

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 70

TUESDAY, 13 MAY 2014

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Petition

Hon Alyssa Hayden presented a petition from two petitioners requesting the Legislative Council to oppose any changes to the *Swan Valley Planning Act 1995* involving a reduction to minimum lot sizes. (Tabled Paper 1465).

3. Papers

The following Papers were laid on the Table by —

Leader of the House

Rules -

Lotteries Commission Act 1990 (Lotteries Commission (Saturday Lotto) Amendment Rules 2014
G.G. 6/05/2014) 1461

Minister for Mental Health

Local Laws -

Local Government Act 1995 (City of Stirling Parking Local Law 2014 G.G. 9/05/2014, Shire of
Dardanup Extractive Industries Amendment Local Law 2014 G.G. 6/05/2014 and Shire of
Dardanup Parking and Parking Facilities Amendment Local Law 2014 G.G. 6/05/2014) 1462

Plans -

Metropolitan Redevelopment Authority Operational Plan 2013–2014..... 1463

Attorney General

Reports -

Terrorism (Prevention Detention) Act 2006 Quarterly Report (31 March 2014) 1464

4. Order of Business

Ordered — That Orders of the Day Nos 1, *Children's Court (Fees) Amendment Regulations 2013 — Disallowance*, 2, *Civil Judgments Enforcement Amendment Regulations 2013 — Disallowance*, 3, *Coroners Amendment Regulations 2013 — Disallowance*, 4, *District Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 5, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 — Disallowance*, 6, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 7, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 — Disallowance*, 8, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, and 9, *State Administrative Tribunal Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 17, *Custodial Legislation (Officers Discipline) Amendment Bill 2013*. (Leader of the House).

5. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2014–2015

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Mental Health representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 1449A–E (2014–2015 Budget Statements), laid upon the Table of the House on Thursday, 8 May 2014.

Debate resumed.

6. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to full time student enrolments at Western Australian public schools, by year level as at the first semester census for 2014, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1466).

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to the most recent full time student enrolment projections for Western Australian public schools, by primary and secondary school levels for the years 2015 to 2018 inclusive, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1467).

The Minister for Education tabled, and by leave incorporated into Hansard, an updated answer in relation to funding for Mount Lawley Senior High School, in response to question without notice No. 227 asked by Hon Alanna Clohesy. (Tabled Paper 1468).

The Minister for Education, by leave incorporated into Hansard, an updated answer in relation to the most recent enrolments for the 2014 first semester at Western Australian public schools and the percentage increase on the 2013 first semester enrolments, in response to question without notice No. 151 asked by Hon Sue Ellery.

The Minister for Child Protection tabled documents in relation to the Department for Child Protection and Family Support full time equivalent employee allocation as at 1 March 2014, in response to question on notice No. 989 asked by Hon Stephen Dawson. (Tabled Paper 1469).

7. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2014–2015

Debate resumed on the motion of the Minister for Mental Health representing the Treasurer (*see item 5 above*).

Point of Order

The Leader of the House raised the following Point of Order —

I call your attention, Madam Acting President, to Standing Order 45 in regard to imputations, and I ask the honourable Member to withdraw that comment.

Acting President's Ruling

The Acting President ruled as follows —

Member, Standing Order 45 “Imputations and Personal Reflections”, reads —

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

I listened closely to what you were saying and you repeated it on several occasions; you made the accusations that you did. Whilst you may not have specifically referred to a Member in particular at the time that you did, when you repeated your accusation you did across the Chamber use the words “You are a liar” directed to the Leader of the House, and so I would ask you to perhaps reconsider and you may wish to withdraw that remark that you made. Perhaps at this stage if the Member chooses not to withdraw those comments that I have particularly asked her to withdraw, then perhaps I need to leave the chair until the ringing of the bells to seek some further advice.

The Acting President left the Chair at 8.12pm

The President resumed the Chair at 8.24pm

President's Ruling

The President ruled as follows —

Members, I have been following proceedings behind the Chair, and the Acting President has reported to me the two points of order that were taken on Hon Ljiljanna Ravlich. From what I heard and observed and from the report from the Acting President, according to Standing Order 46(3) —

If the President determines that the words used by a Member constitute unparliamentary language, whether or not an objection has been raised by another Member, the President shall direct the Member to withdraw those words and may require an apology.

I determine that the words used were unparliamentary and do require those words to be withdrawn, and an apology is invited.

Hon Ljiljanna Ravlich withdrew her remarks.

Debate resumed.

On the motion of Hon Samantha Rowe the debate was adjourned to the next sitting.

8. Electoral Amendment Bill 2014

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

Debate resumed.

The motion requiring the concurrence of an absolute majority.

Question — put.

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

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Hon Kate Doust moved —

Page 3, lines 15 and 16 — To delete “, protections and immunities”.

Debate ensued.

Interruption pursuant to order.

The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

9. Members' Statements

Statements were taken.

10. Adjournment

The Council adjourned at 9.54pm until Wednesday, 14 May 2014 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Simon O'Brien.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council