton
 Hon Phil Edman (*Teller*)

Noes (8)

Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Lynn MacLaren

Hon Ljiljanna Ravlich
 Hon Amber-Jade Sanderson
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause, as amended, agreed to.

Clause 14.

The Minister for Commerce moved —

Page 10, lines 15 to 17 — To delete the lines.

Debate ensued.

Amendment — put and passed.

Hon Kate Doust moved —

Page 10, line 23 — To delete “whether made before.”.

Debate ensued.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Planning, by leave incorporated into Hansard, information in relation to sites affected by land and buildings on the Local Government Heritage Register, in response to a question without notice asked by Hon Ljiljanna Ravlich.

The Minister for Education, by leave incorporated into Hansard, information in relation to an asbestos containing materials audit completed for all Western Australian schools, in response to a question without notice asked by Hon Samantha Rowe.

The Minister for Mental Health tabled a document in relation to the number of staff at Older Adult Mental Health Services in 2011–12, 2012–13 and 2013–14 at Joondalup, Osborne Park, Selby, Swan and Inner City, in response to question on notice No. 785 asked by Hon Stephen Dawson. (Tabled Paper 1363).

The Minister for Mental Health tabled a document in relation to the results of an Australian Council on Health Care Standards onsite survey, in response to question on notice No. 786 asked by Hon Stephen Dawson. (Tabled Paper 1364).

12. Workforce Reform Bill 2013

Resumption of consideration of this Bill in Committee of the Whole House (*see item 10 above*).

The President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 14.

Debate resumed on the amendment of Hon Kate Doust as follows —

Page 10, line 23 — To delete “whether made before,”.

The Minister for Commerce moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

13. Members’ Statements

Statements were taken.

14. Adjournment

The Council adjourned at 5.27pm until Tuesday, 8 April 2014 at 3.00pm.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Robin Chapple, Hon Stephen Dawson, Hon Adele Farina, Hon Alyssa Hayden, Hon Simon O’Brien, Hon Sally Talbot and Hon Darren West.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council