

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 240

TUESDAY, 23 OCTOBER 2012

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. Distinguished Visitor — Speaker of the Cook Islands Parliament

The President drew attention to the presence in the gallery of Hon Niki Rattle, Speaker of the Parliament of the Cook Islands, and, on behalf of Honourable Members, extended a warm welcome to her.

3. President's Ruling — Oral Reports of Committees during Members' Statements

The President ruled as follows —

During Members' Statements last Thursday a point of order was raised regarding the comments by Hon Philip Gardiner. The question was whether the Member was making a private statement or reporting from a committee; and, if so, whether that was in order.

Standing Orders, while not comprehensive, lay down certain procedures that must be followed. For Committees the proper process for reporting to the House is by presenting a written report to the House. Standing Order 20(3) provides that the Chair of a Committee, or another Member of the Committee appointed for the purpose, may present a report at any time when there is no other business before the House. Once presented, the reports become an order of the day for Members' consideration. In addition, on tabling a report the Chair has the opportunity to make a three-minute statement to outline the content of the report. This is the proper process to be followed. Members would be aware that the Standing Committee on Procedure and Privileges considered this matter in its twenty-fourth report and made the following observation at paragraph 4.11.12 —

In effect, this practice of delivering a verbal report to the Council does not conform with Standing Order 188, which is predicated upon a written report being presented and tabled. Further, the business item before the Council at the time of the delivery of these reports, presentation of papers for tabling (SO 14(1)(f)), is a further indicator of the non-conforming nature of this practice.

Presenting what is suggested to be a Committee resolution during Members' Statements is not the proper course of procedure and I rule that such practice is out of order and should not occur in future. I invite the Standing Committee on Estimates and Financial Operations to lodge a written report on this matter, and any other matters it is inquiring into, to the House for its consideration in the acceptable form.

4. Petition

Hon Linda Savage presented a petition from 29 petitioners requesting the Legislative Council to oppose urban development south of the Moore River. (Tabled Paper 5227).

5. Papers

The following Papers were laid on the Table by —

Attorney General

Annual Reports —

Director of Public Prosecutions, Office of the (2011–2012) (Date received 23/10/2012).....	5223
Mentally Impaired Accused Review Board (2011–2012) (Date received 23/10/2012).....	5224
Prisoners Review Board (2011–2012) (Date received 23/10/2012).....	5225
State Administrative Tribunal (2011–2012) (Date received 23/10/2012).....	5226

6. Standing Committee on Public Administration — Special Report Regarding “Report 14 — Unassisted Failure”

Hon Max Trenorden presented a Special Report of the Standing Committee on Public Administration entitled *Special Report Regarding “Report 14 — Unassisted Failure”*. (Tabled Paper 5228).

Hon Max Trenorden moved, That the Report be adopted and agreed to.

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

7. Standing Committee on Public Administration — Erratum to Report 14 — Unassisted Failure

Hon Max Trenorden presented an Erratum to the Standing Committee on Public Administration Report No. 14 — *Unassisted Failure*. (Tabled Paper 5229).

8. Petroleum and Geothermal Energy Legislation Amendment Bill 2012

The Minister for Mines and Petroleum: To move on the next day of sitting —

That a Bill for “An Act to amend the *Petroleum and Geothermal Energy Resources Act 1967* and the *Petroleum Pipelines Act 1969* to facilitate the geological storage of greenhouse gas substances, to make consequential amendments to other Acts, and for other purposes.” be introduced and read a first time.

9. Mental Health Amendment (Psychiatrists) Bill 2012

The Minister for Mental Health: To move on the next day of sitting —

That a Bill for “An Act

- to amend the definition of *psychiatrist* in the *Mental Health Act 1996* section 3 and in certain instruments; and
- to validate certain acts done, and omissions made, on or after 18 October 2010 but before the day on which this Act commences.”

be introduced and read a first time.

10. Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1 — Disallowance

Hon Lynn MacLaren: To move on the next day of sitting —

That the *Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1* published in the *Gazette* on 7 September 2012 and tabled in the Legislative Council on 11 September 2012 under the *Planning and Development Act 2005*, be and is hereby disallowed. (Tabled Papers 4887–4888)

11. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Bayswater Standing Orders Local Law 2012 — Disallowance*, 2, *City of Perth Standing Orders Amendment Local Law 2012 — Disallowance*, 3, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, 4, *Submission No. 13/2012 — Amendment to Class A Reserve 8485 and Cancellation of Class A Reserve 28535 — Disallowance*, and 5, *City of Vincent Dogs Amendment Local Law No. 2, 2012 — Disallowance*, be taken after Order of the Day No. 8, *Integrity (Lobbyists) Bill 2011*. (Leader of the House).

