

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 6

WEDNESDAY, 22 MAY 2013

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

The Commissioner, Mr Malcolm Peacock, entered the chamber to administer to Members the Oath of Allegiance to Her Majesty, or the affirmation required by law, and was conducted to the chair. The Commissioner welcomed Members and their guests, outlined proceedings and called upon the Deputy Clerk to announce the return of writs.

2. Return of Writ

The Deputy Clerk announced the return of writs for the election of Members at the general election held on 9 March 2013, showing that the following had been duly elected —

Agricultural Region

Jim CHOWN

Martin ALDRIDGE

Darren WEST

Brian ELLIS

Paul BROWN

Rick MAZZA

East Metropolitan Region

Hon Helen MORTON

Hon Alanna CLOHESY

Hon Donna FARAGHER

Hon Samantha ROWE

Hon Alyssa HAYDEN

Hon Amber-Jade SANDERSON

Mining and Pastoral Region

Hon Ken BASTON

Hon Jacqui BOYDELL

Hon Stephen DAWSON

Hon Mark LEWIS

Hon Robin CHAPPLE

Hon Dave GRILLS

North Metropolitan Region

Hon Peter COLLIER

Hon Ken TRAVERS

Hon Michael MISCHIN
 Hon Ljiljana RAVLICH
 Hon Liz BEHJAT
 Hon Peter KATSAMBANIS
South Metropolitan Region
 Hon Simon O'BRIEN
 Hon Sue ELLERY
 Hon Nick GOIRAN
 Hon Kate DOUST
 Hon Phil EDMAN
 Hon Lynn MACLAREN
South West Region
 Hon Robyn MCSWEENEY
 Hon Sally TALBOT
 Hon Barry HOUSE
 Hon Adele FARINA
 Hon Nigel HALLETT
 Hon Colin HOLT

Members took and subscribed the Oath of Allegiance, or made and subscribed the Affirmation required by law, and signed the Roll.

3. Election of the President

The Clerk announced that in accordance with the provisions of the *Constitution Acts Amendment Act 1899* the Office of the President was vacant, whereupon the Leader of the House, addressing the Clerk, moved, without notice —

That Hon Barry House do take the Chair in the Council as President.

Hon Sue Ellery seconded the motion.

No other Member being proposed, Hon Barry House was conducted to the Chair by his proposer and seconder and having made acknowledgement, received the congratulations of the Council.

The President made the following Statement —

Members, can I first thank you very much for extending your confidence in me to re-elect me as President for the next four years. It is a great honour and privilege to perform this role for the Legislative Council. Having learnt the ropes, I guess, in the last four years, I look forward enormously to the next four years of this Legislative Council and the role it will play in the thirty-ninth Parliament of Western Australia.

I want to briefly summarise four things that I will set as goals for this four-year period. Firstly, to maintain the orderly and effective conduct of business in the Legislative Council so that we play our important role in the parliamentary democracy of Western Australia. Secondly, to ensure fair and equitable treatment and opportunities for all Members. Thirdly, to improve and build on the professional development opportunities for Members and staff so that we function effectively as a house of review and so that individual Members operate as parliamentarians representing the community and this institution in a positive and constructive way. Fourthly, to work with the Speaker as joint administrators of the Parliament, akin to the relationship that Ministers have with their departments, to convince the Government and the community to improve the symbolic, educational and physical links between Parliament, the City of Perth and the Western Australian people.

Thank you for electing me as your President for another four years. I look forward to the challenges and opportunities that await us all. Thank you very much.

4. Presentation of President

The Leader of the House moved, without notice —

That His Excellency the Governor will be pleased to receive the President at the suspension of the sitting today at Government House, together with such Members as desire to accompany him.

Question — put and passed.

The President left the Chair at 11.36am

The President resumed the Chair at 2.00pm, and read Prayers.

5. Statement by President — Presentation to His Excellency the Governor

The President made the following Statement —

I have a letter from the Governor, which states —

Mr President

It is with much pleasure that I learn that you have been elected by the Members of the Legislative Council to the high and honourable office of President of the House.

I congratulate you upon your election and have every confidence you will fill the office in a worthy and dignified manner.

I recognise and I shall respect the Legislative Council's undoubted rights and privileges.

His Excellency Mr Malcolm McCusker AC CVO QC

GOVERNOR

I inform Members that I visited the Governor at Government House, together with several other Members and staff, to present myself to him and obtain his commission for the role. Once again, thank you very much, Members, for the faith that you have shown in me. I hope I can meet all of your expectations.

6. Chair of Committees — Election

The President announced that the Office of Chair of Committees was vacant.

Hon Sue Ellery moved, without notice —

That Hon Adele Farina be elected Chair of Committees.

The Leader of the House seconded the motion.

No other Member being proposed, Hon Adele Farina was duly elected and having made acknowledgement, received the congratulations of the Council.

7. Petition

Hon Robin Chapple presented a petition from 2 petitioners requesting the Legislative Council conduct an inquiry into the environmental legacy of mining in Western Australia. (Tabled Paper 274).

8. Statement by President — Welcome to New Members

The President made the following Statement —

It was remiss of me not to formally welcome to the first formal sitting all the new Members of the Legislative Council for the thirty-ninth Parliament.

