

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 16

THURSDAY, 27 JUNE 2013

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 — Evaluation of the Independent Public Schools Initiative

The Minister for Education made a Ministerial Statement with respect to the Evaluation of the Independent Public Schools Initiative undertaken by the University of Melbourne.

The Minister for Education tabled the *Evaluation of the Independent Public Schools Initiative Final Report, May 2013*. (Tabled Paper 383).

3. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Information Systems Audit (Report No. 11) (June 2013) 380

Leader of the House

Reports —

Interstate and Overseas Travel Undertaken by Members of Parliament Funded by the
Imprest System (for the three months ended 30 September 2012)..... 381

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Officers on Official Business (the three months ended 30 September 2012) 382

**4. Joint Standing Committee on the Corruption and Crime Commission — Report No. 3 —
Acting Parliamentary Inspector's report on a complaint by the Commissioner of Police
against the CCC**

Hon Nick Goiran presented Report No. 3 of the Joint Standing Committee on the Corruption and Crime Commission in relation to the *Acting Parliamentary Inspector's report on a complaint by the Commissioner of Police against the CCC*. (Tabled Paper 384).

5. Children's Court (Fees) Amendment Regulations (No. 2) 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Children's Court (Fees) Amendment Regulations (No. 2) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Children's Court of Western Australia Act 1988*, be and are hereby disallowed. (Tabled Paper 96).

6. Civil Judgments Enforcement Amendment Regulations 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Civil Judgments Enforcement Amendment Regulations 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Civil Judgments Enforcement Act 2004*, be and are hereby disallowed. (Tabled Paper 97).

7. Coroners Amendment Regulations 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Coroners Amendment Regulations 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Coroners Act 1996*, be and are hereby disallowed. (Tabled Paper 102).

8. District Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *District Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled Paper 106).

9. Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Evidence Act 1906*, be and are hereby disallowed. (Tabled Paper 108).

10. Magistrates Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Magistrates Court Act 2004*, be and are hereby disallowed. (Tabled Paper 119).

11. State Administrative Tribunal Amendment Regulations (No. 3) 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *State Administrative Tribunal Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed. (Tabled Paper 123).

12. Supreme Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Supreme Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled Paper 125).

13. Competition and Consumer (Tobacco) Amendment Information Standard 2012 (No. 1) — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Competition and Consumer (Tobacco) Amendment Information Standard 2012 (No. 1)* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Fair Trading Act 2010*, be and is hereby disallowed. (Tabled Paper 132).

14. City of Belmont Standing Orders Local Law 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Belmont Standing Orders Local Law 2012* published in the *Gazette* on 21 December 2012 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 57).

15. Town of Mosman Park Dogs Local Law 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Mosman Park Dogs Local Law 2012* published in the *Gazette* on 23 January 2013 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 60).

16. Building Amendment Regulations (No. 2) 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Building Amendment Regulations (No. 2) 2012* published in the *Gazette* on 18 December 2012 and tabled in the Legislative Council on 14 May 2013 under the *Building Act 2011*, be and are hereby disallowed. (Tabled Paper 91).

17. Shire of Broome Cemeteries Local Law 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Broome Cemeteries Local Law 2012* published in the *Gazette* on 19 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Cemeteries Act 1986*, be and is hereby disallowed. (Tabled Paper 54).

18. City of Fremantle Plastic Bag Reduction Local Law 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Fremantle Plastic Bag Reduction Local Law 2012* published in the *Gazette* on 22 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 59).

19. Young Offenders (Detention Centre) Order 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Young Offenders (Detention Centre) Order 2013* published in the *Gazette* on 22 January 2013 and tabled in the Legislative Council on 14 May 2013 under the *Young Offenders Act 1994*, be and is hereby disallowed. (Tabled Paper 89).

20. Young Offenders (Detention Centre) Order (No. 2) 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Young Offenders (Detention Centre) Order (No. 2) 2013* published in the *Gazette* on 1 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Young Offenders Act 1994*, be and is hereby disallowed. (Tabled Paper 89).

21. Proposed New Football Stadium

Hon Ken Travers: To move on the next day of sitting —

That this Council directs the Leader of the House to table within six sitting days a copy of all minutes, notes or other records of any meetings between the Premier Hon Colin Barnett and members of the Western Australian Football Commission at which a proposed new stadium was discussed.

22. Environmental Agencies — Funding

Hon Sally Talbot: To move on the next day of sitting —

That this Council condemns the Barnett Government for its failure to fund its environmental agencies to ensure adequate environmental regulation.

