

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 57

THURSDAY, 13 MARCH 2014

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. Ministerial Statement — Australian Marine Complex — Henderson

The Minister for Commerce made a Ministerial Statement with respect to the tenth anniversary of the Australian Marine Complex.

3. Town of Victoria Park Parking and Parking Facilities Amendment (General) Local law 2013

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Victoria Park Parking and Parking Facilities Amendment (General) Local Law 2013* published in the *Gazette* on 29 November 2013 and tabled in the Legislative Council on 3 December 2013 under the *Local Government Act 1995*, be and is hereby disallowed.

4. State Administrative Tribunal Amendment Regulations (No. 2) 2013

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *State Administrative Tribunal Amendment Regulations (No. 2) 2013* published in the *Gazette* on 14 January 2014 and tabled in the Legislative Council on 25 February 2014 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed.

5. Schools, Health and Public Transport — Funding

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

That this House —

- (a) welcomes the continuation of the treatment of iron ore fines in determining the distribution of GST to Western Australia;
- (b) calls on the Barnett Government to use this extra revenue to cancel the planned funding cuts to schools and health, and to honour its election promises for public transport infrastructure; and
- (c) calls on the Federal Government to maintain \$500 million allocation for Western Australian public transport in the Federal budget.

Debate ensued.

Point of Order

Hon Nick Goiran raised the following Point of Order —

On multiple occasions this morning the honourable Member has not referred to Members by their correct title. I believe that the Prime Minister is, indeed, “honourable”. She has the alternatives of referring to him as Hon Tony Abbott or the Prime Minister.

President’s Ruling

The President ruled as follows —

When you are formally addressing somebody, I think that is correct, but as long as it is done within context and not in a derogatory way, I believe that that is appropriate. The Member just needs to be conscious that she needs to be respectful of other Members and other positions within our Australian jurisdictions, regardless of who holds them.

Debate resumed.

Hon Ken Travers, by leave, tabled documents in relation to the Australian Government Commonwealth Grants Commission – Report on GST Revenue Sharing Relativities 2012 Update. (Tabled Paper 1287).

Debate resumed.

Motion lapsed.

6. Minerals Resource Rent Tax and Carbon Tax

Private Members’ Business No. 1 having been called, Hon Liz Behjat moved, without notice —

That this House —

- (a) condemns Federal Labor and the Greens’ failure to confirm their support for a repeal of the Minerals Resource Rent Tax and the Carbon Tax in the Australian Senate; and
- (b) calls on all successful candidates in the half-Senate election, to be held on 5 April 2014, to act in the best interests of Western Australia by voting to repeal these anti-Western Australia taxes at the earliest possible opportunity.

Debate ensued.

Point of Order

Hon Sue Ellery raised the following Point of Order —

My point of order is that I just heard Hon Nick Goiran doing what I think was reflecting on a vote of the Council by reading out a list of people who voted in a particular way and making certain comments about them. I draw your attention, Madam Deputy President, to Standing Order 41 and ask for your advice as to whether he should withdraw those comments.

Deputy President’s Ruling

The Deputy President ruled as follows —

Standing Order 41 states —

A Member shall not reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.

Having considered the comments made by both Members on the point of order and having listened to the comments as they were made by the honourable Member, it is my view that the Member did refer to a particular vote of the Council and how Members voted, but I did not pick up any implication as to a negative reflection on that decision. But I take this opportunity to make clear to Members that you can report on the outcome of the vote as it is reported in *Hansard*, but the minute you make a negative implication in relation to that, you will end up in breach of Standing Order 41. I do not think on this occasion Hon Nick Goiran trespassed upon that.

Debate resumed.

Motion lapsed.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 – Disallowance*, 2, *Government Railways (Parking Stations) Amendment By-law 2013 – Disallowance*, 3, *Public Transport Authority Amendment Regulations 2013 – Disallowance*, 4, *Children’s Court (Fees) Amendment Regulations 2013 – Disallowance*, 5, *Civil Judgments Enforcement Amendment Regulations 2013 – Disallowance*, 6, *Coroners Amendment Regulations 2013 – Disallowance*, 7, *District Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, 8, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 – Disallowance*, 9, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, 10, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 – Disallowance*, 11, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, 12, *Water Services (Water Corporations Charges) Regulations 2013 – Disallowance*, and 13, *Water Services Regulations 2013 – Disallowance*, be taken after Order of the Day No. 15, *Taxi Drivers Licensing Bill 2013*. (Leader of the House).

8. Workforce Reform Bill 2013

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

Debate resumed.

Hon Kate Doust, by leave, tabled a document relating to an Analysis of Western Australian Public Sector Agreements. (Tabled Paper 1288).

Debate resumed.

9. Questions Without Notice

Questions without notice were taken.

Point of Order

Hon Sue Ellery raised the following Point of Order —

As I heard the answer just given by the Attorney General, he is relying on Standing Order 105 that refers to the seeking of an opinion. The question does not seek an opinion; this question asks which statutes preclude certain things. That is not asking for an opinion; it is asking for a reference to a particular statute.

President’s Ruling

The President ruled as follows —

I hear the Leader of the Opposition’s point of order, but we get back to the situation that the Attorney General’s answer is the Attorney General’s answer. In those terms, you may not like an answer or agree with an answer, but it is the answer. If the Attorney General on hearing the point of order wishes to reconsider that, it is entirely at his discretion. In the sense that the Attorney General has given what he considers a suitable answer in relation to him providing an opinion, that is the answer, I am afraid, whether you think it is right or wrong or whatever.

The Minister for Agriculture and Food representing the Minister for Housing, by leave incorporated into Hansard, a table showing the number of vacant public housing properties in the South East Metropolitan region, in response to a question without notice asked by Hon Samantha Rowe.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled documents in relation to mine record book entries for the Harlequin Mine and its new Sir Major Decline for the months of January and February 2014, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 1289).

The Minister for Mental Health tabled a Memorandum of Understanding between the Mental Health Commission and the Department of Housing on the Disruptive Behaviour Management Strategy, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 1290).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to Whale Shark Management – Wildlife Management Program No. 57 (2013), in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 1291).

10. Workforce Reform Bill 2013

Debate resumed on the second reading of this Bill (*see item 8 above*).

Interruption pursuant to order.

11. Adjournment

The Council adjourned at 5.20pm until Tuesday, 18 March 2014 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Brian Ellis and Hon Colin Holt.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council