

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 5

TUESDAY, 21 MAY 2013

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Statement by President — Retiring Members

The President made the following Statement —

I request Members to remove all material from their desks at the conclusion of today's proceedings in order to assist with the swearing-in of Members this Wednesday.

As this will be the last sitting day for retiring Members of the Legislative Council, there will be a small function in the Members' Lounge and corridor for all Members at the rising of the House today. I hope you will join me and the Clerk to thank those retiring Members for their significant contribution to this House and the State of Western Australia.

3. Papers

The following Papers were laid on the Table by —

President

Financial Statements —

Members of Parliament (Financial Interest) Act 1992 — Primary Return (Hon Martin Aldridge).....	259
Members of Parliament (Financial Interest) Act 1992 — Primary Return (Hon David Grills).....	260

Leader of the House

Regulations —

Energy Coordination Act 1994 (Energy Coordination (Gas Tariffs) Amendment Regulations 2013 G.G. 17/05/2013).....	261
First Home Owner Grant Act 2000 (First Home Owner Grant Amendment Regulations 2013 G.G. 17/05/2013).....	262
Taxation Administration Act 2003 (Taxation Administration Amendment Regulations (No. 2) 2013 G.G. 17/05/2013)	263

Attorney General

Regulations —

Fire and Emergency Services Act 1998 (Fire and Emergency Services Amendment Regulations 2013 G.G. 14/05/2013)	264
Spent Convictions Act 1988 (Spent Convictions (Act Amendment) Regulations 2013 G.G. 17/05/2013).....	265

Rules —

State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Rules 2013 G.G. 14/05/2013).....	266
---	-----

Schemes —

Professional Standards Act 1997 (Law Institute of Victoria Limited Scheme G.G. 17/05/2013)	267
--	-----

Minister for Agriculture and Food*Leases —*

CALM Lease No. 2162/97 — Between CALM and The West Australian Rifle Association for the purpose of rifle range and club rooms including any associated and incidental activity thereto within a portion of State Forest No. 66	268
CALM Lease No. 2398/100 — Between CALM and Synergise PTY LTD Trading as Wharncliffe Mill for the purpose of tourism accommodation, commercial public camping facility and eco-education facility within a portion of Bramley National Park	269

4. 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 3.30pm.

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.

5. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Hon Ken Baston sought leave of the House to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

6. Joint Standing Committee on the Corruption and Crime Commission — Establishment

The Order of the Day having been read for the consideration of Message No. 2 from the Legislative Assembly as follows —

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That for the present Parliament, in accordance with Legislative Assembly Standing Orders 288 to 292, a Joint Standing Committee on the Corruption and Crime Commission be appointed by the Legislative Assembly and the Legislative Council;

and requests the Legislative Council to agree to a similar resolution.

The Leader of the House moved, without notice —

That in response to Legislative Assembly Message No. 2, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Corruption and Crime Commission —

- Hon Nick Goiran; and
- Hon Adele Farina.

Question — put and passed.

President's Ruling

The President ruled as follows —

Sometimes in a motion of that nature, the Leader of the House will nominate a particular Member as Chair or Deputy Chair; in this case, because it is under the Standing Orders of the Legislative Assembly, the Chair of that Joint Committee will be determined in the manner of the Legislative Assembly.

7. Joint Standing Committee on the Commissioner for Children and Young People — Establishment

The Order of the Day having been read for the consideration of Message No. 3 from the Legislative Assembly as follows —

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That for the present Parliament —

- (a) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council;
- (b) the Joint Standing Committee shall comprise 2 Members appointed by the Legislative Assembly and 2 Members appointed by the Legislative Council;
- (c) it is the function of the Joint Standing Committee to —
 - (i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
 - (ii) to examine Annual and other Reports of the Commissioner; and
 - (iii) to consult regularly with the Commissioner;
- (d) a report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by Members of the Joint Standing Committee nominated by it for that purpose; and
- (e) the Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied;

and requests the Legislative Council to agree to a similar resolution.

The Leader of the House moved, without notice —

That in response to Legislative Assembly Message No. 3, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Commissioner for Children and Young People —

- Hon Robyn McSweeney; and
- Hon Sally Talbot.

