

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 47

WEDNESDAY, 11 DECEMBER 2013

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### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

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

### 2. Statement by President — Sitting Suspensions

The President made the following Statement —

I advise Members that the House will break for dinner tonight between 6.00 pm and 7.00 pm. That information was not contained in the statement yesterday. I remind Members that at afternoon tea today, we will use the few minutes available to make a presentation to the former Clerk, Malcolm Peacock, and introduce Members to the new Clerk, Nigel Pratt.

### 3. Petitions

Hon Adele Farina presented a petition from 304 petitioners requesting the Legislative Council to oppose the removal of provisions in the *Local Government Act 1995* that allow local governments and residents to make submissions on proposals for boundary changes that affect them to the Local Government Advisory Board. (Tabled Paper 1125).

Hon Lynn MacLaren presented a petition from 381 petitioners requesting the Legislative Council to oppose a Great White Shark cull. (Tabled Paper 1126).

### 4. Ministerial Statement — Commissioner for Victims of Crime

The Attorney General made a Ministerial Statement with respect to the first 100 days of operation of the Commissioner for Victims of Crime.

### 5. Same-Sex Marriage Bill 2013

Hon Lynn MacLaren: To move on the next day of sitting —

That a Bill for “An Act to provide for the following —

- same-sex marriages between adults;
- authorisation of celebrants to solemnise same-sex marriages;
- amendments to the *Births, Deaths and Marriages Registration Act 1998* to provide for the registration of same-sex marriages;
- amendments to the *Family Court Act 1997* to provide for the dissolution and annulment of same-sex marriages and for related financial matters;
- consequential amendments to other Acts;

and for related purposes.” be introduced and read a first time.

## 6. Liberal Party — Election Claims

Motion No. 1 having been called, debate resumed on the motion of Hon Ken Travers as follows —

That the Legislative Council condemns Premier Barnett and the Liberal Party for misleading the people of Western Australia during the March 2013 State Election, when they claimed they had a “*fully funded, fully costed*” plan for Western Australia.

### *Point of Order*

The Minister for Mental Health raised the following Point of Order —

Mr President, I believe that the Member is suggesting that the Minister for Education lied. I think that is taking it a bit too far.

### *President’s Ruling*

The President ruled as follows —

I think it is all in the context of how the word is used. If the Member on her feet had stood up and pointed to a Member somewhere in the chamber and said, “*You are a liar*”, that would definitely be unparliamentary. But I think it has become fairly commonplace now that the use of the word “*lie*” is applied to some policy or some statement without a direct accusation that the Member is a liar. That has become common usage in the community.

Question — put.

The Council divided.

### Ayes (10)

Hon Robin Chapple  
Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery

Hon Adele Farina  
Hon Lynn MacLaren  
Hon Ljiljanna Ravlich  
Hon Ken Travers  
Hon Samantha Rowe (*Teller*)

### Noes (18)

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 Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Phil Edman (*Teller*)

Motion thus negatived.

## 7. Order of Business

Ordered — That Order of the Day No. 1, *Metropolitan Region Scheme Amendment 1225/41 — Upper Swan Urban Precinct – Disallowance*, be taken after Order of the Day No. 14, *Workforce Reform Bill 2013*. (Leader of the House).

## 8. Minerals Research Institute of Western Australia Bill 2013

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 Parliamentary Secretary representing the Minister for Health, by leave incorporated into Hansard, a table in relation to persons employed in Western Australian hospitals by the Department of Health on a casual basis to act as interpreters, in response to a question without notice asked by Hon Kate Doust.

The Minister for Child Protection tabled, and by leave incorporated into Hansard, documents in relation to organisations and programs funded by the interim national Partnership Agreement on Homelessness, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 1127).

The Parliamentary Secretary representing the Minister for Health, by leave incorporated into Hansard, a table showing total daily ambulance ramping hours for metropolitan hospitals, in response to a question without notice asked by Hon Alanna Clohesy.

The Minister for Aboriginal Affairs tabled documents in relation to asbestos in derelict buildings in the Wangkatjunga community, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 1128).

The Minister for Education tabled documents in relation to schools where education assistants were employed fixed-term on October 10 2013, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1129).

The Minister for Mental Health, by leave incorporated into Hansard, a table in relation to total daily ambulance ramping hours for certain hospitals, in response to a question without notice asked by Hon Stephen Dawson.

The Minister for Education tabled documents in relation to funding for non-government organisations from the Department of Education, in response to question on notice No. 593 asked by Hon Sue Ellery. (Tabled Paper 1130).

The Minister for Education tabled documents in relation to demountable classrooms in use by each public secondary school in 2013, in response to question on notice No. 595 asked by Hon Sue Ellery. (Tabled Paper 1131).

The Minister for Education tabled documents in relation to demountable classrooms in use by each public primary school in 2013, in response to question on notice No. 596 asked by Hon Sue Ellery. (Tabled Paper 1132).

The Minister for Education, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 591 and 592 asked by Hon Ken Travers will be provided on Tuesday, 18 February 2014.

The Minister for Mental Health tabled documents in relation to patient number details of the Broome Mental Health Unit, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 1133).

## 10. Minerals Research Institute of Western Australia Bill 2013

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

Question — put and passed.

Bill read a second time.

The President left the Chair.

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### In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 92 agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum moved, That the Bill be read a third time.

The President having reported that the Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

# **11. Barrow Island Amendment Bill 2013**

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

Debate resumed.

Question — put.

The Council divided.

## **Ayes (27)**

Hon Ken Baston  
Hon Paul Brown  
Hon Jim Chown  
Hon Peter Collier  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Adele Farina  
Hon Nick Goiran  
Hon Dave Grills  
Hon Nigel Hallett  
Hon Alyssa Hayden

Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Ljiljanna Ravlich  
Hon Samantha Rowe  
Hon Sally Talbot  
Hon Darren West  
Hon Phil Edman (*Teller*)

## **Noes (2)**

Hon Lynn MacLaren

Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a second time.

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

The Leader of the House representing the Minister for State Development moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

# **12. Order of Business**

Ordered — That Order of the Day No. 14, *Workforce Reform Bill 2013*, be taken forthwith. (Leader of the House).

**13. Workforce Reform Bill 2013**

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

Hon Nick Goiran moved, without notice —

- (1) That Order of the Day No. 14, the *Workforce Reform Bill 2013*, be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 25 February 2014.
- (2) That the Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Question — put and passed.

Bill referred to the Standing Committee on Legislation.

**14. Order of Business**

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

**15. Members' Statements**

Statements were taken.

**16. Adjournment**

The Council adjourned at 9.26pm until Thursday, 12 December 2013 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Martin Aldridge, Hon Liz Behjat, Hon Jacqui Boydell and Hon Amber-Jade Sanderson.

**NIGEL LAKE**

Acting Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council