

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 127

WEDNESDAY, 6 MAY 2015

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. Statement by President — Ceremonial Attire — Sir Thomas Cockburn-Campbell

The President made the following Statement —

Today, on behalf of the Legislative Council, I had the great pleasure and privilege to take possession of the ceremonial attire worn by the first President of the Legislative Council, Sir Thomas Cockburn-Campbell, as part of a three-man parliamentary delegation to the Imperial Parliament in 1889 to advocate for responsible government in Western Australia. The attire, which includes a ceremonial sword, scabbard, belt, cocked hat and buttons, has been donated by Mr Alexander Cockburn-Campbell, the grandson of Sir Thomas Cockburn-Campbell. This morning I met with Mr Cockburn-Campbell and his family, and conveyed to them the Legislative Council's deep appreciation at their generosity in making these items available to the Parliament and the people of Western Australia.

The delegation to the United Kingdom, which comprised Sir Frederick Napier Broome, Governor of the Colony, Sir Thomas Cockburn-Campbell, MLC, and Mr Stephen Henry Parker, MLC, gave evidence to the House of Commons as part of a process that resulted in the passing of the *Constitution Act 1889*. Sir Thomas is reputed to have worn the attire donated today when he appeared before the House of Commons select committee and his presentation was later attributed as being crucial to the success of the delegation. The delegation's representation for responsible government occurred in the face of considerable opposition from the British media and some members of the Imperial Parliament.

The *Constitution Act 1889* established a bicameral legislature and gave the Parliament of Western Australia control over the whole territorial area of the Colony. It also paved the way for Western Australia to join the Federation of Australian Colonies. The passing of this Act was a highly significant event for Western Australia. Prior to that time, the British Government had governed the Colony with the people of Western Australia having limited say in the decisions which affected them. The crucial role Sir Thomas Cockburn-Campbell played in the attainment of responsible government for Western Australia is reflected in the fact that he was appointed as the first President of the Legislative Council in 1890. Donations of historical artefacts such as these provide a point of focus for exploring key historical events of the Parliament and lend context to the time in which those events occurred.

As Members will recall, Hon Martin Pritchard was yesterday sworn in using a Bible donated to the Parliament by the family of Hon Sir John Kirwan that was provided to him upon his being sworn in as a Member of the first Commonwealth Parliament. By being entrusted with such significant artefacts, the Legislative Council is able to preserve and build upon Western Australia's rich constitutional and social history. The generosity of the Cockburn-Campbell

family today represents a further example of the trust placed in this institution by the community it has sought to serve for the past 125 years—a trust the Legislative Council will always seek to honour.

In furtherance of this trust, and of contributing to the community it serves, the attire donated today will be a key feature of this year’s Perth Heritage Days’ event, themed “People that Shaped Perth”, to be held at the Parliament of Western Australia on Sunday, 18 October 2015.

3. Petition

Hon Adele Farina presented a petition from 1 petitioner requesting the Legislative Council to conduct an inquiry into the culture of St. John Ambulance in Western Australia and whether improvements in oversight, transparency and accountability are required. (Tabled Paper 2848).

4. Ministerial Statement — Strengthening Secondary Education in Fremantle and Armadale

The Minister for Education made a Ministerial Statement with respect to strengthening secondary education in the Fremantle and Armadale areas.

5. Ministerial Statement — Mental Health Good Outcomes Awards

The Minister for Mental Health made a Ministerial Statement with respect to the Mental Health Good Outcomes Awards presented to individuals, groups and organisations across the government, private and community sectors that have made an outstanding contribution to mental health in Western Australia.

6. Papers

The following Papers were laid on the Table by —

President

Auditor General’s Papers —

Audit Results Report — Annual 2014 Financial Audits — Universities and State Training providers — Other Audits completed since 4 November 2014 (Report No. 7) (May 2015).....	2844
Delivering Essential Services to Remote Aboriginal Communities (Report No. 8) (May 2015).....	2845

Leader of the House

Notices —

Financial Management Act 2006 — Section 82 — Notice from the Minister for Finance in respect to Legislative Assembly Question on Notice No. 3839	2846
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Minister for Mental Health

Reports —

Treasury Corporation (Quarterly Report) (for the quarter ended 31 March 2015)	2847
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7. Distinguished Visitor

The President drew attention to the presence in the gallery of Mr Unuia Unuia, a representative from the parliamentary services section of the Cook Islands Parliament, and, on behalf of Honourable Members, extended a warm welcome to him.

