

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 34

THURSDAY, 24 OCTOBER 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. Petitions

Hon Amber-Jade Sanderson presented a petition from 420 petitioners requesting the Legislative Council to recommend that the Minister for Child Protection resign from that ministerial portfolio. (Tabled Paper 905).

3. Paper

The following Paper was laid on the Table by —

Minister for Agriculture and Food

Annual Reports —

Potato Marketing Corporation (2012–2013) (Date received 23/10/2013) 904

4. Joint Standing Committee on Delegated Legislation — Report No. 65 — Explanatory Report in relation to the Legal Profession Conduct Amendment Rules 2013

Hon Robin Chapple presented Report No. 65 of the Joint Standing Committee on Delegated Legislation, *Explanatory Report in relation to the Legal Profession Conduct Amendment Rules 2013*. (Tabled Paper 906).

5. Joint Standing Committee on Delegated Legislation — Report No. 66 — Supreme Court Amendment Rules 2013

Hon Robin Chapple presented Report No. 66 of the Joint Standing Committee on Delegated Legislation, *Supreme Court Amendment Rules 2013*. (Tabled Paper 907).

6. Joint Standing Committee on Delegated Legislation — Report No. 67 — Information Report in relation to the City of Fremantle Plastic Bag Reduction Local Law 2012

Hon Robin Chapple presented Report No. 67 of the Joint Standing Committee on Delegated Legislation, *Information Report in relation to the City of Fremantle Plastic Bag Reduction Local Law 2012*. (Tabled Paper 908).

7. Petition — Minister for Child Protection — Point of Order

Hon Nick Goiran raised the following Point of Order —

I rise on a point of order with regard to a petition that was tabled a few moments ago by Hon Amber-Jade Sanderson. Mr President, I draw your attention to Standing Order 100, which states how a petition is to be set out with respect to its form and contents. In particular, I draw your attention to subparagraph (2)(e), which specifically states that a petition shall not

contain statements adverse to a person, whether by name or office. I have now had the opportunity to peruse this petition. It seems to me, notwithstanding the certification of the Clerk, this is why I draw it to your attention or seek your ruling, whether now or at some later stage today, that it quite clearly does not conform to that Standing Order. The petition states —

Being the Minister for Child Protection and prioritising these Justice Centres over our children and our community proves the Minister shows no compassion.

That plainly is a matter adverse to this particular honourable Member and is in contradiction of Standing Order 100(2)(e). I seek your ruling as to whether that petition should stand.

President's Ruling

The President ruled as follows —

The point of order has been taken. I had my Standing Orders out and open at the same page while the other business was being conducted to check on something myself. I will take that point of order on notice and report to the House at a later stage.

8. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended to enable questions without notice to be taken at 2.00pm.

The motion requiring the concurrence of an absolute majority.

Question — put.

The 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.

9. RSPCA — Function and Role

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

That this Council calls on the Government to investigate whether the RSPCA is transforming from an animal welfare society into animal rights activists and is losing its original core values and community respect as a credible organisation.

Debate ensued.

Motion lapsed.

10. Resources Sector

Private Members' Business No. 2 having been called, Hon Mark Lewis moved, without notice —

That this Council acknowledges the role of the resources industry during the Global Financial Crisis and its ongoing contribution to the Western Australian economy.

Debate ensued.

Motion lapsed.

11. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Fremantle Plastic Bag Reduction Local Law 2012 — Disallowance*, 2, *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 — Disallowance*, 3, *Supreme Court Amendment Rules 2013 — Disallowance*, 4, *Firearms Amendment Regulations 2013 — Disallowance*, and 5, *Jetties Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 8, *Coal Industry Superannuation Amendment Bill 2013*. (Leader of the House).

12. Workers' Compensation and Injury Management 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.

13. Coal Industry Superannuation Amendment Bill 2013

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

14. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection tabled a document in relation to the Family Crisis Program, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 909).

The Leader of the House representing the Premier tabled a document in relation to voluntary separation applications for public sector employees, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 910).

The Minister for Agriculture and Food on behalf of the Attorney General representing the Minister for Emergency Services tabled a document in relation to training delivered by the Department of Fire and Emergency Services to volunteer fire brigades under the control of the City of Albany between 1 January 2011 and 11 October 2012, in response to question on notice No. 293 asked by Hon Darren West. (Tabled Paper 911).

15. President's Ruling — Petition — Point of Order

The President ruled as follows —

I refer to the point of order raised by Hon Nick Goiran on the petition presented by Hon Amber-Jade Sanderson, whom I have confirmed played no role in framing the words used, earlier in today's proceedings. I have reviewed the terms of the petition with specific reference to Standing Order 100(2)(e) and consider that the terms of the petition offend against that part of the Standing Orders. Accordingly, I rule the petition out of order.

16. Coal Industry Superannuation Amendment Bill 2013

Debate resumed on the second reading of this Bill (*see item 13 above*).

Question — put and passed.

Bill read a second time.

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

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

Question — put and passed.

Bill read a third time and passed.

17. Dog Amendment Bill 2013

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 34

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Dog Amendment Bill 2013*.

Mr I.C. Blayney

Acting Speaker

Legislative Assembly Chamber

Perth, 24 October 2013

18. Western Australian Photo Card Bill 2013

The President reported the receipt of Message No. 35 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 an Explanatory Memorandum relating to the Bill. (Tabled Paper 912).

Debate stands adjourned.

19. Order of Business

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

20. Members' Statements

Statements were taken.

21. Courts and Tribunals (Electronic Processes Facilitation) Bill 2013

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 37

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Courts and Tribunals (Electronic Processes Facilitation) Bill 2013* without amendment.

Mr I.M. Britza

Acting Speaker

Legislative Assembly Chamber

Perth, 24 October 2013

22. Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2013

The President reported the receipt of Message No. 36 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Mental Health representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 913).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

23. Adjournment

The Council adjourned at 3.33pm until Tuesday, 29 October 2013 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Michael Mischin and Hon Ken Travers.

NIGEL LAKE
Acting Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council