

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 77

THURSDAY, 25 MARCH 2010

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. President's Ruling - Matter of Privilege

The President ruled as follows -

Last night Hon Jon Ford raised a matter alleging a breach of privilege concerning the attempted serving of a summons on him and the subsequent serving of a summons on a staff member during a sitting of the House. Standing Order 155 requires the President to rule whether the matter is one affecting the privileges of the House under the *Parliamentary Privileges Act 1891*. Section 1 of the *Parliamentary Privileges Act 1891* states, in part, that -

the Legislative Council, and their members and committees have and may exercise, to the extent they are not inconsistent with this Act, the privileges, immunities and powers by custom, statute or otherwise of the Commons House of Parliament of the United Kingdom and its members and committees as at 1 January 1989.

Erskine May's *Parliamentary Practice*, 21st edition, at page 125 states -

For example, serving or executing civil or criminal process within the precincts of either House while the House is sitting without obtaining the leave of the House is a contempt.

I therefore rule that the matter is one that affects the privileges of the House. I call on Hon Jon Ford to move the appropriate motion.

3. Standing Committee on Procedure and Privileges - Referral of a Matter of Privilege

Hon Jon Ford moved, without notice -

- (1) That the Standing Committee on Procedure and Privileges inquire into and report on the attempted serving of a summons on a Member during a sitting of the House; and
- (2) That Hon Jon Ford be excused as a Member of the Committee for the purposes of this inquiry.

Debate ensued.

Question - put and passed.

4. Petitions

Hon Nick Goiran presented a petition, by delivery to the Clerk, [SO 130], from 904 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1842).

Hon Nick Goiran presented a petition, by delivery to the Clerk, [SO 130], from 39 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1843).

Hon Nick Goiran presented a petition, by delivery to the Clerk, [SO 130], from 17 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1844).

Hon Nick Goiran presented a petition from 23 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1845).

5. Paper

The following Paper was laid on the Table by -

Leader of the House

Response to Reports -

Joint Standing Committee on Delegated Legislation - Fish Resources Management
Amendment Regulations (No. 3) 2009 (Report No. 35) (Minister for Fisheries) 1841

6. **Standing Committee on Uniform Legislation and Statutes Review - Special Report - Addendum to Report No. 41 - Inquiry into the Child Exploitation Material and Classification Legislation Amendment Bill 2009 (Report 2)**

Hon Adele Farina presented a Special Report of the Standing Committee on Uniform Legislation and Statutes Review being an Addendum to Report No. 41 - *Inquiry into the Child Exploitation Material and Classification Legislation Amendment Bill 2009 (Report 2)*. (Tabled paper 1846).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. **Standing Committee on Uniform Legislation and Statutes Review - Petroleum and Energy Legislation Amendment Bill 2009 - Extension of Reporting Time**

Hon Adele Farina presented a Special Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Petroleum and Energy Legislation Amendment Bill 2009* seeking an extension of time to report from 1 April 2010 to 22 April 2010. (Tabled paper 1847).

Hon Adele Farina moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

8. **Freedom of Information Process**

Motion No. 1 having been called, Hon Ljiljanna Ravlich continued her introductory remarks in moving the motion as follows -

That this House condemns the Premier for failing to honour his election commitment to review the manner in which Departments are administering the Freedom of Information (FOI) process, to ensure that the Government is accountable and open in accordance with the spirit of the FOI Act and calls on the Premier to explain why he has allowed a culture of arrogance, secrecy and of deliberately keeping information from the public to develop among his Cabinet Ministers when dealing with FOI requests.

Debate ensued.

Interruption of Debate [SO 195].

9. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Jon Ford in the Chair)

Standing Committee on Public Administration - Tenth Report - Inquiry into Statutory Office Holders' Grievance Procedures

Hon Ed Dermer continued his introductory remarks in moving, That the Report be noted.

Debate ensued.

Question - put and passed.

Standing Committee on Environment and Public Affairs - Sixteenth Report - Municipal Waste Management in Western Australia

Hon Kate Doust moved, That the Report be noted.

Debate ensued.

Interruption of Debate [SO 61A].

The President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Standing Committee on Public Administration - Tenth Report - Inquiry into Statutory Office Holders' Grievance Procedures and had noted same.
- (2) Standing Committee on Environment and Public Affairs - Sixteenth Report - Municipal Waste Management in Western Australia, made progress, and asked leave to sit again.

Report adopted.

10. Order of Business

Ordered - That Orders of the Day Nos 2, *Taxi Amendment Regulations (No. 2) 2009 - Disallowance*, and 3, *Genetically Modified Crops Free Areas Exemption Order - Disallowance*, be taken after Order of the Day No. 8, *Working with Children (Criminal Record Checking) Amendment Bill 2009*. (Leader of the House).

11. Order of Business

Ordered - That Order of the Day No. 14 be taken forthwith. (Leader of the House).

12. Aboriginal Housing Legislation Amendment Bill 2009

The Order of the Day having been read, the Parliamentary Secretary representing the Minister for Housing and Works moved, without notice -

That the *Aboriginal Housing Legislation Amendment Bill 2009* not stand referred pursuant to Standing Order 230A to the Standing Committee on Uniform Legislation and Statutes Review.

Debate ensued.

Question - put and passed.

The Parliamentary Secretary representing the Minister for Housing and Works moved, without notice -

That Standing Order 230A(2) be suspended to enable the *Aboriginal Housing Legislation Amendment Bill 2009* to proceed through the second reading prior to the 30 days.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Parliamentary Secretary representing the Minister for Housing and Works moved, That the Bill be now read a second time.

Debate stands adjourned.

13. Proposed Temporary Orders

The Order of the Day having been called, the Leader of the House moved, without notice -

That the House adopts the proposed Temporary Orders as contained in Tabled Paper No. 1285 as of Tuesday, 30 March 2010.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

14. Child Exploitation Material and Classification Legislation Amendment Bill 2009

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

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

15. Professional Standards Amendment Bill 2009

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 1 agreed to.

Clauses 2 to 23 agreed to.

Heading Part 4.

Hon Adele Farina moved -

Page 17, line 2 — To delete “**national model legislation**” and insert —

legislation in other jurisdictions

Debate ensued.

Amendment - put and negatived.

Question - That the Heading Part 4 stand as printed - put and passed.

Clauses 24 to 29 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

The Deputy President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Bill read a third time and passed.

16. Order of Business

Ordered - That Order of the Day No. 8, *Working with Children (Criminal Record Checking) Amendment Bill 2009*, be taken forthwith. (Leader of the House).

17. Working with Children (Criminal Record Checking) Amendment Bill 2009

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

Debate resumed.

18. Questions Without Notice

Questions without notice were taken.

The Minister for Energy tabled, and by leave incorporated into Hansard, documents in relation to the number of power outages in the towns of Kalbarri and Northampton between 1 December 2008 and 28 February 2010, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 1848).

The Minister for Mines and Petroleum tabled, and by leave incorporated into Hansard, documents in relation to reportable safety breaches, improvement notices, loss time injuries and fatalities in the Western Australian mining resources sector since 26 November 2009, in response to a question without notice asked by Hon Jon Ford. (Tabled paper 1849).

19. Working with Children (Criminal Record Checking) Amendment Bill 2009

Debate resumed on the second reading of this Bill (cf item 17 above).

Question - put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Interruption of Debate [SO 61(c)].

20. Adjournment

The Leader of the House moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 5.32pm until Tuesday, 30 March 2010 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown, Hon Alyssa Hayden and Hon Colin Holt.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council