

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 105

THURSDAY, 27 NOVEMBER 2014

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The Deputy President, Hon Adele Farina, took the Chair and read prayers.

2. Petition

Hon Lynn MacLaren presented a petition from 1,596 petitioners requesting the Legislative Council to support the protection of Margaret River's Mowen Forest from logging. (Tabled Paper 2335).

3. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Education and Care Services Ombudsman, National Education and Care Services FOI
and Privacy Commissioners (1 July 2013 – 30 June 2014)
(Date received 26/11/2014)..... 2329

Reports —

Ministerial Resourcing Report (as at 6 November 2014)..... 2330

Minister for Mental Health

Notices —

Financial Management Act 2006 — Section 82 — Notice from the Minister for
Planning in respect to Question on Notice 1751 2331

Attorney General

Reports —

Road Safety Council — Report on Activities (2013–2014)..... 2332

State Emergency Management Committee Western Australia — Emergency
Preparedness Report 2014..... 2333

Parliamentary Secretary representing the Minister for Health

Reports —

Western Australia Health — Clinical Services Framework (2014–2024) 2334

4. Standing Committee on Environment and Public Affairs — Report No. 38 — Petition No. 54 – Gidgegannup Urban Precinct

Hon Simon O'Brien presented Report No. 38 of the Standing Committee on Environment and Public Affairs, *Petition No. 54 – Gidgegannup Urban Precinct*. (Tabled Paper 2336).

5. Joint Standing Committee on Delegated Legislation — Report No. 77 — Inquiry into a Proposed Template Waste Local Law

Hon Robin Chapple presented Report No. 77 of the Joint Standing Committee on Delegated Legislation, *Inquiry into a Proposed Template Waste Local Law*. (Tabled Paper 2337).

6. Tier 3 Rail Lines

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

That this Council calls on the Liberal-National Government to support the Grains industry and rural communities by re-opening the Tier 3 rail lines.

Debate ensued.

Motion lapsed.

7. Western Australian Trade Offices

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

That this House recognises the valuable role of Western Australian Trade Offices.

Debate ensued.

Motion lapsed.

8. Road Traffic Legislation Amendment Bill 2014

The Deputy President reported the receipt of Message No. 88 from the Legislative Assembly forwarding the Bill for concurrence.

The Attorney General representing the Minister for Road Safety moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General representing the Minister for Road Safety moved, That the Bill be read a second time.

The Attorney General representing the Minister for Road Safety tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2338).

Debate stands adjourned.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1239/41 — Gidgagannup Urban Precinct — Disallowance*, 2, *Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014 — Disallowance*, 3, *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 — Disallowance*, 4, *City of Fremantle Alfresco Dining Local Law 2014 — Disallowance*, 5, *Shire of Dardanup Dogs Local Law 2014 — Disallowance*, 6, *Shire of Dardanup Keeping and Control of Cats Local Law 2014 — Disallowance*, and 7, *School Education Amendment Regulations 2014 — Disallowance*, be taken after Order of the Day No. 17, *Taxation Legislation Amendment Bill 2014*. (Leader of the House).

10. Taxation Legislation Amendment Bill 2014

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

Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled documents in relation to the Department of Education's 2014 computer census results, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 2339).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to needle and syringe programs in 2013, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 2340).

The Leader of the House representing the Minister for State Development tabled documents in relation to the Department of State Development's international trade and investment activities for overseas offices in Shanghai, Hangzhou, London, Dubai, Nairobi, Mumbai, Tokyo, Kobe, Seoul, Jakarta and Singapore, in response to question on notice No. 1754 asked by Hon Kate Doust. (Tabled Paper 2341).

The Leader of the House representing the Minister for State Development tabled documents in relation to the Department of State Development's international trade and investment activities for overseas offices in Shanghai, Hangzhou, London, Dubai, Nairobi, Mumbai, Tokyo, Kobe, Seoul, Jakarta and Singapore, with details of potential investors, dignitaries, trading partner officials and exporters in 2013–2014, in response to question on notice No. 1755 asked by Hon Kate Doust. (Tabled Paper 2342).

The Minister for Disability Services tabled, and by leave incorporated into Hansard, documents in relation to disability services support workers hired through the Ranstad labour hire firm, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 2343).

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, documents in relation to offers of employment made by St John of God Health Care to Swan District Hospital staff, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 2344).

12. Taxation Legislation Amendment Bill 2014

Debate resumed on the second reading of this Bill (*see item 10 above*).

Hon Sue Ellery sought leave to continue her remarks at the next sitting.

Leave granted.

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

13. Rail Safety National Law (WA) Bill 2014

The President reported the receipt of Message No. 90 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Transport moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Transport moved, That the Bill be read a second time.

The Parliamentary Secretary representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2345).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

The Leader of the House moved, without notice —

That the Standing Committee on Uniform Legislation and Statutes Review report to the House on the *Rail Safety National Law (WA) Bill 2014* by no later than Tuesday, 24 March 2015.

Question — put and passed.

14. Child Support (Adoption of Laws) Amendment Bill 2014

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 91

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Child Support (Adoption of Laws) Amendment Bill 2014*, without amendment.

Mr I.M. Britza

Acting Speaker

Legislative Assembly Chamber

Perth, 27 November 2014

15. Members' Statements

Statements were taken.

Point of Order

Hon Kate Doust raised the following Point of Order —

I draw your attention to Standing Order 41, "Reflections on Vote of Council". I seek your advice about whether the Member is reflecting on a formal vote and debate in the Legislative Council.

Hon Nick Goiran raised the following Point of Order —

I emphasise that I am not reflecting on the vote of the Council. I am drawing to the attention of Members opposite that Members have been misled by a contribution of a Member. We most certainly are entitled to do that.

President's Ruling

The President ruled as follows —

Members' statements are not related to any particular motion or question before the House. Members are entitled to range across a broad range of comments. It is a reflection on a vote of the Council when a Member implies some impropriety in that vote. But I believe it is within the purview of a Member to make a comment about the debate that led up to that vote. I caution any Member that if they are implying that a Member is misleading the House in relation to a decision of a court, that is crossing a line and the Member would need to be a bit careful about how they phrase their words.

Statements resumed.

16. Adjournment

The Council adjourned at 5.56pm until Tuesday, 2 December 2014 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council