Question — put and passed.

8. Order of Business

Ordered — That Order of the Day No. 1, *Address-in-Reply*, be taken forthwith. (Leader of the House).

9. Address-In-Reply

Debate resumed on the Address-in-Reply (*see item 5 above*).

Hon Ken Baston sought leave of the House to continue his remarks at a later stage of this day's sitting. Leave granted.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

10. Order of Business

Ordered — That Bills for Introduction No. 1, *Statutes (Repeals and Minor Amendments) Bill 2013*, be taken forthwith. (Leader of the House).

11. Statutes (Repeals and Minor Amendments) Bill 2013

The Attorney General, pursuant to notice, moved —

That a Bill for “An Act to amend the statute law by repealing or amending various enactments.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General moved, That the Bill be read a second time.

The Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 270).

The Attorney General moved, without notice —

That the Order of the Day be discharged and the Bill be referred to the Standing Committee on Uniform Legislation and Statutes Review.

Question — put and passed.

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

12. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled documents in relation to the cost of the Security Fence Program for the years 2008–2012, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled Paper 271).

The Attorney General representing the Minister for Corrective Services tabled documents in relation to programs provided by Youth Custodial Services and Youth Justice Services, in response to a question without notice asked by Hon Linda Savage. (Tabled Paper 272).

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, documents in relation to the Royal Perth Hospital Cochlear Implants Program, in response to a question without notice asked by Hon Ed Dermer. (Tabled Paper 273).

13. Order of Business

Ordered — That Order of the Day No. 1, *Address-in-Reply*, be taken forthwith. (Leader of the House).

14. Address-In-Reply

Debate resumed on the Address-in-Reply (*see item 9 above*).

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

15. Special Adjournment

The Leader of the House moved, without notice —

That the Council at its rising adjourn until 11.00am, Wednesday, 22 May 2013.

Question — put and passed.

16. Statement by President — Retiring Members — Thirty-Eighth Parliament

The President made the following Statement —

Just before we finish proceedings today, I want to make a couple of final comments. Today, as Members know, marks the end of the current membership of the Legislative Council’s involvement in the thirty-eighth Parliament and beginnings of the thirty-ninth Parliament. Can I congratulate and thank all Members and staff for their professionalism and contribution over the past four years. Twenty-six of this current membership will be here again tomorrow for the swearing in of the new Legislative Council and, together with 10 new Members, look forward to the next four years. I hope I have spoken for everybody in that context.

In closing this session today, I wish to make a few brief comments about retiring Members. It started in February with the resignations of Wendy Duncan and Mia Davies. Of course, they went on to contest seats in the Legislative Assembly successfully and now occupy the role, in Wendy's case, of the Deputy Speaker and, in Mia's case, of a Parliamentary Secretary. They, of course, have already been replaced by Hon Martin Aldridge and Hon Dave Grills, who have already made their inaugural speeches.

Hon Helen Bullock, Helen, you brought a unique perspective and contribution to this Chamber and parliamentary democracy in Western Australia. You are the first Chinese-born person to sit in this Parliament, and your election, I think, reflects contemporary Western Australian society.

Hon Linda Savage, you came to the Legislative Council under sudden and sad circumstances with the death of Jock Ferguson. You have made a tremendous contribution over three years. Your work ethic and expertise in a couple of select areas are to be admired, and I wish you well in the future.

Hon Alison Xamon, you brought an enormous amount of energy and passion to your role. You were obviously very active over the four years in the community, and certainly in this Parliament, and you can be proud of your performance and contribution.

Hon Philip Gardiner, he gained the respect of Members in this Chamber for his intellectual approach to issues and experience in agriculture and finance, in particular.

Hon Max Trenorden, a great contributor to Parliament in Western Australia since 1986. Of course, most of that career was in the Legislative Assembly as the Member for Avon, but for the last four years he has been a Member for Agricultural Region in this Chamber. He is a person with strong views. He is fearless regarding issues and the way he expresses his views on those issues, and he has a great depth of knowledge in a lot of areas.

