

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 26

TUESDAY, 17 SEPTEMBER 2013

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. Statement by President — Chamber Bells

The President made the following Statement —

Members, as you settle into the Chamber, we are not totally sure that the bells are ringing successfully throughout the whole building so it is being checked, and I ask you to be vigilant in case you miss the bells.

3. Ministerial Statement — Western Australian Planning Commission — Appointment of Chair

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to the appointment of Mr Eric Lumsden as the Chair of the Western Australian Planning Commission.

4. Ministerial Statement — Live Cattle Transport Ship — Pearl of Para

The Minister for Agriculture and Food made a Ministerial Statement with respect to the livestock ship Pearl of Para.

5. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

State Records Commission (2012–2013) (Date received 16/09/2013) 623

Leader of the House

Regulations —

Liquor Control Act 1988 (Liquor Control (Koongie Park Restricted Area) Amendment Regulations 2013 G.G. 13/09/2013, Liquor Control (Kundat Djaru Restricted Area) Amendment Regulations 2013 G.G. 13/09/2013 and Liquor Control (Nicholson Block Restricted Area) Amendment Regulations 2013 G.G. 13/09/2013) 624

Minister for Mental Health

Local Laws —

Local Government Act 1995 (City of Armadale Pest Plant Local Law 2013 G.G. 10/09/2013) 625

Attorney General*Schemes —*

Professional Standards Act 1997 (Law Institute of Victoria Limited Scheme (Amendment —
No. 2) G.G. 10/09/2013)..... 626

Minister for Agriculture and Food*Notices —*

Financial Management Act 2006 — Section 82 — Question on Notice No. 270 asked
in the Legislative Assembly 627

6. Order of Business

Ordered — That Orders of the Day Nos 1, *Proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda to a dual carriageway in the City of Kwinana — Disallowance*, 2, *Children’s Court (Fees) Amendment Regulations (No. 2) 2012 — Disallowance*, 3, *Civil Judgments Enforcement Amendment Regulations 2012 — Disallowance*, 4, *Coroners Amendment Regulations 2012 — Disallowance*, 5, *District Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, 6, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 — Disallowance*, 7, *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, 8, *State Administrative Tribunal Amendment Regulations (No. 3) 2012 — Disallowance*, 9, *Supreme Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, 10, *City of Fremantle Plastic Bag Reduction Local Law 2012 — Disallowance*, 11, *Mindarie Regional Council Waste Facility Site Amendment Local Law 2013 — Disallowance*, 12, *Legal Profession Conduct Amendment Rules 2013 — Disallowance*, 13, *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 — Disallowance*, 14, *Supreme Court Amendment Rules 2013 — Disallowance*, 15, *Firearms Amendment Regulations 2013 — Disallowance*, 16, *Town of Claremont Parking Local Law 2013 – Disallowance*, and 17, *Fire Brigades Amendment Regulations 2013 – Disallowance*, be taken after Order of the Day No. 25, *Climate Change Readiness (Coastal Planning and Protection) Bill 2013*. (Leader of the House).

7. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2013–2014

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 68(1), the Legislative Council take note of Tabled Paper 506A-E (2013–2014 Budget Statements), laid upon the Table of the House on Thursday, 8 August 2013.

Debate resumed.

Hon Alyssa Hayden sought leave of the House to extend her speaking time.

Leave granted.

Debate resumed.

8. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to late-term terminations at King Edward Memorial Hospital, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 628).

The Leader of the House representing the Premier tabled, and by leave incorporated into Hansard, documents in relation to the Kimberley Science and Conservation Strategy, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 629).

The Minister for Agriculture and Food representing the Minister for Regional Development tabled documents in relation to expenditures of the Chief Executive Officer of Pilbara Development Commission, in response to question on notice No. 199 asked by Hon Robin Chapple. (Tabled Paper 630).

9. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2013–2014

Debate resumed on the motion of the Minister for Mental Health representing the Treasurer (*see item 7 above*).

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

10. Petroleum and Geothermal Energy Legislation Amendment Bill 2013

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

Debate resumed.

Hon Colin Holt moved, without notice —

That Order of the Day No. 21, *Petroleum and Geothermal Energy Legislation Amendment Bill 2013*, be discharged and referred to the Standing Committee on Legislation to consider Clauses 11 and 12 of the Bill, and report to the Council not later than 19 November 2013.

Debate ensued.

Hon Robin Chapple moved to amend the motion as follows —

To delete “and 12” and insert —

, 12, 69JR, 69JS and 69JT.

Hon Robin Chapple, by leave, withdrew his amendment.

Hon Robin Chapple moved to amend the motion as follows —

To delete “and 12” and insert —

, 12, and that part of Clause 81 that contains proposed sections 69JR, 69JS and 69JT.

Debate ensued.

Amendment — put and negatived.

Question — put and passed.

Debate stands adjourned and the Bill referred to the Standing Committee on Legislation

11. Protection of the Identity of Journalists' Informants

The Order of the Day having been read for the adjourned debate on the motion of Leader of the House, as follows —

That new Standing Order 201, as outlined in the Schedule to this motion, be adopted by the Council and that the Standing Orders be renumbered accordingly.

Schedule

201. Protection of the Identity of Journalists' Informants

- (1) Where a journalist is examined before a Committee or the Council and, in the course of such examination, is asked to disclose the identity of the journalist's informant and refuses, the Council shall consider whether to excuse the answering of the question pursuant to section 7 of the *Parliamentary Privileges Act 1891*.
- (2) In considering a matter under (1), the Council shall only order the disclosure of the identity of a journalist's informant if the Council is satisfied that, having regard to the issues to be determined in the proceeding, the public interest in the disclosure of the identity of the informant outweighs —
 - (a) any likely adverse effect of the disclosure of the identity on the informant or any other person; and

- (b) the public interest in the communication of facts and opinions to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.
- (3) Without limiting the matters that the Council may have regard to for the purposes of this Standing Order, the Council must have regard to the following matters —
 - (a) the probative value of the identifying evidence in the proceeding;
 - (b) the importance of the identifying evidence in the proceeding;
 - (c) the nature and gravity of the subject matter of the proceeding;
 - (d) the availability of any other evidence concerning the matters to which the identifying evidence relates;
 - (e) the likely effect of the identifying evidence, including the likelihood of harm, and the nature and extent of harm that would be caused to the informant or any other person;
 - (f) the means available to the Council to limit the harm or extent of the harm that is likely to be caused if the identifying evidence is given;
 - (g) the likely effect of the identifying evidence in relation to —
 - (i) a prosecution that has commenced but has not been finalised; or
 - (ii) an investigation, of which the Council is aware, into whether or not an offence has been committed;
 - (h) whether the substance of the identifying evidence has already been disclosed by the informant or any other person;
 - (i) the risk to national security or to the security of the State;
 - (j) whether or not there was misconduct on the part of the informant or the journalist in relation to obtaining, using, giving or receiving information.

Debate resumed.

Hon Nick Goiran sought leave of the House to extend his speaking time.

Leave granted.

Debate resumed.

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Hon Peter Katsambanis sought leave of the House to extend his speaking time.

Leave granted.

Debate resumed.

Interruption pursuant to order.

12. Appropriation (Consolidated Account) Recurrent 2013–14 Bill 2013

The President reported the receipt of Message No. 22 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 631).

Debate stands adjourned.

13. Adjournment

The Council adjourned at 9.47pm until Wednesday, 18 September 2013 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Sue Ellery, Hon Robyn McSweeney and Hon Amber-Jade Sanderson.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council