23. Pastoral Lands — Sustainability

Hon Sally Talbot: To move on the next day of sitting —

That this Council condemns the Barnett Government for its failure to assess viability and ecological sustainability of Western Australia's pastoral lands as a basis for future land use beyond 2015.

24. Graylands Hospital and the Frankland Centre

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

That this Council calls on the State Government, as a matter of urgency, to explain why the proper checks and balances have not been in place to ensure that the admission, examination and treatment of patients at Graylands Hospital and the Frankland Centre is carried out in accordance with the law.

Debate ensued.

Point of Order

Hon Nick Goiran raised the following Point of Order —

Unless my memory is failing me, I recall that last week there was some discussion about people implying the behaviour of other Members. I ask the honourable Member to withdraw her comment indicating that someone on this side might have smiled, because it is totally unnecessary for her to do it.

The problem with the Member making that comment is that it seems to imply something. I ask the Member to withdraw the comment.

President's Ruling

The President ruled as follows —

It is improper to infer the motives of another Member by alluding to some action or facial expression or something. The interjection I picked up during that short exchange was a questioning of the accuracy that the Member on her feet referred to, not anything to do with the facial impression implying some sort of attitude towards what was being said. The Member on her feet needs to be careful in implying the motives of other Members when making comments. If you wish to withdraw that comment, I invite you to do so.

Hon Sally Talbot withdrew her remark.

Debate resumed.

Point of Order

Hon Simon O'Brien raised the following Point of Order —

Mr President, my point of order is one I am loath to raise, as it is normally the prerogative of the President to take note of when a speech is being read. I respect that.

However, we have just heard a series of quite serious allegations directed at a Minister of the Crown about misleading the House and a range of other serious accusations as part of a prepared statement. The reason of course, Mr President, that we have that Standing Order, I appreciate it is your prerogative to take note of these things, is to ensure that when a Member addresses the House, and particularly if they are making serious allegations, it is their words and not words authored by someone outside this House. I am not suggesting that Hon Adele Farina does not write her own material, but we have that Standing Order for very good reason, and it is only because of the serious nature of the many allegations that were just made that I find myself raising this particular matter for your consideration.

President's Ruling

The President ruled as follows —

Standing Order 36 refers to the reading of speeches. As the Member indicated, the purpose of that Standing Order is very clear: it must be the Member's words that are spoken rather than someone else's words being brought into this Chamber. If any Member throughout that presentation had asked the Member on her feet to identify the document to which she was referring, I would have thought that a very reasonable request. I do not know whether it was a read speech or there were copious notes, but it is not up to me to request that the document be identified, but it is up to any other Member in the Chamber if they wish to make that request.

Debate resumed.

Motion lapsed.

25. Shire of Kellerberrin Dogs Local Law (2012) — Disallowance — Discharge from Notice Paper

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *Shire of Kellerberrin Dogs Local Law (2012) — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

26. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Ken Travers as follows —

To insert after “deliver to Parliament” —

but regrets to inform His Excellency that the Barnett Government has already broken a number of promises made during the March State Election campaign.

to the motion of Hon Liz Behjat as follows —

To His Excellency, Malcolm McCusker, Companion of the Order of Australia, Commander of the Royal Victorian Order, Queen's Counsel, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please your Excellency —

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech you have been pleased to deliver to Parliament.

Debate resumed.

Hon Adele Farina sought leave of the House to extend her speaking time.

Leave granted.

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

27. Duties Legislation Amendment Bill 2013

Point of Order

Hon Ken Travers raised the following Point of Order —

Mr Deputy President, while we are in between debates, I wish to raise a point of order concerning the *Duties Legislation Amendment Bill 2013*. At the conclusion of his second reading speech on this Bill, the Leader of the House said —

Pursuant to Standing Order 126(1), I advise that this Bill is not a uniform legislation Bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party...

It is interesting that all the way through the second reading speech, the Leader of the House indicated that it was a commitment of the Government to abolish the duties that are covered by this Bill under the Commonwealth–State financial arrangements. Therefore, this Bill is part of a Commonwealth Government agreement. Of course the difficulty with this Bill is that it does not give effect to that intergovernmental agreement but rather seeks to renege on our obligations under that agreement. Therefore, I am seeking guidance from the Chair as to whether a Bill that will have the opposite effect to what is contained in Standing Order 126 would be required to be referred to the Standing Committee on Uniform Legislation and Statutes Review. That is my first point.

