

# LEGISLATIVE COUNCIL

---

## MINUTES OF PROCEEDINGS

---

No. 128

THURSDAY, 7 MAY 2015

---

**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. Statement by President — Usher of the Black Rod**

The President made the following Statement —

I wish to advise that today is the last sitting day on which Dr Paul Lobban will serve as the Usher of the Black Rod of the Legislative Council. Paul has resigned from the position to pursue a new career in the private sector in Adelaide. Paul came to us in October 2013 from the House of Assembly in South Australia, where he had been employed since 2001. For the approximately 18 months that Paul has been employed here, he has regularly commuted back to Adelaide to be with his family. Somewhat fittingly for Western Australia, he became the Council's first fly in, fly out Usher of the Black Rod. I thank Paul for his service to the Council and wish him every success in his new position in South Australia. Thank you, Paul.

**3. Statement by President — Legislative Council Crest — State Coat of Arms**

The President made the following Statement —

I would like to draw to Members' attention the appropriate use of the Legislative Council Crest and the State Coat of Arms. I make these comments as a result of correspondence that has come to my attention in which a Member of this Chamber used official correspondence in circumstances in which there is no connection between the matter and their official duties as a Member of Parliament. The Legislative Council Crest is supplied for use on official Council material to identify the Legislative Council of Western Australia's authority and property. The Council Crest may only be used for official parliamentary purposes and must not be used for party political or private purposes. It must not be used in any way that would detract from the dignity and authority of the Legislative Council. It must not be used to lend legitimacy or authority, whether intentional or not, to any matter that is not officially connected to the Legislative Council or a Member's official duties.

As Members would be aware, they may use either the Legislative Council Crest or the State Coat of Arms on their official correspondence. There are protocols that apply to the use of these symbols, and those relating to the State Coat of Arms and other official State emblems can be found on the website of the Department of the Premier and Cabinet. As I keep insisting with Members, I table a copy of the current protocol on that website relating to the State Coat of Arms. Members should only use the Council crest on official correspondence that is directly connected to their roles as Members of Parliament. Members must not use the Legislative Council Crest or State Coat of Arms or letterhead containing those official symbols in matters that are of a private nature. Updated guidelines for the use of the

Legislative Council Crest will be published today and distributed to all Members of this House to ensure that all Members are aware of the rules regarding its use.

The President tabled the *Guidelines for the Correct Use and Depiction of the Coat of Arms of the State of Western Australia*. (Tabled Paper 2856).

#### **4. Ministerial Statement — Aboriginal Youth Services Investment Reform**

The Minister for Aboriginal Affairs made a Ministerial Statement with respect to the Aboriginal Affairs Cabinet Sub-Committee's initiation of a review of State Government investment in Aboriginal youth services.

#### **5. Papers**

The following Papers were laid on the Table by —

##### **Leader of the House**

##### *Orders —*

School Education Act 1999 (Higher School Leaving Age Options Amendment and Repeal Order 2015 G.G. 27/03/2015) ..... 2852

##### *Reports —*

Consultants Engaged by Government (for the six months ended 30 June 2014) ..... 2853

Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the three months ended 30 June 2014) ..... 2854

Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the three months ended 30 September 2014) ..... 2855

#### **6. Joint Standing Committee on Delegated Legislation — Report No. 82 — Explanatory Report in relation to the Public Sector Management (Redeployment and Redundancy) Regulations 2014**

Hon Robin Chapple presented Report No. 82 of the Joint Standing Committee on Delegated Legislation, *Explanatory Report in relation to the Public Sector Management (Redeployment and Redundancy) Regulations 2014*. (Tabled Paper 2857).

#### **7. Job Diversification**

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

That this House recognises the urgent need to diversify jobs in Western Australia's economy and condemns the Liberal-National Government for failing to adequately prepare for diversification.

Debate ensued.

##### *Point of Order*

Hon Sally Talbot raised the following Point of Order —

I wonder what document the Minister is quoting from. Could he identify the document?

