

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 68

WEDNESDAY, 7 MAY 2014

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. Workforce Reform Bill 2013

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 57

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Workforce Reform Bill 2013*.

Hon M.W. Sutherland

Speaker

Legislative Assembly Chamber

Perth, 6 May 2014

3. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Audit Results Report — Annual 2013 Assurance Audits (Report No. 6)
(Date received 7/05/2014)..... 1439

The Implementation and Initial Outcomes of the Suicide Prevention Strategy
(Report No. 7) (Date received 7/05/2014) 1440

4. Gender Pay Gap — Pay Equity Inquiry

Motion No. 1 having been called, Hon Alanna Clohesy continued her introductory remarks in moving the motion as follows —

That the Legislative Council notes that Western Australia continues to have the widest gender pay gap in Australia and calls on the Government to conduct a pay equity inquiry as a matter of urgency and use the recommendations of that inquiry to formulate a two-year strategy to close the gender pay gap in Western Australia.

Debate ensued.

Want of Quorum

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

A quorum being formed, the debate continued.

Interruption pursuant to order.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Amber-Jade Sanderson in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 10 — WA Police’s use of Part 4 ‘exceptional powers’ in the *Corruption and Crime Commission Act 2003*

Hon Nick Goiran moved, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report No. 2 — Review of Selected Reports by the Commissioner for Children and Young People: Changing priorities in the post-Blaxell environment

Hon Sally Talbot moved, That the Report be noted.

6. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled a document in relation to Western Australian public school Education Assistants for 2013 and 2014, in response to question on notice No. 960 asked by Hon Sue Ellery. (Tabled Paper 1441).

The Minister for Mental Health representing the Treasurer tabled, and by leave incorporated into Hansard, a document in relation to Riskcover’s timeframe for claims and details for exclusions, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1442).

The Minister for Mental Health tabled a document in relation to Mental Health Services — clinic staff numbers for 2011–12, 2012–13 and 2013–14, in response to question on notice No. 948 asked by Hon Stephen Dawson. (Tabled Paper 1443).

The Attorney General representing the Minister for Emergency Services tabled a document in relation to the Department of Fire and Emergency Services, Built Environment Branch, staffing, budget and building submissions details for 2010, 2011, 2012 and 2013, in response to question on notice No. 955 asked by Hon Robin Chapple. (Tabled Paper 1444).

The Attorney General representing the Minister for Corrective Services tabled a document in relation to prison officer disciplinary charges for 2011–12, 2012–13 and 2013–14 to date, in response to question on notice No. 984 asked by Hon Kate Doust. (Tabled Paper 1445).

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, a document in relation to Serco’s contract for Fiona Stanley Hospital, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 1446).

7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 5 above*).

In Committee

(Hon Liz Behjat in the Chair)

Joint Standing Committee on the Commissioner for Children and Young People — Report No. 2 — Review of Selected Reports by the Commissioner for Children and Young People: Changing priorities in the post-Blaxell environment

Hon Sally Talbot continued her introductory remarks in moving, That the Report be noted.

Debate ensued.

Question — put and passed.

Joint Standing Committee on Environment and Public Affairs — Report No. 35 — Inquiry into the Sandalwood Industry in Western Australia

Hon Stephen Dawson 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 —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report No. 10 — *WA Police's use of Part 4 'exceptional powers' in the Corruption and Crime Commission Act 2003* and had noted same.
- (2) Joint Standing Committee on the Commissioner for Children and Young People — Report No. 2 — *Review of Selected Reports by the Commissioner for Children and Young People: Changing priorities in the post-Blaxell environment* and had noted same.
- (3) Standing Committee on Environment and Public Affairs — Report No. 35 — *Inquiry into the Sandalwood Industry in Western Australia*, made progress, and seeks to sit again.

Report adopted.

8. Order of Business

Ordered — That Orders of the Day Nos 2, *Children's Court (Fees) Amendment Regulations 2013 — Disallowance*, 3, *Civil Judgments Enforcement Amendment Regulations 2013 — Disallowance*, 4, *Coroners Amendment Regulations 2013 — Disallowance*, 5, *District Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 6, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 — Disallowance*, 7, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 8, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 — Disallowance*, 9, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, and 10, *State Administrative Tribunal Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 17, *Medicines, Poisons and Therapeutic Goods Bill 2013*. (Leader of the House).

9. Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 — Disallowance

The Order of the Day having been read for the motion moved *pro forma* by Hon Robin Chapple, as follows —

That the *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013* published in the *Gazette* on 3 December 2013 and tabled in the Council on 12 December 2013 under the *Environmental Protection Act 1986*, be and are hereby disallowed.

Debate ensued.

Question — put and negatived.

10. Mental Health Bill 2013

The Acting President reported the receipt of Message No. 55 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mental Health moved, That the Bill be read a second time.

Interruption pursuant to order.

11. Members' Statements

Statements were taken.

Point of Order

Hon Sally Talbot raised the following Point of Order —

May I ask Hon Michael Mischin to identify the document he is reading from, and to table it?

President's Ruling

The President ruled as follows —

You can ask, but the Attorney General has identified the document that he is quoting from. It is at the Minister's discretion whether he tables that document.

Point of Order

Hon Ken Travers raised the following Point of Order —

On the point of order, my recollection of the Standing Orders is that the Member needs to identify whether they are confidential or not; it is not whether he gives consideration. He needs to state clearly whether they are or are not confidential documents, and if they are not confidential he would be required to table them.

President's Ruling

The President ruled as follows —

Let us have a look at Standing Order 59(1), which reads —

- (1) A Member must identify any document quoted from by the Member in debate, including an uncorrected version of *Hansard*.
- (2) At the conclusion of a speech in which a Member has quoted from a document, the document shall be tabled upon the request of any other Member, unless the Member states the document is a confidential document.

The position is that it is in the Attorney General's hands as to whether or not he claims confidentiality.

Let me make the point that Standing Order 59 refers to documents quoted in debate. Notes compiled and used by a Member as an aide-mémoire to a speech do not really constitute a document. What we are talking about here is newspaper articles or reports used by Members in making a speech, so I think it would be wise for Members to keep that in mind for future reference.

The Attorney General tabled a document in relation to domestic homicide. (Tabled Paper 1450).

Point of Order

Hon Sally Talbot raised the following Point of Order —

Mr President, I am unclear about what documents Hon Michael Mischin tabled at the end of his speech. I saw Hon Michael Mischin hand papers over to the attendant, which you then noted as being tabled. You made a further point of clarification, whereupon Hon Michael Mischin took those papers back and instead played the rather cheap and uncomical trick of tabling the *Hansard*. I wonder whether I could seek your clarification of what we can do to get those original documents that Hon Michael Mischin tabled, tabled again.

President's Ruling

The President ruled as follows —

The sequence of events as I recall them was that Hon Sally Talbot took a point of order during the comments, asking for identification of the notes and for their tabling. The Attorney General identified his notes and said that he would consider tabling them. At the end of the comments, Hon Sally Talbot again asked for those notes to be tabled. In my mind, the Attorney General did table those notes, and I did note the tabling of them. I thought that was the end of it, so I made the clarification remarks about what constitutes a document and what does not constitute a document in terms of notes.

Then the Attorney General tabled what I thought were another couple of additional pages. I hope it is clear to all Members now that documents refer to newspaper articles or reports of that nature, they do not refer to notes that are aide-mémoires for Members' speeches.

However, in this case, I believe the first lot of notes were tabled and the Attorney General unfortunately was caught in the situation that he had already tabled notes but obviously in hindsight preferred not to table them. They were tabled and I acknowledged that they were tabled, and so the documents are tabled.

12. Mental Health Bill 2013

The Minister for Mental Health continued her introductory remarks in moving, That the Bill be read a second time (*see item 10 above*).

The Minister for Mental Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1447).

Debate stands adjourned.

13. Mental Health Legislation Amendment Bill 2013

The President reported the receipt of Message No. 56 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mental Health moved, That the Bill be read a second time.

The Minister for Mental Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1448).

Debate stands adjourned.

14. Adjournment

The Council adjourned at 11.05pm until Thursday, 8 May 2014 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell and Hon Robin Chapple.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council