Members might laugh, but I am more than happy to explain the reasoning. If we look at the direct negatives that are contained in this Bill, the Bill does relate to an intergovernmental agreement. I am suggesting that the Bill could potentially be amended, remembering that this Bill has a number of provisions, to extend the period when the scheduled abolition of this duty will come into place. If the Bill was amended in that way, I think it is more than arguable that this Bill is impacted by an intergovernmental agreement. That is the first point. There are then second and third points about what should happen should this Bill be considered to be an intergovernmental agreement. So the first point is whether it is the view of the Chair that this Bill is captured under Standing Order 126.

The second issue that I am raising as a point of order is whether, with the construction of new Standing Order 126, compared with former standing order 230A, there is an opportunity for the Chair to make a ruling that the Bill is covered by Standing Order 126, despite the fact that the Leader of the House has indicated to the House that it is not covered by Standing Order 126, or whether the only option available to Members on this side of the House is to move a motion to refer the Bill to the Uniform Legislation Committee under Standing Order 126. I also seek guidance as to whether, if we were successful in that motion, the terms of reference of the Standing Committee on Uniform Legislation and Statutes Review would enable that Committee to look at the matters necessary to protect the state's interests.

I raise these points of order with you, Mr Deputy President, for the simple reason that the clear intent of Standing Order 126 is to protect the interests of the State. That is the purpose for which the original Standing Order 230A was included in the Standing Orders, and that is why

Standing Order 126 is now included in the Standing Orders. There is a real risk to the State that by passing this Bill that reneges on an intergovernmental agreement, other aspects of that intergovernmental agreement may be impacted. That includes the removal of Commonwealth grants that will come to the State under that intergovernmental agreement. It is very important that this House has a full understanding of those issues before we move to the debate on this Bill.

So I would ask you, My Deputy President, to give us a ruling on the matters that I have outlined, I am happy to go through them again if you need me to, before we make a decision about how we might proceed through the consideration of this legislation by the House.

I am seeking guidance from the Chair on three issues with respect to the Standing Orders. The first is whether the Bill is captured by Standing Order 126 under the way it is constructed and, therefore, whether the Leader of the House should have indicated that. The second is, Mr President, whether you have the capacity to now rule in that way under the current construction of 126 or whether the only option available to the House is the question under Standing Order 126(3) that the House would need to make the order. The third point I am seeking clarification on is with respect to the potential financial impacts on Western Australia of the passage of this *Duties Legislation Amendment Bill* and, even if it is ordered by the House to be referred to the Standing Committee on Uniform Legislation and Statutes Review, whether the Committee can consider the Bill in light of its current restrictions with respect to sovereignty. I would like your clarification on those three points, Mr President, because this is a new Standing Order. Depending on your ruling, we can make a decision about how the House proceeds.

The President left the Chair at 2.12pm.

The President resumed the Chair at 2.22pm.

President's Ruling

The President ruled as follows —

The *Duties Legislation Amendment Bill 2013* contains amendments to unwind the scheduled abolition of transfer duty on non-real estate assets, such as business licences, goodwill and intellectual property. I understand the abolition will be revisited when its costs can be better accommodated in the State's budget. I note that Western Australia previously undertook to abolish this duty from 1 July 2010 as part of the goods and services tax agreement between the Commonwealth and all states and territories. This abolition was legislated for in the *Duties Legislation Amendment Act 2008*. However, in 2009 it was amended to defer the abolition date by three years to 1 July 2013. This was given effect in the *Revenue Laws Amendment Act 2010*.

I note that the *Revenue Laws Amendment Bill 2010* was not referred to the Standing Committee on Uniform Legislation and Statutes Review. Members should also read the eighth Procedure and Privileges Committee report, which was adopted by the House in 2006. The report provides some guidance on when a Bill should stand referred, and states —

If uniform legislation has been implemented by a previous Act then Bills that propose further amendments to that uniform legislation *have not stood referred unless* the particular Bill implements additional uniform legislation.

This *Duties Legislation Amendment Bill 2013* does not implement additional uniform legislation. A review by the Uniform Legislation and Statutes Review Committee is very narrow and would not be able to consider the issues the Member has raised.

With regard to another point raised, the President is able to make rulings on any Standing Orders. In my opinion, the Bill does not give effect to a bilateral or multilateral intergovernmental agreement, and it does not introduce a uniform scheme or laws, so it is not captured by Standing Order 126. Standing Order 126(2) certainly does allow any Member to move to order that a Bill is a uniform legislation bill and thus refer that Bill to the Standing Committee. I therefore rule that Standing Order 126 does not apply.