12. Electoral Amendment Bill 2012

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

13. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Forestry tabled a document in relation to the Australian Forestry Standard Audit Scope and Summary performed by NCS International on the Forest Products Commission, in response to a question without notice asked by Hon Giz Watson. (Tabled Paper 5230).

The Minister for Commerce tabled a document in relation to the details of projects in which Mitchell and Partners Australia Pty Ltd were involved, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 5231).

The Minister for Child Protection representing the Minister for Forestry tabled Technical Report 189 of the Cooperative Research Centre for Forestry entitled *Forestry, jobs and spending: Forest industry employment and expenditure in Western Australia, 2005–2006*, in response to a question without notice asked by Hon Giz Watson. (Tabled Paper 5232)

The Minister for Mines and Petroleum tabled a document in relation to the details of thirteen prohibition notices issued at the sandstone quarry situated on Irishtown Road near Donnybrook, in response to question on notice No. 5956 asked by Hon Giz Watson. (Tabled Paper 5233).

The Leader of the House representing the Minister for Science and Innovation tabled a document in relation to programs and funding allocation for new science initiatives, the Science and Innovation Initiatives Program and the Research and Innovation Fund for 2012–13, 2013–14, 2010–11 and 2011–12, in response to question on notice No. 6051 asked by Hon Kate Doust. (Tabled Paper 5234).

The Minister for Child Protection representing the Minister for Tourism tabled a document with respect to details of non-compliance notices issued in relation to utilities on Rottneest Island and their management by the Rottneest Island Authority, in response to question on notice No. 6150 asked by Hon Lynn MacLaren. (Tabled Paper 5235).

The Minister for Mental Health representing the Minister for Environment tabled a document in relation to T-Class licence conditions within the Ningaloo Marine Park, in response to question on notice No. 6046 asked by Hon Robin Chapple. (Tabled Paper 5236).

The Minister for Mental Health representing the Minister for Health tabled a document in relation to wait times for access to child development services in regional areas for speech pathology, occupational therapy and physiotherapy, in response to question on notice No. 6028 asked by Hon Sue Ellery. (Tabled Paper 5237).

The Minister for Mental Health representing the Minister for Health tabled a document in relation to action taken in response to the internal audit of metropolitan Child and Adolescent Community Health facilities, in response to question on notice No. 6070 asked by Hon Linda Savage. (Tabled Paper 5238).

The Minister for Mental Health representing the Minister for Health tabled a document in relation to the average wait time per elective surgery procedure at each South West hospital for the years 2011–12, and 2012 to date, in response to question on notice No. 6137 asked by Hon Adele Farina. (Tabled Paper 5239).

The Parliamentary Secretary representing the Minister for Regional Development tabled, and by leave incorporated into Hansard, an amended answer in relation to the details of Ministerial travel in Government aircraft during the period 7 August to 18 October 2012, in response to a question without notice asked by Hon Jon Ford. (Tabled Paper 5240).

14. Electoral Amendment Bill 2012

Debate resumed on the second reading of this Bill (*see item 12 above*).

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 Electoral Affairs moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

15. Child Support (Adoption of Laws) Amendment Bill 2012

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.

16. Courts Legislation Amendment Bill 2012

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 Deputy President left the Chair.

In Committee

(Hon Alyssa Hayden in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4

Hon Giz Watson moved —

Page 3, after line 20 — to insert —

- (vii) to exercise any powers under Part 5, Division 5 of the *Criminal Procedure Act 2004*;

Debate ensued.

Amendment — put and negatived.

Question, That the clause stand as printed — put and passed.

Clauses 5 to 7 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President having reported that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed

17. National Health Funding Pool Bill 2012

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

Debate resumed.

Interruption pursuant to order.

18. Members' Statements

Statements were taken.

19. Retirement Villages Amendment Bill 2012

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 283

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Retirement Villages Amendment Bill 2012* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 23 October 2012

20. Adjournment

The Council adjourned at 10.00 pm until Wednesday, 24 October 2012 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Helen Bullock, Hon Sue Ellery, Hon Donna Faragher, Hon Jon Ford and Hon Colin Holt.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council