

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 45

THURSDAY, 5 DECEMBER 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. Petition

Hon Lynn MacLaren presented a petition from 251 petitioners requesting the Legislative Council to ban the use of pesticides such as herbicides, fungicides, insecticides and biocides on public land. (Tabled Paper 1098).

3. Ministerial Statement — Council of Official Visitors — 2012–13 Annual Report

The Minister for Mental Health made a Ministerial Statement with respect to the 2012–13 Annual Report for the Council of Official Visitors.

The Minister for Mental Health tabled the Council of Official Visitors *Annual Report 2012–13*. (Tabled Paper 1099).

4. Ministerial Statement — Sentencing Act 1995 — Statutory Review

The Attorney General made a Ministerial Statement with respect to the statutory review of the *Sentencing Act 1995*.

The Attorney General tabled the *Statutory Review of the Sentencing Act 1995 (WA)*. (Tabled Paper 1102).

5. Papers

The following Papers were laid on the Table by —

Leader of the House

Reports —

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business (For the three months ended 31 March 2013).....	1094
Government of Western Australia, Quarterly Financial Results Report (2013-2014) (September 2013) (Date received 4/12/2013).....	1095

Attorney General

Annual Reports —

State Emergency Management Committee (For the period ending 30 June 2013) (Date received 4/12/2013).....	1096
--	------

Reports —

State Emergency Management Committee Western Australia – Emergency Preparedness Report 2013 (Date received 4/12/2013).....	1097
--	------

6. Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — The timeliness of misconduct investigations undertaken or overseen by the CCC: Additional information

Hon Nick Goiran presented Report No. 7 of the Joint Standing Committee on the Corruption and Crime Commission, *The timeliness of misconduct investigations undertaken or overseen by the CCC: Additional information*. (Tabled Paper 1100).

7. Joint Standing Committee on Delegated Legislation — Report No. 70 — Annual Report 2013

Hon Robin Chapple presented Report No. 70 of the Joint Standing Committee on Delegated Legislation, *Annual Report 2013*. (Tabled Paper 1101).

8. Special Adjournment

The Leader of the House moved, without notice —

That the House at its rising adjourn until 11.00am, Tuesday, 10 December 2013.

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. Mental Health

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

That this Council condemns the Barnett Government regarding the state of mental health in Western Australia and calls on the Minister for Mental Health to explain the lack of progress on the *Mental Health Bill* and the implementation of the Stokes Report recommendations.

Debate ensued.

Point of Order

Hon Nick Goiran raised the following Point of Order —

Mr President, I just draw to your attention Standing Order 41, which refers to an allusion to debate in the Assembly. It reads as follows —

A Member shall not allude to any debate of the current calendar year in the Assembly, or to any measure impending therein.

I draw to your attention the motion moved by Hon Stephen Dawson and in particular the second aspect of the motion, which calls on the Minister for Mental Health to explain the lack of progress on the *Mental Health Bill*. The honourable Member referred to that Bill again just moments ago and my submission to you is that that is plainly a measure that is pending before the Assembly and it is inappropriate for this Member to move that aspect of the motion.

Just to make it crystal clear to anyone who has a difficulty with this point of order, I am not suggesting that the Member cannot move an aspect of this motion, but I am objecting to the reference to the suggestion that the Minister in this place ought to explain the lack of progress of a Bill that is not in this Chamber but in the other place.

President's Ruling

The President ruled as follows —

Members, there is no point of order in the sense that we are not talking about a debate on this Bill in the other place. We are talking about the general progress of legislation in a certain area and this area is the *Mental Health Bill*, which has certainly been mentioned in this place many times over the past few years. I hope that is clear. We cannot allude to the actual debate on that Bill in the Assembly, but I will allow the motion to stand as it is and a debate to occur on the general introduction and progress of legislation to cover this area.

Debate resumed.

Motion lapsed.

10. Legislative Council — Sitting Times

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

That this Council discuss its sitting times with a view to changing them.

Debate ensued.

Motion lapsed.