28. Duties Legislation Amendment Bill 2013 — Discharge and Referral to the Standing Committee on Legislation

Hon Ken Travers moved, without notice —

That Order of the Day No. 8, *Duties Legislation Amendment Bill 2013*, be discharged and the Bill be referred to the Standing Committee on Legislation and it report back to the Council not later than 6 August 2013.

Debate ensued.

29. Questions Without Notice

Questions without notice were taken.

30. Duties Legislation Amendment Bill 2013 — Discharge and Referral to the Standing Committee on Legislation

Debate resumed on the motion of Hon Ken Travers (*see item 28 above*).

Question — put.

The Council divided.

Ayes (11)

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

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Darren West
Hon Samantha Rowe (*Teller*)

Noes (20)

Hon Martin Aldridge
Hon Liz Behjat
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 Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Question thus negatived.

31. Order of Business

Ordered — That Order of the Day No. 8, *Duties Legislation Amendment Bill 2013*, be taken forthwith. (Leader of the House).

32. Duties 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.

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells. A quorum being formed, the debate continued.

The Council having continued to sit until 12 midnight
Friday, 28 June 2013

Debate continued.

Statement by President

The President made the following Statement —

I have been following this debate very closely and I refer the Member to Standing Order 47, involving irrelevant or repetitious debate. He will know, having been in this Chamber for quite a while, that the term “tedious repetition” applies to debate in this Chamber. If you are going back over old ground all the time, that amounts, in my mind, to tedious repetition. I think the Member should have a good look at Standing Order 47 and work out whether his argument should be using new arguments and new points or he is just going over old ground.

Debate resumed.

Point of Order

Hon Nick Goiran raised the following Point of Order —

Mr President, I just want to refer you to Standing Order 47(1), which reads —

A Member who persists in making irrelevant or repetitive arguments may be ordered by the President to discontinue the speech.

My question, Mr President, is the honourable Member has indicated that she is speaking in addition to a raft of other Members and is about to engage in a history of the GST arrangement, which we have certainly heard ad nauseam, and I wonder whether that would amount to the Member persisting in making a repetitive argument.

President’s Ruling

The President ruled as follows —

It is not out of order for the Member to use that point as one point in an argument that the Member wants to present to the House on the issue. But certainly we have heard that argument in depth, and I would think that if any other Member wanted to go into the same sort of depth as we have already heard, that would certainly be repetition.

Point of Order

Hon Sue Ellery raised the following Point of Order —

I wonder if I might seek some clarification on the advice you have just given the House. Standing Order 47 is quite clear, it refers to a Member, singular. Nowhere in Standing Orders, unless, Mr President, you are able to point me to Standing Orders that do, does it say that somehow every single one of us does not have the right to put our own point of view, irrespective of whether someone else has put that point of view. I therefore ask you whether you could point out to me where the Standing Orders indicate that, and perhaps provide me with a bit more guidance on exactly how you are choosing to interpret Standing Order 47.

President’s Ruling

The President ruled as follows —

Tedious repetition would be if a series of Members quoted from the same documents and made the same points in relation to the same document. The general argument can certainly be made and put by a Member in their own words, but to me it certainly would amount to tedious repetition if the same document were quoted by a series of Members one after the other.

Point of Order

Hon Sue Ellery raised the following Point of Order —

I have a further point of order, Mr President, if I may, and I do this with the greatest of respect. In my comments I intend to refer to the second reading speech, and I hope that that will not be judged as referring to the same document as other Members referred to.

I am seeking guidance because I have not heard advice from the President previously that has suggested anything other than that Standing Order 47 refers to “Member” singularly, not to “Members” collectively.

President's Ruling

The President ruled as follows —

The second reading speech is obviously the blueprint that is laid out surrounding the policy of a Bill, and it is quite in order for every Member to refer in broad terms to the second reading speech. What I am referring to is if every Member is going to quote from the same document, that is stretching the bounds of patience of any House. You can say that a Member can do that, but Standing Order 47 is obviously there to have an ordered, reasonable, rational debate, and I think that tonight we are seeing those boundaries stretched almost to breaking point. I do not think that any reasonable interpretation of those Standing Orders can interpret it any other way.

Debate resumed.

Point of Order

Hon Nick Goiran raised the following Point of Order —

I have listened with great interest to the articulate speech of the Member. Unfortunately, what she is about to do now, as she has indicated, is quote from the maiden speech of Hon Peter Katsambanis. Hon Sally Talbot did an excellent exposé on that exact thing yesterday, so this is now getting repetitious.