8. Review of the RSPCA

Motion No. 1 having been called, Hon Rick Mazza continued his introductory remarks in moving the motion as follows —

- (1) That the Council establishes a Select Committee to inquire into the Operations of the Western Australian Royal Society for the Prevention of Cruelty to Animals (the 'RSPCA'), including an examination of —
 - (a) its funding from the Government;
 - (b) its objectives; and
 - (c) the use of its powers.
- (2) The membership of the Select Committee is to be five Members, and is to include the Member from the Shooters and Fishers Party.
- (3) The Member from the Shooters and Fishers Party shall be the Chair.
- (4) The Select Committee is to report to the Council by no later than Thursday, 3 December 2015.

Debate ensued.

Interruption pursuant to order.

9. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

Joint Select Committee on Aboriginal Constitutional Recognition — Report No. 1 — Towards a True and Lasting Reconciliation: Report into the Appropriate Wording to Recognise Aboriginal People in the Constitution of Western Australia

Debate resumed on the motion of the Attorney General, That the Report be noted.

Pursuant to Temporary Order No. 5, consideration of the report was postponed until the next sitting.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 18 — Improving the working relationship between the Corruption and Crime Commission and Western Australia Police

Hon Nick Goiran moved, That the Report be noted.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Aboriginal Affairs tabled, and by leave incorporated into *Hansard*, documents in relation to the Aboriginal Cultural Material Committee minutes, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 2849).

Statement by President

The President made the following Statement —

This is an opportune time for me to clarify something that arose during question time yesterday about the need to table before leave is sought to incorporate material in *Hansard*. The Clerk has done some research into the practice of the House, and it seems that we deviated from our standard practice in about 2006 for some reason to sometimes have the documents tabled and then to seek leave to incorporate them in *Hansard*. Yesterday, when the issue came up and I reminded the Minister that he needed to table and then seek leave, Hon Adele Farina rightfully took a point of order about obtaining the information then and there. That is the only issue that matters. It is standard practice in the House that Ministers and Parliamentary Secretaries have answers prepared, with copies available for immediate distribution to the Member who asked the question; and, if that is the case, an immediate answer is provided to the Member. From now on, I will not insist on it being tabled and then

leave being sought for incorporation into *Hansard*, as long as the Ministers and Parliamentary Secretaries provide the answer for immediate distribution to the questioner.

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the burn program allocation for three South West forest regions during 2013–2014, by region and season, in response to question on notice No. 2944 asked by Hon Lynn MacLaren. (Tabled Paper 2850).

The Parliamentary Secretary representing the Minister for Science on behalf of the Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into *Hansard*, documents in relation to the Provision of Services Relating to Conception, Contraception and Gynaecological Services Plan, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 2851).

11. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 9 above*).

In Committee

(Hon Adele Farina in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 18 — Improving the working relationship between the Corruption and Crime Commission and Western Australia Police

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Question — put and passed.

Standing Committee on Environment and Public Affairs — Report No. 40 — Petition No. 23 — Increase Number of Mental Health beds in New Perth Children's Hospital

Hon Stephen Dawson moved, 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 Select Committee on Aboriginal Constitutional Recognition — Report No. 1 — *Towards a True and Lasting Reconciliation: Report into the Appropriate Wording to Recognise Aboriginal People in the Constitution of Western Australia*, made progress, and postponed further consideration to the next sitting day.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 18 — *Improving the working relationship between the Corruption and Crime Commission and Western Australia Police* and had noted same.
- (3) Standing Committee on Environment and Public Affairs — Report No. 40 — *Petition No. 23 — Increase Number of Mental Health beds in New Perth Children's Hospital*, made progress, and seeks to sit again.

Report adopted.

12. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance*, 2, *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance*, 3, *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance*, 4, *Shire of Kellerberrin Fencing Local Law 2014 — Disallowance*, and 5, *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance*, be taken after Order of the Day No. 9, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House).

13. Valuation of Land Amendment Bill 2015

The Order of the Day having been read for the consideration of the Committee's report upon this Bill. The Minister for Housing representing the Minister for Lands moved, That the report be adopted.

Question — put and passed.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

14. Taxation Legislation Amendment Bill 2015

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

Debate resumed.

Want of Quorum

There not being a quorum present, the Acting President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Interruption pursuant to order.

15. Adjournment

The Council adjourned at 6.20pm until Thursday, 7 May 2015 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council