

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 102

THURSDAY, 20 NOVEMBER 2014

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 Paul Brown presented a petition from 128 petitioners requesting the Legislative Council to protect farms from GM contamination and retain the Western Australian *Genetically Modified Crops Free Areas Act 2003*. (Tabled Paper 2276).

Hon Martin Aldridge presented a petition from 24 petitioners requesting the Legislative Council to protect farms from GM contamination and retain the Western Australian *Genetically Modified Crops Free Areas Act 2003*. (Tabled Paper 2277).

3. Ministerial Statement — White Ribbon Day

The Minister for Child Protection made a Ministerial Statement with respect to White Ribbon Day.

4. Ministerial Statement — Animal Welfare Review

The Minister for Agriculture and Food made a Ministerial Statement with respect to a review of animal welfare investment and administration.

5. Papers

The following Papers were laid on the Table by —

President

Letters —

Joint Standing Committee on the Corruption and Crime Commission – Extension of time of the Inquiry into improving the working relationships between the Corruption and Crime Commission and the Western Australian Police to 25 June 2015..... 2272

Leader of the House

Reports —

Public Sector Commission – State of the W.A. Public Sector 2014 – Measuring up 2273

Minister for Mental Health

Reports —

Disability Access and Inclusion Plans (DAIPS) (2012–2013)..... 2274

**Parliamentary Secretary representing the Minister for Transport on behalf of the
Parliamentary Secretary representing the Minister for Health**

Annual Reports —

Australian Health Practitioner Regulation Agency (2013–2014)..... 2275

**6. Standing Committee on Estimates and Financial Operations — Report No. 51 — 2013/14
Agency Annual Report Hearings – December Timetable**

Hon Ken Travers presented Report No. 51 of the Standing Committee on Estimates and Financial Operations, *2013/14 Agency Annual Report Hearings – December Timetable*. (Tabled Paper 2278).

**7. Joint Standing Committee on Delegated Legislation — Report No. 76 — City of Greater
Geraldton Animals, Environment and Nuisance Local Law 2014.**

Hon Robin Chapple presented Report No. 76 of the Joint Standing Committee on Delegated Legislation, *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014*. (Tabled Paper 2279).

**8. Standing Committee on Public Administration — Report No. 21 — Inquiry into
Recreational Hunting Systems — Extension of Time.**

Hon Liz Behjat presented Report No. 21 of the Standing Committee on Public Administration, *Inquiry into Recreational Hunting Systems — Extension of Time*. (Tabled Paper 2280).

Hon Liz Behjat moved, without notice —

That the reporting date for the Standing Committee on Public Administration inquiry into *Recreational Hunting Systems* be extended from 4 December 2014 to 26 March 2015.

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

Question — put and passed.

9. Aboriginal Communities — Closure

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

That this House expresses concern at the Barnett Government's intention to close a number of remote Aboriginal communities, and calls on the Government to —

- (a) consult directly with the communities on their future; and
- (b) recognise that the size and geographic location of communities throughout regional Western Australia should not be the sole determinant of whether they receive State support.

Debate ensued.

Motion lapsed.

10. Personal Explanation

Hon Ken Travers sought leave to make a personal explanation as he believed he had been misunderstood by the previous Member [SO 38].

Point of Order

Hon Nick Goiran raised the following Point of Order —

With respect to the decision to allow Hon Ken Travers a second opportunity to speak, I draw your attention, Mr President, to the time limits that are provided for these motions. It is my submission to you, Mr President, that Standing Order 38 must be considered in the context of the other Standing Orders, including the time limits. It is my respectful submission to you, Mr President, that the intention behind this Standing Order is to allow a Member a second opportunity to speak during the time that is allocated for that particular motion or that particular item of business. For example, as we know, had there been sufficient time in the ordinary course of events, Hon Ken Travers would not have had another opportunity to speak, other than having a right of reply because of the fact that he was the mover of the motion. Other Members, including the many others who contributed, would not have had a second

opportunity to speak but had there been sufficient time, they might have appealed to you, Mr President, under Standing Order 38.

My brief submission to you, Mr President, is that Standing Order 38 must be considered in light of the time limits that apply for items of business. I respectfully suggest that it cannot be the case that Members can, after the time allowed, have another opportunity to speak because, frankly, every other Member who spoke during that time-limited debate this morning could also appeal to you under Standing Order 38 and seek another opportunity to speak. I would suggest that that is not what was intended when Standing Order 38 was created.

President's Ruling

The President ruled as follows —

I have considered the matter. As I said before, I am prepared to allow the Member to make a statement. I would rather it be made under Standing Order 40 than Standing Order 38. That would then overcome the technical point raised by Hon Nick Goiran in his point of order. Nevertheless, it is a very narrow opportunity for a Member to either clarify or correct something that was said during a debate.

