

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 148

WEDNESDAY, 16 SEPTEMBER 2015

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### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

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

### 2. Papers

The following Papers were laid on the Table by —

#### **Attorney General**

##### *Annual Reports —*

Corruption and Crime Commission of Western Australia Telecommunications (Interception and Access) Act 1979 (2014-2015) (Date received 15/09/2015) .....	3277
Corruption and Crime Commission of Western Australia Surveillance Devices Act 1998 (2014-2015) (Date received 15/09/2015) .....	3278
Legal Costs Committee (2014-2015) (Date received 15/09/2015) .....	3279
Public Advocate (2014-2015) (Date received 15/09/2015).....	3280

#### **Parliamentary Secretary representing the Minister for Science on behalf of the Parliamentary Secretary representing the Minister for Transport**

##### *Annual Reports —*

Office of Rail Safety (2014–2015) (Date received 15/09/2015) .....	3281
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### 3. Leave of Absence — Hon Amber-Jade Sanderson

Hon Sue Ellery moved, without notice —

That leave of absence be granted to Hon Amber-Jade Sanderson until the first sitting day of the House in 2016 due to urgent personal business.

Question — put and passed.

### 4. Fiona Stanley Hospital

Motion No. 1 having been called, debate resumed on the motion of Hon Amber-Jade Sanderson as follows —

That the Council condemns the Government for its mismanagement of the establishment of Fiona Stanley Hospital and calls on the Government to release all details of its dealings with Serco on the Fiona Stanley Hospital contract.

*Point of Order*

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

I would like to draw the Acting President's attention to Standing Orders 36 and 48. Standing Order 36, relates to the reading of speeches. Similarly, Standing Order 48, relates to irrelevant debate.

There are two points of order. The first relates to the reading of speeches. In this case, that is all that is happening; it is not even the Member's own speech. The second is that it is irrelevant, because there is no demonstration of relevance.

*Acting President's Ruling*

The Acting President ruled as follows —

The substance of this motion deals with the Serco contract at Fiona Stanley Hospital, so I think he is quite within his rights to read in that article as part of his contribution. I know that he will not be reading his substantive speech, but he is entitled to read in that contribution.

*Point of Order*

Hon Ken Travers raised the following Point of Order —

I wish to take a point of order in objection to the words used by Hon Simon O'Brien, in that he made an unfair imputation by suggesting that the member was not reading or making his own speech. I would ask that those words be withdrawn.

Hon Simon O'Brien withdrew his remark.

Debate resumed.

Question — put.

The Council divided.

**Ayes (9)**

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

Hon Lynn MacLaren  
Hon Martin Pritchard  
Hon Ken Travers  
Hon Samantha Rowe (*Teller*)

**Noes (18)**

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Peter Collier  
Hon Donna Faragher  
Hon Dave Grills  
Hon Alyssa Hayden

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

Motion thus negatived.

**5. Indigenous Communities — Safe Drinking Water Supplies**

Motion No. 2 having been called, Hon Stephen Dawson, pursuant to notice, moved —

That this Council condemns the Barnett Government for its failure to provide safe drinking water supplies to all indigenous communities throughout the Mining and Pastoral Region.

Debate ensued.

*Interruption pursuant to order.*

## 6. Statement by Acting President — Point of Order

The Acting President made the following Statement —

I refer to the point of order that was raised by Hon Simon O'Brien during the debate on the Fiona Stanley Hospital motion. The Member asked that I seek a further ruling from the President specifically with regard to the large number of documents that were being read in at the time. I will refer that matter to the President to seek his guidance on that matter.

However, I draw Members' attention to a ruling that was made by the President on 8 September 2009 in response to a point of order raised by Hon Ken Travers. The point of order was as follows —

I seek clarification of whether the Member is quoting from the Leader of the Opposition's speech in the other place, in which case it would be highly disorderly.

The President's ruling in that case was as follows —

It would not be disorderly if he acknowledged the source of the contribution. I do not know whether he is quoting from that speech or not. Members are aware, I am sure, that if they want to read a speech, they have to seek the permission of the House to do so, and that has been done before. In inaugural speeches, it is customary to read speeches, but after that it is not. From time to time, of course, Ministers have that prerogative. They can read statements and second reading speeches. But Members have to word their speeches themselves. They can refer to notes, of course, and some Members require more notes than others. That is human nature. I am sure that the Member making the contribution will learn a lot from these 10 minutes and, in his next contribution, will adhere to the Standing Orders in a much firmer way. Let Hon Phil Edman continue, and we will all be wiser in the future, I am sure.