Hon Ed Dermer, you have become one of the characters of the Legislative Council. As the Australian Labor Party Whip for a long time, you have certainly made your mark. When we renovated this Chamber about three years ago, in Hon Ed Dermer's case, microphones were not actually necessary, because most of the Chamber can hear quite clearly Hon Ed Dermer's whispered conversations on the telephone. But on committees, Hon Ed Dermer, you have been forensic and you have paid enormous attention to details such as grammar, punctuation and context, and many reports that have come to this Chamber are much better for your contribution. You have also had a strong commitment to social and moral issues. You also coined a phrase, and used it frequently, which I think resonates with a lot of us, because you referred to the Legislative Council as the "senior Chamber".

Hon Giz Watson, you have had a distinguished career over 16 years, four terms, and you have respect as an excellent parliamentarian. You clearly made the distinction between being a politician and a parliamentarian. Your chairing of the Standing Committee on Estimates and Financial Operations has been mentioned and is a great feather in your cap. You displayed a deep understanding of parliamentary democracy without lessening your commitment to issues you believed in, but you did not let these interfere or conflict with your role as a parliamentarian. You have brought a lot of wisdom from the crossbenches to this Chamber, and your contribution will be missed.

Hon Jon Ford also leaves the Legislative Council with the respect and admiration of many right across the Chamber. He was certainly recognised as a fair and conscientious Minister. His speeches in this place were delivered with feeling, a great deal of personal experience and depth of understanding, and everyone listened intently.

Hon Matt Benson-Lidholm, your presence and contribution to the Legislative Council will be missed. You have also made your mark with thoughtful contributions regarding your electorate issues and, in particular, education and economic issues. Members also listened intently when you spoke because your arguments were put after careful thought and in a logical, rational way. As my Deputy President and the Chair of Committees, you became a close colleague, confidante and friend. I am sure I speak across the Chamber that you have

earned the respect of everyone and their admiration for doing this job so well. You have a lot to contribute in other fields.

That brings me to Hon Norman Moore, and I want to add my tribute to Hon Norman Moore and some remarks about his remarkable career. Norman has been a constant in this Chamber for all our careers, and that includes all of us as Members and all the staff in Parliament House, including the longest-serving member of this Chamber's staff, our Clerk, Malcolm Peacock. In that respect, Norman, you have been a permanent fixture, like the jarrah panelling and the stained-glass windows. But I have to say that you are only the fourth-longest serving Member of the Legislative Council. I want to note for Hansard and put on the official record some details of longest serving Members of Parliament so that we can get that down on paper and have it acknowledged in the future.

In May 2013 Hon Norman Moore will have served exactly 36 years in the Legislative Council. Only three Members of the Legislative Council have a longer record of service and only two MLCs have longer continuous service. They are, firstly, Hon Vernon Hamersley, a Liberal to 1920, then Country Party MLC for East Province, an area including Perth hills and the Wheatbelt, from 1904 until his death in October 1946, aged 75. His total service was 42 years and two months. Hon Michael Drew was an Independent to 1904, and then a Member of the Australian Labor Party as the MLC for Central Province, which took in Geraldton and Murchison, from 1900–1918 and again from 1924–1947, until his death, aged 81. His total service was 41 years and two months, but in two non-continuous terms. Hon Sir John Kirwan, Independent MLC for South Province, which took in Boulder and Southern Goldfields served from 1908–1946, a total service of 38 years. Hamersley never held office; Kirwan was President of the Legislative Council from 1926–1946 and Drew was a Minister and frontbencher until 1936, spending his last 11 years on the back bench.