Leave granted.

11. International Men's Day

Private Members' Business No. 1 having been called, Hon Nick Goiran moved, without notice —

That this House —

- (a) acknowledges that Wednesday, 19 November 2014 was International Men's Day and thanks the men of Western Australia for their contribution to this State;
- (b) recognises that in order for our interdependent society to be a truly great one, it requires, amongst other things, male role models who are both positive and effective; and
- (c) implores all residents of Western Australia to encourage men and boys, irrespective of opportunities, finances or personal circumstances, to make life decisions based on the principles of integrity, dignity and respect.

Debate ensued.

Motion lapsed.

12. Order of Business

Ordered — That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1239/41 — Gidgegannup Urban Precinct — Disallowance*, 2, *Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014 — Disallowance*, 3, *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 — Disallowance*, 4, *City of Fremantle Alfresco Dining Local Law 2014 — Disallowance*, 7, *Shire of Dardanup Dogs Local Law 2014 — Disallowance*, and 8, *Shire of Dardanup Keeping and Control of Cats Local Law 2014 — Disallowance*, be taken after Order of the Day No. 14, *Mines Safety and Inspection Amendment Bill 2014*. (Leader of the House).

13. Road Traffic (Drug Driving) Amendment Regulations 2014 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 5, *Road Traffic (Drug Driving) Amendment Regulations 2014 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

14. Transport (Country Taxi-Car) Amendment Regulations (No. 2) 2014 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 6, *Transport (Country Taxi-Car) Amendment Regulations (No. 2) 2014 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

15. Custodial Legislation (Officers Discipline) Amendment Bill 2013

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

The Deputy President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 7.

Debate resumed on the amendment of Hon Kate Doust as follows —

Page 7, after line 19 — To insert —

- (4A) The prison officer must be advised of —
 - (a) the implications of giving information, answering any question or producing a document when required to do so under subsection (4); and
 - (b) the relevance of the information or document that is required for the purpose of the investigation.

Hon Lynn MacLaren, by leave, tabled a letter from the Law Society of Western Australia being its submission to the Standing Committee on Legislation's inquiry into the Bill. (Tabled Paper 2281).

Debate resumed.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 7, lines 24 to 28 — To delete the lines and insert —

document might incriminate the prison officer.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 7, line 30 — To insert after “criminal” —

or disciplinary

Debate ensued.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 8, lines 19 and 20 — To delete “or 12 months’ imprisonment, or both.”

Debate ensued.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 8, line 21 — To delete “**Notice of loss of confidence**” and insert —

Written notice of CEO’s determination

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Hon Sally Talbot moved —

Page 10, lines 7 to 10 — To delete the lines and insert —

- (2) The Minister shall appoint an independent third party to review each maintenance period, and in the event that the independent third party determines that exceptional circumstances apply, the Minister shall direct that a maintenance payment must continue to be paid to the prison officer for a specified period after the maintenance period.

Debate ensued.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 10, after line 14 — To insert —

- (3A) At the end of the specified period, the Minister shall review the progress of the appeal and renew the maintenance period for a further specified period not exceeding 6 months unless —
 - (a) the appeal has been determined by the WAIRC; or
 - (b) there are exceptional circumstances justifying why the prison officer should not be paid a maintenance payment.

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Hon Sally Talbot moved —

Page 12, lines 10 and 11 — To delete the lines.

Debate ensued.

Amendment — put and negatived.

Debate resumed.

The Attorney General moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Acting 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.

Ordered — That the Committee of the Whole House sit again.

16. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection tabled, and by leave incorporated into Hansard, documents in relation to child protection workers with an allocated case number of over 16 cases, by region, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 2282).

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to 52 public and private schools with 90 per cent or more Aboriginal students, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 2283).

The Parliamentary Secretary representing the Minister for Transport tabled a Public Transport Authority survey map of the location of vehicle registrations, in response to question on notice No. 1739 asked by Hon Ken Travers. (Tabled Paper 2284).

17. Standing Committee on Legislation — Report No. 26 — Taxation Legislation Amendment Bill 2014

Hon Robyn McSweeney presented Report No. 26 of the Standing Committee on Legislation, *Taxation Legislation Amendment Bill 2014*. (Tabled Paper 2285).

18. Taxation Legislation Amendment Bill (No. 2) 2014

The President reported the receipt of Message No. 87 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2286).

Debate stands adjourned.

19. Members' Statements

Statements were taken.

20. Adjournment

The Council adjourned at 5.30pm until Tuesday, 25 November 2014 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell and Hon Alyssa Hayden.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council