Because this matter has already been dealt with in detail by Hon Sally Talbot last night, it is totally unnecessary for us to hear it once again, as good as that speech was by Hon Peter Katsambanis. I would ask, Madam Deputy President, that you draw to the attention of the honourable Member Standing Order 47(1), which makes it very clear that a Member should not persist in repetitive arguments. I believe that the President has already made a ruling on that in this debate recently.

Deputy President's Ruling

The Deputy President ruled as follows —

The President made it very clear that it was tedious repetition when numerous Members have got up and made the same point. I do not think that is the case. I have listened to most of this debate and, to the best of my knowledge, only one other Member has made reference to it. It is the right of every Member in this place to stand and speak to any Bill and to put their point of view across. The mere fact that somebody else has put that point of view across does not exclude any Member from putting the same point of view across. I think that is an important principle that we need to uphold. Every Member is entitled to stand in this place and put their point of view and their argument on the matter that is being debated.

Debate resumed.

Question — put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

Hon Ken Travers moved —

Page 2, line 3 — To delete “*Duties Legislation Amendment Act 2013*” and insert —

Duties Legislation (Imposition and Retrospective Tax) Amendment Act 2013

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Noes (20)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran

Hon Nigel Hallett
 Hon Alyssa Hayden
 Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Amendment thus negatived.
 Debate resumed.

The Deputy Chair left the Chair at 5.20am
The Deputy Chair resumed the Chair at 5.38am

The Leader of the House representing the Minister for Finance moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day's sitting.
 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 at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

33. Order of Business

Ordered — That Order of the Day No. 4, *Supply Bill 2013*, be taken forthwith. (Leader of the House).

34. Supply Bill 2013

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

The President left the Chair.

In Committee

(Hon Alanna Clohesy in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Mental Health representing the Treasurer moved, That the Bill be read a third time.

The President having reported that the Deputy 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.

35. Order of Business

Ordered — That Order of the Day No. 9, *Rates and Charges (Rebates and Deferments) Amendment Bill 2013*, be taken forthwith. (Leader of the House).

36. Rates and Charges (Rebates and Deferments) 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 and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 14 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The President having reported that the Deputy 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.

37. Royal Perth Hospital Protection Bill 2013

The President reported the receipt of Message No. 17 from the Legislative Assembly forwarding the Bill for concurrence.

Hon Sue Ellery moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

Ordered — That the second reading of the Bill be made an Order of the Day for the next sitting.

The President left the Chair at 6.10am
The President resumed the Chair at 8.30am

38. Order of Business

Ordered — That Order of the Day No. 8, *Duties Legislation Amendment Bill 2013*, be taken forthwith. (Leader of the House).

39. Duties Legislation Amendment Bill 2013

The Order of the Day for the further consideration of this Bill in Committee of the Whole House having been read (*see item 32 above*).

The President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Question — put.

The Council divided.

Ayes (19)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boyde
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran

Hon Alyssa Hayden
 Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Ljiljanna Ravlich

Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 5 to 18 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The President having reported that the Deputy 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

40. Statement by President — Peter Pascoe and George Webb

The President made the following Statement —

I want to acknowledge for the record the outstanding service of two staff members of this Parliament who will be retiring at the end of this month. We are losing two remarkable, long serving employees to retirement, and we wish them well. Firstly, Peter Pascoe, who has been involved with the building services section of Parliament House and other areas of Parliament for more than thirty years. Peter has always been an outstanding professional employee and has been a friend to all. Peter is totally devoted to this institution and to this building. As some of you know, he has had some recent health issues; we certainly wish him well.

Secondly, George Webb, the head chef, is retiring after more than thirty years employment here at Parliament house. George is perhaps not so widely known to many of us as Peter is, because most of his excellence, hard work and skill plays out in the bowels of this building, down in the kitchens as the head chef. His professionalism and his excellence is reflected in the culinary standards that we enjoy at Parliament House, those standards have been maintained in the dining room, the staff cafeteria, and at numerous functions and events over many, many years. On behalf of all of the Parliament of Western Australia, I congratulate and thank both those fine gentleman and applaud them for their tremendous service to the Parliament of Western Australia, and I wish them all the very best for the future in long and healthy retirements.

41. Members' Statements

Statements were taken.

42. Adjournment

The Council adjourned at 9.46am on Friday, 28 June 2013 until Tuesday, 6 August 2013 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Lynn MacLaren.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council