Just for the record, there are five Members of the Legislative Assembly with a longer service and a sixth whose combined service as an MLA and MLC is longer. Only four of these have a longer continuous service. John Tonkin, ALP, was the MLA for North East Fremantle and Melville from 1933–1977, and had continuous service of 43 years, 10 months. Philip Collier, the then Australian Labor Party member, was the MLA for Boulder from 1905–1948, when he passed away, a service of 42 years 11 months. Bill Grayden, Liberal MLA, firstly for Middle Swan and South Perth from 1947–1949 and then again from 1956–1993, served nearly 37 years' continuous service and 39 years, five months in total. Bill Grayden also served a term in Federal Parliament as the Member for Swan. Alan Wilson, ALP, was the MLA for Collie from 1908–1947, a total service of 39 years, five months. William Dartnell Johnson, ALP, the MLA for Kalgoorlie, Guildford and Guildford–Midland from 1901–1905, 1906–1917 and 1924–1948 when he died, a total service of 39 years, six months, non-continuous terms. Sydney Stubbs was a Liberal–Country Party MLA for Wagin from 1911–1947 and an MLC from 1908–1911. His MLA service was 35 years, five months with a total service of 38 years, nine months.

Of these gentlemen mentioned, Wilson never held office; Stubbs was Speaker from 1930–1933; but otherwise a backbencher; Collier spent his last 12 years on the backbench; and Grayden his last nine years; and Johnson was a backbencher for his entire term, apart from 1938–1939 as Speaker. Only John Tonkin has served longer in ministerial frontbench roles up to retirement, finally retiring as ALP leader in 1976. Except for Bill Grayden and John Kirwan, it is fair to say that the rest had all effectively retired from active politics well before their terms ended. All were more than 70 at that stage.

Hon Norman Moore has served in frontbench roles from 1980–1982, 1983–1989 and 1992–2013. He has served nearly 17 years as the government or opposition leader in the Legislative Council for the Liberal Party. The next-longest service was that of Sir Arthur Griffith from 1958–1974, which was 15 years, nine months. So he holds the record. Norman Moore has been Father of the Legislative Council for 16 years and the longest serving Member of either House of Parliament for 12 years. Only Vernon Hamersley, from 1921–1946, was Father of the Legislative Council for longer. When Hon Norman Moore was born in 1945, all these veterans, except Bill Grayden, were sitting in Parliament. He is by far the youngest to retire.

As MLC for the Mining and Pastoral Region, Hon Norman Moore represents all or part of the provinces once held by long-serving members Drew and Kirwan.

The significant part about Hon Norman Moore's service is his continuous service in frontbench and senior positions in Government and Opposition since 1977. He has a unique record. I suppose there is nothing normal about any of us as parliamentarians. We all follow different paths. I suppose, generally, when we enter Parliament, we can expect to have a term in government and a term in opposition as a normal course of events. Hon Norman Moore has seen three cycles in government and two in opposition. This has given him enormous perspective and the enormous authority to use a term he uses quite often, "What comes around goes around", and he knows that better than anyone here today.

Norman, you have gained the respect of all of us plus all the people in the gallery and the community of Western Australia, through your length of service, your depth of knowledge and your passionate unswerving commitment to principles and issues and, in particular, states' rights. You especially have a very high regard for this institution and bicameral system of Parliament, and the important role of an upper house. Not only that, you have an important belief and commitment to the autonomy and independence of members in this place, particularly within the Liberal Party structure itself. You have protected the role and reputation of the Black Hand Gang, perhaps another term you have coined, and that involves the right and, indeed, the responsibility of the Legislative Council to scrutinise, amend and even reject legislation, even taking a different view from your own party. A lot has already been said at other functions and will be said again. But I want to put on the formal record the appreciation, congratulations and thanks for the contribution to parliamentary democracy in Western Australia you have made in an unrivalled career in this Legislative Council.

Immediately following these comments I also want to put in the official *Hansard* that the Legislative Council will acknowledge your career with the unveiling of a portrait in this Chamber. This portrait has been painted by John Garde, the son of Owen Garde, who was the artist responsible for the magnificent big painting that hangs in Parliament House depicting the first Legislative Council in Western Australia in 1832, so there is a bit of history there as well.

Can I thank you, Norman, and congratulate you and all retiring Members and wish you all the best for the future. On that final note I, indeed, thank and congratulate all Members and staff in this Legislative Council for the contribution you have made over the past four years and as the sun sinks on this Legislative Council, it will dawn tomorrow on a new one.

17. Adjournment

The Council adjourned at 6.01pm until Wednesday, 22 May 2013 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford, Hon Philip Gardiner and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council