9. Appointment of Deputy Chairs of Committees, Members to Standing Committees and the Parliamentary Superannuation Board

The Leader of the House moved, without notice —

- (1) That the following Members be appointed Deputy Chairs of Committees —
 - Hon Brian Ellis;
 - Hon Liz Behjat;
 - Hon Simon O'Brien;
 - Hon Alanna Clohesy; and
 - Hon Stephen Dawson.
- (2) That the following Members be appointed as Members to the Standing Committee on Environment and Public Affairs Committee —
 - Hon Simon O'Brien;
 - Hon Stephen Dawson;
 - Hon Brian Ellis;
 - Hon Paul Brown;
 - Hon Samantha Rowe; and
 - the Chair to be Hon Simon O'Brien and the Deputy Chair Hon Stephen Dawson.
- (3) That the following Members be appointed as Members to the Standing Committee on Legislation —
 - Hon Robyn McSweeney;
 - Hon Sally Talbot;
 - Hon Donna Faragher;
 - Hon Dave Grills;
 - Hon Lynn MacLaren; and
 - the Chair to be Hon Robyn McSweeney and the Deputy Chair Hon Sally Talbot.
- (4) That the following Members be appointed as Members to the Standing Committee on Public Administration —
 - Hon Liz Behjat;
 - Hon Darren West;
 - Hon Nigel Hallett;
 - Hon Jacqui Boydell;
 - Hon Amber-Jade Sanderson; and
 - the Chair to be Hon Liz Behjat and the Deputy Chair Hon Darren West.
- (5) That the following Members be appointed as Members to the Standing Committee on Estimates and Financial Operations —
 - Hon Ken Travers;
 - Hon Peter Katsambanis;
 - Hon Martin Aldridge;
 - Hon Alanna Clohesy;
 - Hon Rick Mazza; and
 - the Chair to be Hon Ken Travers and the Deputy Chair Hon Peter Katsambanis.

- (6) That the following Members be appointed as Members to the Standing Committee on Uniform Legislation and Statutes Review —
- Hon Kate Doust;
 - Hon Brian Ellis;
 - Hon Mark Lewis;
 - Hon Amber-Jade Sanderson; and
 - the Chair to be Hon Kate Doust and the Deputy Chair Hon Brian Ellis.
- (7) That the following Members be appointed as Members to the Standing Committee on Procedure and Privileges —
- Hon Nick Goiran;
 - Hon Colin Holt;
 - Hon Kate Doust; and
 - for the advice of the House the President and Chair of Committees are members pursuant to Schedule 1: Committees, item 7.2 of the Standing Orders.
- (8) That the following Members be appointed to the Parliamentary Services Committee —
- Hon Alyssa Hayden;
 - Hon Jim Chown;
 - Hon Liz Behjat;
 - Hon Stephen Dawson; and
 - Hon Ljiljanna Ravlich.
- (9) That Hon Phil Edman and Hon Kate Doust be appointed as Members to the Parliamentary Superannuation Board.

Question — put and passed.

10. Mineral Resource Rent Tax

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

That the Council —

- (a) congratulates the Barnett Government for its strong and determined representations against the Mineral Resource Rent Tax imposed by the Gillard Labor Government on iron ore and coal producers in Western Australia and other States; and
- (b) calls on the Gillard Labor Government to immediately scrap this complex and inefficient tax.

Question — put.

The Council divided.

Ayes (21)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 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*)

Noes (13)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Lynn MacLaren

Hon Ljiljana Ravlich
 Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Motion agreed to.

11. Foetal Alcohol Spectrum Disorder

Motion No. 2 having been called, Hon Sally Talbot, pursuant to notice, moved —

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.

Hon Sally Talbot, by leave, tabled a letter to the Legal Practice Board from Legal Practice Services for the Department for Child Protection, regarding notice of a potential breach of professional conduct rules. (Tabled Paper 275).

Debate ensued.

Interruption pursuant to order.

12. Address-In-Reply

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

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health tabled, and by leave incorporated into Hansard, documents in relation to the details of inpatients for specialised mental health units in regional areas, in response to a question without notice asked by Hon Sally Talbot. (Tabled Paper 276).

14. Address-In-Reply

Debate resumed on the Address-In-Reply (*see item 12 above*).

Hon Ken Baston sought leave of the House to continue his remarks at a later stage of this day's sitting.

Leave granted.

Debate resumed.

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

15. Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013

The President reported the receipt of Message No. 5 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for State Development moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for State Development moved, That the Bill be read a second time.

The Leader of the House representing the Minister for State Development tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 278).

Debate stands adjourned.

16. Supply Bill 2013

The President reported the receipt of Message No. 6 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Mental Health representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 277).

Debate stands adjourned.

17. Joint Standing Committee on the Corruption and Crime Commission — Appointment of Members

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 7

The Legislative Assembly acquaints the Legislative Council that for the present Parliament the Legislative Assembly has appointed the Member for Churchlands and the Member for Warnbro as Members of the Joint Standing Committee on the Corruption and Crime Commission.

Hon M.W. Sutherland

Speaker

Legislative Assembly Chamber

Perth, 22 May 2013

18. Joint Standing Committee on the Commissioner for Children and Young People — Appointment of Members

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 8

The Legislative Assembly acquaints the Legislative Council that for the present Parliament the Legislative Assembly has appointed the Member for Maylands and the Member for Perth as Members of the Joint Standing Committee on the Commissioner for Children and Young People.

Hon M.W. Sutherland

Speaker

Legislative Assembly Chamber

Perth, 22 May 2013

19. Order of Business

Ordered — That Order of the Day No. 1, *Address-In-Reply*, be taken forthwith. (Leader of the House).

20. Address-In-Reply

Debate resumed on the Address-In-Reply (*see item 14 above*).

Interruption pursuant to order.

21. Members' Statements

Statements were taken.

22. Adjournment

The Council adjourned at 9.49pm until Thursday, 23 May 2013 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council