

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 150

TUESDAY, 22 SEPTEMBER 2015

1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

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

2. Message from Her Excellency the Governor — Assent to Bills

The President reported the receipt of a Message from Her Excellency the Governor assenting to the following Bills —

17 September 2015 — Message No. 35	Act No.
Rail Safety National Law (WA) Bill 2014	21 of 2015
Constitution Amendment (Recognition of Aboriginal People) Bill 2015	22 of 2015
Children and Community Services Legislation Amendment and Repeal Bill 2014	23 of 2015

3. Statement by President — Reading Of Speeches — Standing Order 36 — Point Of Order

The President made the following Statement —

Last Wednesday afternoon, Hon Liz Behjat, in her capacity as Acting President, advised the House that she would refer to me the issues of members reading their speeches and the use of quotations in member's speeches. The reference arose from a Point of Order relating to a Member's speech that contained quotations from multiple documents prepared by other persons. Legislative Council Standing Order 36 states —

Except when introducing a Bill or by leave of the President, a Member shall not read a speech.

Apart from the two express exceptions stated in the Standing Order, there are, a number of exceptions that have developed through custom and practice. These include a Member's inaugural speech, ministerial statements and statements of chairs of Standing and Select Committees when presenting reports. Motions and other procedures that require precision of language are also routinely read from prepared documents. Members may refresh their memory by reference to notes when making their speeches. Previous rulings have observed that some Members may refer to more notes than others and that speakers dealing with technical or complex issues are given greater latitude.

Accordingly, there has tended to be some degree of leniency shown from the Chair with respect to the enforcement of this Standing Order. This is consistent with the practice in other jurisdictions, some of which have even abolished their equivalent Standing Order. As stated in *Erskine May, Parliamentary Practice, Twenty-first edition* —

Unless appealed to, the chair does not normally intervene to enforce the rule against reading a speech; and, unless there is good ground in the interests of the debate for

intervening, the matter is usually passed off with a remark to the effect that the notes used by the Honourable Member appear to be unusually full, or the honourable Member has provided himself with rather copious notes.

The rule against reading speeches is designed to ensure two primary objectives. The first is to preserve an interactive debate. This depends upon successive speakers addressing in their speeches to some extent the arguments of earlier speeches. This cannot be achieved under a regime of set speeches prepared beforehand without reference to each other. The second is to ensure that Members speak in this place on behalf of themselves and their electorates and do not deliver speeches by an outside interest as if they were the Member's own words.

This brings me to the issue of Members devoting a substantial portion of their speech to quoting from a large number of documents written by other persons, such as letters, emails, newspaper articles and submissions. Erskine May notes that a Member may read extracts from documents, but such extracts and quotations should be reasonably short. The accepted practice in this House is that in the course of their speeches, Members may quote from documents authored by other people if this is necessary to directly support a particular point that the Member is making. The point being made must, of course, be relevant to the debate and the quotation should conform to the Standing Orders. For example, a quotation must not make imputations of improper motives or personal reflections on Members or contain offensive words. The document must be identified in accordance with Standing Order 59.

Depending on the nature of the debate, reference to such documents may be greater than at other times, particularly when a matter has been the subject of much public debate. However, debates of a procedural nature, in which the scope of debate is narrow, do not usually lend themselves to the quoting of documents. As such, I do not believe that it is possible to draw an arbitrary line as to the number and extent to which documents may be quoted in a single speech. This will depend upon the circumstances of each case and in particular the scope of the debate. In my view extraneous materials, if required at all, should be quoted only when they can directly assist rather than supplant the Member's own argument.

As with the issue of what may appear to be the reading of a pre-prepared speech, it is the Chair, when responding to a Point of Order, who determines whether or not the quoted extracts conform with the Standing Orders or custom and practice of this House. In cases in which the quotation of extraneous materials is not relevant, supports repetitive arguments or otherwise falls outside the rules, the Member may be brought to order by the Chair.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Institute of Sport (WAIS) (2014–2015) (Date received 22/09/2015)..... 3293

