

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 25

THURSDAY, 12 SEPTEMBER 2013

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 — R U OK? Day

The Minister for Mental Health made a Ministerial Statement with respect to R U OK? Day.

3. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Auditor General, Office of the Annual Report (2012–2013) (Date received 11/09/2013) 616

Parliamentary Secretary representing the Minister for Transport on behalf of the Parliamentary Secretary representing the Minister for Training and Workforce Development

Annual Reports —

Building and Construction Industry Training Board (2012–2013)
(Date received 11/09/2013)..... 617

Water Corporation (2012–2013) (Date received 11/09/2013) 618

4. Standing Committee on Estimates and Financial Operations — Report No. 43 — 2013–2014 Estimates Hearings — Sitting Schedule Amended

Hon Ken Travers presented Report No. 43 of the Standing Committee on Estimates and Financial Operations in relation to the *2013–2014 Estimates Hearings — Sitting Schedule Amended*. (Tabled Paper 619).

5. World Suicide Prevention Day and R U OK? Day

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

That the Council recognises World Suicide Prevention Day and R U OK? Day and that Members undertake to —

- (a) publicise suicide prevention programmes among their constituents;
- (b) acknowledge the risk factors people face in their regions;
- (c) actively support non-Government and Government programmes to prevent suicide; and
- (d) express our condolences to those who have been affected by the suicide of a loved one, co-worker or friend.

Debate ensued.

Motion lapsed.

6. Local Government – Forced Amalgamations

Non-Government Business No. 2 having been called, Hon Lynn MacLaren moved, without notice —

That the Council calls upon the Barnett Government to —

- (a) acknowledge the outpouring of community concern regarding the Government's process for forced local government amalgamations;
- (b) not proceed with removing the Dadour Amendment from the *Local Government Act 1995*;
- (c) recognise the principle that local communities should be the drivers of policies in relation to council amalgamation; and
- (d) consider that changes to council boundaries should consider shared communities of interest.

Debate ensued.

Interruption pursuant to order.

7. Regional Western Australia — Infrastructure Investment

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

That this Council calls on the newly elected Federal Government to invest in infrastructure in regional Western Australia.

Debate ensued.

Motion lapsed.

8. Land Tax Amendment Bill 2013

The Deputy President reported the receipt of Message No. 21 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister of Finance moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Finance moved, That the Bill be read a second time.

The Leader of the House representing the Minister of Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 620).

Debate stands adjourned.

9. 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. 30, *Protection of the Identity of Journalists' Informants*. (Leader of the House).

10. 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.

On the motion of Leader of the House the debate was adjourned to the next sitting.

11. Criminal Code Amendment Bill (No. 2) 2013

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

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.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Attorney General moved, That the Bill be read a third time.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

12. Fair Trading Amendment Bill 2013

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Commerce moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

13. Statutes (Repeals and Minor Amendments) Bill 2013

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

14. 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.

On the motion of Leader of the House the debate was adjourned to the next sitting.

15. Protection of the Identity of Journalists' Informants

The Order of the Day having been read, the Leader of the House, pursuant to notice, moved —

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 ensued.

16. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to 2014 first semester enrolment projections for Western Australian public schools, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 621).

The Minister for Aboriginal Affairs tabled documents in relation to State Government agencies' Reconciliation Action Plans, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 622).

17. Protection of the Identity of Journalists' Informants

Debate resumed on the motion of the Leader of the House (*see item 15 above*).

Interruption pursuant to order.

18. Members' Statements

Statements were taken.

19. Adjournment

The Council adjourned at 5.35pm until Tuesday, 17 September 2013 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple, Hon Adele Farina, Hon Colin Holt, Hon Robyn McSweeney and Hon Simon O'Brien.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council