

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 18**  
**WEDNESDAY, 16 AUGUST 2017**

**1. Meeting of Council**

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

**2. Statement by President — Election of a Senator — Mr Slade Brockman**

The President made the following Statement —

I have the honour to inform Members that at a joint sitting of the Houses of Parliament of the State of Western Australia held in Perth on 16 August 2017, the Members of such Houses, sitting and voting together in pursuance of section 15 of the *Commonwealth of Australia Constitution Act*, did choose William Edward Slade Brockman of 2/16 Coode Street, South Perth, Western Australia, to hold the place vacated by former Senator Chris Back.

**3. Papers**

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**4. Bunbury-Harvey Regional Council Standing Orders Local Law 2017 — Disallowance**

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Bunbury-Harvey Regional Council Standing Orders Local Law 2017* published in the *Gazette* on 10 May 2017 and tabled in the Legislative Council on 18 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 186).

**5. City of South Perth Waste Local Law 2017 — Disallowance**

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of South Perth Waste Local Law 2017* published in the *Gazette* on 5 May 2017 and tabled in the Legislative Council on 18 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 197).

**6. Electricity (Licensing) Amendment Regulations 2017 — Disallowance**

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Electricity (Licensing) Amendment Regulations 2017* published in the *Gazette* on 22 March 2017 and tabled in the Legislative Council on 18 May 2017 under the *Electricity Act 1945*, be and are hereby disallowed. (Tabled paper No. 200).

**7. Western Australia's Finances**

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

That this House condemns the former Liberal-National Government for its reckless mismanagement of the State's finances.

Debate ensued.

*Interruption pursuant to order.*

**8. Order of Business**

Ordered — That Orders of the Day Nos 1, *Firearms Amendment Regulations 2017*, and 2, *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016*, be taken after Order of the Day No. 3, *Statutes (Minor Amendments) Bill 2017*. (Leader of the House).

**9. Statutes (Minor Amendments) Bill 2017**

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.  
 The Deputy President left the Chair.

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**In Committee**

(Hon Simon O'Brien in the Chair)

Clause 1.  
 Debate ensued.  
 Clause agreed to.  
 Clause 2.  
 The Leader of the House representing the Attorney General moved —  
 Page 2, lines 8 and 9 — To delete the lines and insert:

(b) the rest of the Act — on the day after that day.

Debate ensued.  
 The Leader of the House representing the Attorney General tabled a letter from the Attorney General to Hon Michael Mischin, Chairman of the Standing Committee on Uniform Legislation and Statutes Review, regarding the *Statutes (Minor Amendments) Bill 2017*. (Tabled paper 410).  
 Debate resumed.  
 Amendment — put and passed.  
 Clause, as amended, agreed to.  
 Clauses 3 to 11 agreed to.  
 Clause 12.  
 The Leader of the House representing the Attorney General moved —  
 Page 5, line 25 — To delete the line and insert:

*Restraining Orders Act 1997* section 4(1);

Amendment — put and passed.  
 Clause, as amended, agreed to.  
 Clause 13 agreed to.  
 Title agreed to.

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The Acting President resumed the Chair.  
 Bill reported with amendments.  
 The Leader of the House representing the Attorney General sought leave to adopt the report.  
 Leave granted.  
 The Leader of the House representing the Attorney General moved, That the report be adopted.  
 Question — put and passed.  
 Report adopted.  
 The Leader of the House representing the Attorney General moved, without notice —  
 That so much of Standing Orders be suspended so as to enable the *Statutes (Minor Amendments) Bill 2017* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Leader of the House representing the Attorney General moved, That the Bill be read a third time.

The Acting President announced 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.

## **10. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to agency grant agreements with the Department of Health, in response to a question without notice asked by Hon Alison Xamon.

The Leader of the House representing the Minister for Child Protection, by leave, incorporated into *Hansard* an updated answer in relation to the termination of Emma White as Director General, in response to a question without notice asked by Hon Nick Goiran.

The Minister for Environment representing the Minister for Police, by leave, incorporated into *Hansard* an answer in relation to the Firearm Dealers, Repairers and Manufacturers Handgun Security Policy, in response to a question without notice asked by Hon Aaron Stonehouse.

The Minister for Regional Development tabled documents in relation to the distribution of funds relating to Mr Galati's legal proceedings, in response to a question without notice asked by Hon Colin Holt. (Tabled Paper 411).

### *Point of Order*

Hon Donna Faragher raised the following Point of Order —

The Minister in the other place needs to be reminded that this is the Legislative Council and referencing an answer given to the other place is not appropriate, so I ask, perhaps through a ruling, that that might be reflected back to the Minister in the other place.

### *President's Ruling*

The President ruled as follows —

When a Member submits a question in this House, they are not to know what is happening in the other place; in fact, our practice is that we do not know what is happening in the other place. The response that was provided, whereby the Member was asked to go back and look at *Hansard* from today's question time in the Assembly is, quite frankly, not acceptable. These types of matters have arisen a number of times in previous Parliaments, when Members have been asked to refer to websites or *Hansard* or other documents, and in the past when those matters have been raised as a point of order, previous Presiding Officers have also stated that it is an unacceptable practice. I know that in some cases on other occasions Ministers might have thought it was an appropriate response, but I do not think it is. Members asking a question should be afforded an appropriate response. I would perhaps encourage the Parliamentary Secretary on this occasion to go back to that particular Minister to seek the response to that question and perhaps provide it tomorrow as supplementary information.

## **11. Order of Business**

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

## **12. Members' Statements**

Statements were taken.

**13. Adjournment**

Council adjourned at 5.52pm until Thursday, 17 August 2017 at 10.00am.

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

Attendance: Present all Members except Hon Martin Aldridge.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON KATE DOUST MLC**

President of the Legislative Council