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Minister for Mental Health

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State Library of Western Australia (2014–2015) (Date received 22/09/2015).....	3307
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Art Gallery of Western Australia (2014–2015) extension of time (Date received 22/09/2015).....	3308
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Local Government Act 1995 (Local Government (Functions and General) Amendment Regulations 2015 G.G. 18/09/2015).....	3310
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State Emergency Management Committee and Secretariat (2014–2015) (Date received 21/09/2015).....	3315
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Building Act 2011 (Building Amendment Regulations 2015 G.G. 15/09/2015).....	3316
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Professional Standards Council — Financial Statements for the year ending 30 June 2015.....	3317
Minister for Agriculture and Food	
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Agricultural Produce Commission (2014–2015) (Date received 17/09/2015).....	3318
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Minister for Housing	
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Burswood Park Board (2014–2015) (Date received 21/09/2015).....	3320
Gaming and Wagering Commission (2014–2015) (Date received 21/09/2015).....	3321
Gascoyne Development Commission (2014–2015) (Date received 22/09/2015).....	3322
Great Southern Development Commission (2014–2015) (Date received 22/09/2015).....	3323
Landgate (2014–2015) (Date received 22/09/2015).....	3324
Liquor Commission (2014–2015) (Date received 21/09/2015).....	3325
Mid-West Development Commission (2014–2015) (Date received 22/09/2015).....	3326

Parliamentary Secretary representing the Minister for Health

By-laws —

Hospitals and Health Services Act 1927 (Metropolitan Health Service Amendment By-laws (No. 2) 2015 G.G. 18/09/2015 and Peel Health Services Revocation By-laws 2015 G.G. 18/09/2015)..... 3327

5. Railway (Forrestfield-Airport Link) Bill 2015

The President reported the receipt of Message No. 120 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Transport moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Transport moved, That the Bill be read a second time.

The Parliamentary Secretary representing the Minister for Transport tabled a report entitled *Extension of Urban Railway Network – Enabling Legislation Forrestfield-Airport Link*. (Tabled Paper 3328).

The Parliamentary Secretary representing the Minister for Transport tabled a map of the proposed Forrestfield-Airport Link. (Tabled Paper 3329).

The Parliamentary Secretary representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3330).

Debate stands adjourned.

6. Western Australian Health Promotion Foundation Bill 2015

The President reported the receipt of Message No. 121 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Health moved, That the Bill be read a second time.

The Parliamentary Secretary representing the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3331).

Debate stands adjourned.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Fremantle Plastic Bag Reduction Local Law 2015 — Disallowance*, and 2, *Regulation 6(1) of the Conservation and Land Management Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 14, *Conservation and Land Management Amendment Bill 2015*. (Leader of the House).

8. Revenue Laws Amendment Bill 2015

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

Debate resumed.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled documents in relation to projected funding for students in 2016, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 3332).

The Minister for Housing, by leave incorporated into *Hansard*, documents in relation to the number of vacant houses in the North East Metropolitan zone, in response to a question without notice asked by Hon Alanna Clohesy.

The Minister for Aboriginal Affairs, by leave incorporated into *Hansard*, documents in relation to sites that have been removed from the register of Aboriginal heritage sites, required to be maintained under s38 of the *Aboriginal Heritage Act 1972*, since 1 April 2015 and on what date the sites were considered not to be sites, in response to a question without notice asked by Hon Robin Chapple.

The Minister for Housing, by leave incorporated into *Hansard*, documents in relation to how many public housing properties were currently vacant in each suburb within the South Metropolitan region, in response to a question without notice asked by Hon Kate Doust.

The Attorney General on behalf of the Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to travel undertaken by employees of the South West Institute of Technology in November 2014, in response to question on notice No. 3340 asked by Hon Adele Farina. (Tabled Paper 3333).

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to the total full-time enrolments at Western Australian non-government schools as at the second semester census for 2015, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to the total full-time enrolments at Western Australian public schools as at the second semester census for 2015, in response to a question without notice asked by Hon Sue Ellery.

10. Statement by President — Members of Parliament (Financial Interests) Act 1992

The President made the following Statement —

I remind Members to lodge their annual returns under the *Members of Parliament (Financial Interests) Act 1992* for the 2014–2015 financial year with the Acting Deputy Clerk. I note that Thursday of this week is the last sitting day before the 30 September statutory deadline for the lodgement of returns.

11. Revenue Laws Amendment Bill 2015

Debate resumed on the second reading of this Bill (*see item 8 above*).

Interruption pursuant to order.

12. Members' Statements

Statements were taken.

13. Adjournment

The Council adjourned at 9.54pm until Wednesday, 23 September 2015 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robyn McSweeney and Hon Amber-Jade Sanderson (*leave of absence*).

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council