I refer also to the twenty-first edition of Erskine May's Parliamentary Practice, which states on the matter of reading speeches—

A Member is not permitted to read his speech, but he may refresh his memory by reference to notes. A Member may read extracts from documents; but such extracts and quotations should be reasonably short.

## 7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

### In Committee

(Hon Adele Farina in the Chair)

#### **Joint Standing Committee on the Corruption and Crime Commission — Report No. 19 — Parliamentary Inspector's report on misconduct and related issues in the Corruption and Crime Commission**

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question — put and passed.

#### **Standing Committee on Environment and Public Affairs — Report No. 41 — Petition 42: Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005**

Hon Paul Brown moved, That consideration be postponed until the next sitting.

Question — put and passed.

#### **Standing Committee on Legislation — Report No. 28 — Demise of the Crown**

Hon Donna Faragher moved, That the Report be noted.

Debate ensued.

Question — put and passed.

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 22 — Improving the working relationship between the Corruption and Crime Commission and Western Australia Police: Supplementary Report**

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Question — put and passed.

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 23 — Suspension of the Committee's Inquiry into the CCC being able to prosecute its own charges**

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Question — put and passed.

**Standing Committee on Public Administration — Report No. 25 — Report on the Patient Assisted Travel Scheme in Western Australia**

Debate resumed on the motion of Hon Liz Behjat, That the Report be noted.

*Interruption pursuant to order.*

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report No. 19 — *Parliamentary Inspector's report on misconduct and related issues in the Corruption and Crime Commission*, and postponed consideration to the next sitting.
- (2) Standing Committee on Environment and Public Affairs — Report No. 41 — *Petition 42: Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005*, and postponed consideration to the next sitting.
- (3) Standing Committee on Legislation — Report No. 28 — *Demise of the Crown* and had noted same.
- (4) Joint Standing Committee on the Corruption and Crime Commission — Report No. 22 — *Improving the working relationship between the Corruption and Crime Commission and Western Australia Police: Supplementary Report* and had noted same.
- (5) Joint Standing Committee on the Corruption and Crime Commission — Report No. 23 — *Suspension of the Committee's Inquiry into the CCC being able to prosecute its own charges* and had noted same.
- (6) Standing Committee on Public Administration — Report No. 25 — *Report on the Patient Assisted Travel Scheme in Western Australia*, made progress, and seeks to sit again.

Report adopted.

## **8. Questions Without Notice**

Questions without notice were taken.

The Minister for Mental Health representing the Treasurer tabled documents in relation to the Treasurer's address at the Institute for Public Affairs Partnerships 2015 Infrastructure and Investment Conference, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 3282).

The Minister for Aboriginal Affairs tabled documents in relation to information about archaeological heritage places considered by the Aboriginal Cultural Materials Committee at its June 2015 meeting, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 3283).

The Minister for Education tabled documents in relation to Western Australian public schools student centred funding, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 3284).

The Minister for Aboriginal Affairs, by leave incorporated into *Hansard*, documents in relation to Aboriginal heritage sites that have been removed from the register since the Supreme Court decision on 1 April 2015, in response to a question without notice asked by Hon Robin Chapple.

The Minister for Education tabled documents in relation to child and parent centres and their locations and programs and services as at 30 June 2015, in response to question on notice No. 3313 asked by Hon Adele Farina. (Tabled Paper 3285).

The Minister for Mental Health representing the Minister for Planning tabled documents in relation to a list of Bush Forever sites and the associated managers for each site, in response to question on notice No. 3305 asked by Hon Lynn MacLaren. (Tabled Paper 3286).

## **9. Order of Business**

Ordered — That Orders of the Day Nos 1, *City of Fremantle Plastic Bag Reduction Local Law 2015 — Disallowance*, and 2, *Regulation 6(1) of the Conservation and Land Management Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 6, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House).

## **10. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015**

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 Hon Robin Chapple, as follows —

That the *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 20 August 2015.

*Interruption pursuant to order.*

## **11. Members' Statements**

Statements were taken.

## **12. Adjournment**

The Council adjourned at 6.22pm until Thursday, 17 September 2015 at 10.00am.

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

Attendance: Present all Members except Hon Jim Chown, Hon Amber-Jade Sanderson (*leave of absence*) and Hon Sally Talbot.

**NIGEL PRATT**  
Clerk of the Legislative Council

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