

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 9**

**WEDNESDAY, 12 JUNE 2013**

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**1. Meeting of Council**

The Council assembled at 2.00pm pursuant to order.

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

**2. Statement by President — Member Surveys**

The President made the following Statement —

Yesterday you received surveys for the Legislative Council and Parliamentary Services Department. These surveys give Members the opportunity to comment on the services provided by the staff of the Department of the Legislative Council and the Parliamentary Services Department. I encourage Members to fill them out and return them to Chamber staff. The results of the surveys will appear in the annual reports, and the feedback that Members give will be used to improve the services they receive wherever possible.

**3. Ministerial Statement — Disability Justice Centres**

The Minister for Disability Services made a Ministerial Statement with respect to the building of two Disability Justice Centres in Kiara and Lockridge, Western Australia.

**4. Paper**

The following Paper was laid on the Table by —

**President**

*Auditor General's Paper —*

Delivering Western Australia's Ambulance Services (Report No. 5) (June 2013)..... 308

**5. Protection of the Identity of Journalists' Informants**

The Leader of the House: To move on the next day of sitting —

That new Standing Order 201, as outlined in the Schedule to this motion, be adopted by the Council and that the Standing Orders be renumbered accordingly.

**Schedule**

**201. Protection of the Identity of Journalists' Informants**

- (1) Where a journalist is examined before a Committee or the Council and, in the course of such examination, is asked to disclose the identity of the journalist's informant and refuses, the Council shall consider whether to excuse the answering of the question pursuant to section 7 of the *Parliamentary Privileges Act 1891*.

- (2) In considering a matter under (1), the Council shall only order the disclosure of the identity of a journalist's informant if the Council is satisfied that, having regard to the issues to be determined in the proceeding, the public interest in the disclosure of the identity of the informant outweighs —
  - (a) any likely adverse effect of the disclosure of the identity on the informant or any other person; and
  - (b) the public interest in the communication of facts and opinions to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.
- (3) Without limiting the matters that the Council may have regard to for the purposes of this Standing Order, the Council must have regard to the following matters —
  - (a) the probative value of the identifying evidence in the proceeding;
  - (b) the importance of the identifying evidence in the proceeding;
  - (c) the nature and gravity of the subject matter of the proceeding;
  - (d) the availability of any other evidence concerning the matters to which the identifying evidence relates;
  - (e) the likely effect of the identifying evidence, including the likelihood of harm, and the nature and extent of harm that would be caused to the informant or any other person;
  - (f) the means available to the Council to limit the harm or extent of the harm that is likely to be caused if the identifying evidence is given;
  - (g) the likely effect of the identifying evidence in relation to —
    - (i) a prosecution that has commenced but has not been finalised; or
    - (ii) an investigation, of which the Council is aware, into whether or not an offence has been committed;
  - (h) whether the substance of the identifying evidence has already been disclosed by the informant or any other person;
  - (i) the risk to national security or to the security of the State; and
  - (j) whether or not there was misconduct on the part of the informant or the journalist in relation to obtaining, using, giving or receiving information.

## **6. Review of the Firearms Act 1973**

Hon Rick Mazza: To move on the next day of sitting —

That the Council supports an investigation and review of the *Firearms Act 1973*, with particular reference to interstate visitor temporary permits, pensioner discounts, classification of ammunition components and the length of time it takes to process applications.

## **7. Fishing Rules in Western Australia — Review**

Hon Rick Mazza: To move on the next day of sitting —

That the Council supports an investigation and review of the fishing rules in Western Australia, with particular reference to bag limits, boat limits and transportation of possession limits.

## **8. Foetal Alcohol Spectrum Disorder**

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

That the Council condemns the Government for its failure to provide adequate resources for child protection workers and carers to deal with the prevalence of Foetal Alcohol Spectrum Disorder amongst children in the care of the Director General of the Department for Child Protection and for withdrawing legal support for children who are abused or injured while in care.

*Interruption pursuant to order.*

## **9. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Premier, by leave, incorporated into Hansard, a response to question without notice No. 135 asked by Hon Alanna Clohesy.

## **10. Address-In-Reply**

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

Debate resumed.

Hon Sally Talbot sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

Debate resumed.

*Statement by President*

The President made the following Statement —

The recent state election in March resulted in one-third of the membership of the Legislative Council changing. That was a very significant change in the composition of this chamber. Over the last month or so, we have heard the inaugural speeches of the twelve new Members, and the last of them was tonight. I congratulate each and every one of you on outstanding contributions, in which you have introduced yourselves and have set out your beliefs and goals. I wish each and every one of you all the very best for a constructive, interesting and enjoyable parliamentary career.

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

## **11. Supply Bill 2013**

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

Hon Kate Doust sought leave of the House for Hon Ken Travers to continue his remarks at the next sitting.

Leave granted.

Debate resumed.

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

## **12. Order of Business**

Ordered — That Bill for Introduction No. 2, *Family Court Amendment (Family Violence and Other Measures) Bill 2013*, be taken forthwith. (Leader of the House).

## **13. Family Court Amendment (Family Violence and Other Measures) Bill 2013**

The Attorney General, pursuant to notice, moved —

That a Bill for “An Act to amend the *Family Court Act 1997*.” 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 309).

The Attorney General moved, without notice —

That the *Family Court Amendment (Family Violence and Other Measures) Bill 2013* does not stand referred pursuant to Standing Order 126 to the Uniform Legislation and Statutes Review Committee.

Debate ensued.

Question — put and passed.

*Point of Order*

The Attorney General raised the following Point of Order —

As a matter of caution, I think an absolute majority is probably required to deal with that, it being contrary to Standing Orders. There is an absolute majority, but I want it for the record if that is in fact required.

*Deputy President's Ruling*

The Deputy President ruled as follows —

As a point of order I have considered this in advance of receiving the Attorney General's motion. I noted, indeed anticipated, the discussions that may have occurred behind the chair. I also note that the custom and practice of the House has been to entertain such a course of action as the Attorney General proposed when a uniform legislation bill has previously been considered in similar or identical terms by the Committee during a previous government. For that reason, the question was put as one requiring a simple majority. I note that the House agreed to the motion without dissent. That bill now stands adjourned.

Debate stands adjourned.

**14. Order of Business**

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

**15. Supply Bill 2013**

Debate resumed on the second reading of this Bill (*see item 11 above*).

*Interruption pursuant to order.*

**16. Members' Statements**

Statements were taken.

**17. Adjournment**

The Council adjourned at 9.53pm until Thursday, 13 June 2013 at 10.00am.

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

Attendance: Present all Members except Hon Sue Ellery and Hon Alyssa Hayden.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council