11. Order of Business

Ordered — That Order of the Day No. 1, *Metropolitan Region Scheme Amendment 1225/41 — Upper Swan Urban Precinct — Disallowance*, be taken after Order of the Day No. 6, *Minerals Research Institute of Western Australia Bill 2013*. (Leader of the House)

12. Electricity Corporations Amendment Bill 2013

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

Debate resumed.

Hon Sue Ellery moved, without notice —

That —

- (1) Order of the Day No. 8, the *Electricity Corporations Amendment Bill 2013*, be discharged and referred to the Legislation Committee for consideration and report by no later than Tuesday, 18 February 2014.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled a document in relation to funding of the Adam Road Primary School, in response to question on notice No. 410 asked by Hon Adele Farina. (Tabled Paper 1103).

The Minister for Education tabled a document in relation to the provision of services to schools in the South West Region by the School of Instrumental Music, in response to question on notice No. 455 asked by Hon Adele Farina. (Tabled Paper 1104).

The Minister for Education tabled a document in relation to Royalties for Regions recurrent funding for the Education portfolio in 2013-2014, in response to question on notice No. 459 asked by Hon Adele Farina. (Tabled Paper 1105).

The Minister for Education tabled a document in relation to the funding for electronic whiteboards for schools in the South West Region, in response to question on notice No. 472 asked by Hon Adele Farina. (Tabled Paper 1106).

The Minister for Education tabled a document in relation to funding for schools in the South West Region under the Air Cooling Program (Stage 2), in response to question on notice No. 486 asked by Hon Adele Farina. (Tabled Paper 1107).

The Minister for Mental Health tabled a document in relation to the funding, location, catchment area and services provided by agencies and organisations funded by the Mental Health Commission to deliver mental health services in the South West Region, in response to question on notice No. 533 asked by Hon Adele Farina. (Tabled Paper 1108).

The Minister for Mental Health tabled a document in relation to services provided by the South West Mental Health Service, in response to question on notice No. 534 asked by Hon Adele Farina. (Tabled Paper 1109).

The Minister for Mental Health tabled a document in relation to Royalties for Regions funding for the Mental Health portfolio, in response to question on notice No. 565 asked by Hon Adele Farina. (Tabled Paper 1110).

14. Electricity Corporations Amendment Bill 2013

Debate resumed on the motion of Hon Sue Ellery (*see item 12 above*).

Hon Ljiljana Ravlich sought leave to continue her remarks at the next sitting.

Leave granted.

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

15. Order of Business

Ordered — That Bills for Introduction No. 2 be taken forthwith. (Leader of the House).

16. Electronic Conveyancing Bill 2013

The Attorney General on behalf of the Minister for Agriculture and Food representing the Minister for Lands, pursuant to notice, moved —

That a Bill for “An Act to —

- provide for electronic conveyancing in Western Australia by enacting provisions that correspond to the Electronic Conveyancing National Law; and
- make consequential and other amendments to the *Duties Act 2008*, *Settlement Agents Act 1982*, *Taxation Administration Act 2003* and *Transfer of Land Act 1893*,

and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General on behalf of the Minister for Agriculture and Food representing the Minister for Lands moved, That the Bill be read a second time.

The Attorney General on behalf of the Minister for Agriculture and Food representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1111).

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

17. Members’ Statements

Statements were taken.

18. Statement by President — Notice of Building Works

The President made the following Statement —

In case there are other ideas floating around about extra sitting time, the Parliamentary Services Department has taken into account the schedule of sittings that has been tabled and some work on the building in terms of structural issues outside, such as the stone work and windows, and internally, the air-conditioning, will be occurring from Monday, 16 December.

19. Mining Legislation Amendment Bill 2013

The President reported the receipt of Message No. 44 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Minister for Agriculture and Food representing the Minister for Mines and Petroleum moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Agriculture and Food representing the Minister for Mines and Petroleum moved, That the Bill be read a second time.

The Leader of the House on behalf of the Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1112).

Debate stands adjourned.

20. Adjournment

The Council adjourned at 5.30pm until Tuesday, 10 December 2013 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Ken Baston, Hon Adele Farina, Hon Simon O'Brien and Hon Amber-Jade Sanderson.

NIGEL LAKE
Acting Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council