##### *President's Ruling*

The President ruled as follows —

You can ask the Minister to identify the document and you can request that he table it, but of course it is his decision to do that.

The Leader of the House, by leave, tabled documents in relation to diversification of the State's economy through scientific research and innovation. (Tabled Paper 2858).

*Motion lapsed.*

## 8. GST Distribution

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

That this House —

- (a) welcomes reports that the Federal Government has finally recognised that the GST distribution formula is unfair, inequitable and discriminates against Western Australia;
- (b) condemns the negative and anti-Federalist statements recently made by Premiers and Ministers from other States and Territories regarding future distributions of GST revenue; and
- (c) reaffirms the call to immediately replace the current flawed Commonwealth Grants Commission methodology for GST distribution with

Debate ensued.

*Motion lapsed.*

## 9. 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*, 5, *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance*, 6, *Shire of Trayning Public Places and Local Government Property Local*, and 8, *City of Gosnells Cat Local Law 2014 — Disallowance*, be taken after Order of the Day No. 12, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House)

## 10. City of Joondalup Local Government and Public Property Local Law 2014 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 7, *City of Joondalup Local Government and Public Property Local Law 2014 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

## 11. Valuation of Land Amendment Bill 2015

The Order of the Day having been read for the third reading of this Bill.

The Minister for Housing representing the Minister for Lands moved, That the Bill be read a third time.

The Deputy President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

## 12. 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.

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

Leave granted.

Debate resumed.

## 13. Questions Without Notice

Questions without notice were taken.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to Western Australian public schools built between 1950 to 1960, 1960 to 1970 and 1970 to 1980, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to staffing requirements at the Department of Education, in response to a question without notice asked by Hon Sue Ellery.

The Parliamentary Secretary representing the Minister for Science on behalf of the Parliamentary Secretary representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that answers to questions on notice Nos 2913 and 2914 asked by Hon Ken Travers will be provided on 14 May 2015.

#### **14. Taxation Legislation Amendment Bill 2015**

Debate resumed on the second reading of this Bill (*see item 12 above*).

Hon Alanna Clohesy 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. Loan Bill 2015**

The President reported the receipt of Message No. 104 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 2859).

Debate stands adjourned.

#### **16. Valuation of Land Amendment Bill 2015**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 105

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Valuation of Land Amendment Bill 2015*.

Mr I.M. Britza

Acting Speaker

Legislative Assembly Chamber

Perth, 7 May 2015

#### **17. Partial Revocation of State Forest No. 16**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 106

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following motion —

That the proposal for the partial revocation of State Forest No. 16, laid on the table of the Legislative Assembly on Wednesday, 11 March 2015 by command of His Excellency the Administrator, be carried out.

Mr N.W. Morton

Acting Speaker

Legislative Assembly Chamber

Perth, 7 May 2015

**18. Order of Business**

Ordered — That Members' Statements be taken forthwith. (Minister for Mental Health).

**19. Members' Statements**

Statements were taken.

**20. Statement by President — Standing Order 5(5)(a)**

The President made the following Statement —

I have just a very brief comment. Tonight it was unusual that there were three Ministers who spoke during Members' Statements. That is fine; normally I would give precedence to other Members in the chamber but only if they stand, of course, and, as it is, everybody got their comments in. But just for Ministers' benefit, I would just like to remind you that there is a provision under Standing Order 5(5)(a), whereby you can seek an extra 10 minutes to respond to anything raised during Members' Statements. As an example, the Leader of the House could have responded using that provision, and the Minister for Housing could have, if he wished, responded to the point raised by Hon Adele Farina.

**21. Adjournment**

The Council adjourned at 5.54pm until Tuesday, 12 May 2015 at 2.00pm.

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

Attendance: Present all Members except Hon Jacqui Boydell, Hon Alyssa Hayden and Hon Rick Mazza.

**NIGEL PRATT**  
Clerk of the Legislative Council

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