

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 12

WEDNESDAY, 19 JUNE 2013

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Statement by President — Housekeeping

The President made the following Statement —

At some stage either yesterday or last night, coffee was spilt on the carpet in this Chamber. It took considerable effort to clean it up. I remind Members and staff that no food or drink, apart from water, is to be consumed in this Chamber.

3. Ministerial Statement — Graylands Hospital — Psychiatric Practice

The Minister for Mental Health made a Ministerial Statement with respect to a doctor practising at Graylands Hospital who is the subject of a current State Administrative Tribunal hearing.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Follow-up Performance Audit of Behind the Evidence: Forensic Services (Report No. 8) (June 2013).....	339
Fraud Prevention and Detection in the Public Sector (Report No. 7) (June 2013)	340
Records Management in the Public Sector (Report No. 6) (June 2013)	341

5. Western Australian Schools

Hon Sue Ellery: To move on the next day of sitting —

That this Council expresses its concern at the lack of transparent planning for the announced changes across Western Australian schools in 2015.

6. DisabilityCare

Hon Alanna Clohesy: To move on the next day of sitting —

That this Council condemns the Barnett Government for its lack of leadership in the area of disability services and calls on the Government to put people before politics and sign up to DisabilityCare.

7. Waterways — Environmental Degradation

Hon Sally Talbot: To move on the next day of sitting —

That this Council condemns the Barnett Government for its failure to take effective action to protect Western Australia's rivers, estuaries and inlets from environmental degradation.

8. Indigenous Suicides

Hon Stephen Dawson: To move on the next day of sitting —

That the Council —

- (a) condemns the Barnett Government for its failure to combat the rise in suicide rates amongst Western Australia's indigenous population; and
- (b) calls on the Ministers for Aboriginal Affairs and Mental Health to outline to the House the strategies they will use to tackle the State's suicide rates.

9. Crop Risk Mitigation Product

Hon Darren West: To move on the next day of sitting —

That this Council calls on the Barnett Government to support the introduction of a crop risk mitigation product into Western Australia.

10. Homeswest — Maintenance

Hon Samantha Rowe: To move on the next day of sitting —

That the Council calls on the Government to conduct an independent and transparent enquiry into the Department of Housing with reference to the response time for maintenance and repairs of Homeswest tenants.

11. Fiona Stanley Hospital

Hon Amber-Jade Sanderson: To move on the next day of sitting —

That the Council condemns the Government for its mismanagement of the establishment of Fiona Stanley Hospital and calls on the Government to release all details of its dealings with Serco on the Fiona Stanley Hospital contract.

12. Indigenous Communities — Safe Drinking Water Supplies

Hon Stephen Dawson: To move on the next day of sitting —

That this Council condemns the Barnett Government for its failure to provide safe drinking water supplies to all indigenous communities throughout the Mining and Pastoral Region.

13. Domestic Assault — Support Services

Hon Alanna Clohesy: To move on the next day of sitting —

That this Council notes the significant increase of reported domestic and other assaults in our community and calls on the Barnett Government to immediately commit to boost funding to enable the expansion of support services for women and children seeking to leave abusive or violent relationships.

14. Container Deposit Scheme

Hon Sally Talbot: To move on the next day of sitting —

That this Council condemns the Barnett Government for its failure to introduce a container deposit scheme in Western Australia.

15. Muresk Facility

Hon Darren West: To move on the next day of sitting —

That this Council notes the failure of the Barnett Government's policy in terms of developing the facility at Muresk as a Centre of Excellence in regard to the provision of a tertiary agribusiness degree and the establishment of the Western Australian Mining Academy (WAMA).

16. Children's Hospital — Planning and Analysis

Hon Amber-Jade Sanderson: To move on the next day of sitting —

That the Council calls on the Government to engage in thorough analysis and planning regarding the potential demands on the new children's hospital. Noting that with the significant population growth in Western Australia, it is incumbent on the Government to review current plans and estimates with a view to increasing bed capacity in the new hospital.

17. Public Transport for Perth in 2031 — Draft Plan

Hon Ken Travers: To move on the next day of sitting —

- (1) That the Council notes that —
 - (a) the Liberal/National Government released in July 2011 a "Draft for Consultation" of their plan *Public Transport for Perth in 2031*;
 - (b) the draft plan proposed two transformational projects by 2020 —
 - (i) the fast-tracking of the northern suburbs railway extension to Yanchep; and
 - (ii) construction of a central northern corridor/Curtin/University of Western Australia Light Rail;
 - (c) the draft plan identified that the following infrastructure was required in the next five to ten years —
 - (i) a new rail station at Karnup (near Paganoni Road); and
 - (ii) upgrades to Canning Bridge and Stirling stations;
 - (d) the draft plan proposed a number of on-road Bus Rapid Transit projects be built by 2020, commencing with a Bus Rapid Transit system between Ellenbrook and Bassendean and across to Morley.
- (2) That this Council calls on the Government to —
 - (a) explain why it has taken two years to release the final version of this plan;
 - (b) outline whether it is still committed to the projects and the timelines outlined in the draft plan; and
 - (c) provide detailed reasons, including passenger modelling, for any changes they have made to priority projects or their timing.

Point of Order

Hon Nick Goiran raised the following Point of Order —

I draw your attention Mr President to Standing Order 59, which indicates that a Member should not give more than two notices of motion per sitting day. I appreciate that the honourable Member is acting on Standing Order 56 and moving a motion on behalf of another Member, which is certainly permissible. However, I seek your ruling, Mr President, whether it is possible for a Member to move more than two notices of motion per day as stipulated by standing order 59(2)(b), irrespective of whether they are moving it on their own or on the behalf of another Member.

President's Ruling

The President ruled as follows —

Standing Order 59 is quite clear that a Member shall not give more than two notices of motion per sitting day. The Leader of the Opposition came to me beforehand and said that the Member for whom she would be presenting the motions was detained from the Chamber at this time. Under those circumstances, I believe it is legitimate. If I considered that the process was being deliberately abused then I would certainly have interpreted this standing order literally. As mentioned, Standing Order 56 allows for a Member to present a motion on another Member's behalf. The point is noted and if a Member was setting out to deliberately abuse the system then it would be quite reasonable to pull them up, but under these circumstances it is quite reasonable for the Leader of the Opposition to read in another motion on behalf of one of her Members.

18. Taxi Drivers — Probationary System

Hon Ken Travers: To move on the next day of sitting —

That the Council calls on the Barnett Liberal Government to explain why it will have taken more than three years to introduce a demerit point and probationary system for taxi drivers since it was first promised by Minister Buswell in April 2011.

19. Foetal Alcohol Spectrum Disorder

Motion No. 1 having been called, debate resumed on the motion of Hon Sally Talbot as follows —

That the Council condemns the Government for its failure to provide adequate resources for child protection workers and carers to deal with the prevalence of Foetal Alcohol Spectrum Disorder amongst children in the care of the Director General of the Department for Child Protection and for withdrawing legal support for children who are abused or injured while in care.

Question — put.

The Council divided.

Ayes (10)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Amber-Jade Sanderson
Hon Sally Talbot
Hon Darren West
Hon Samantha Rowe (*Teller*)

Noes (20)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Dave Grills

Hon Nigel Hallett
Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Rick Mazza
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Motion thus negated.

20. Mangles Bay Marina Development

Motion No. 2 having been called, Hon Lynn MacLaren, pursuant to notice, moved —

That the Council —

- (a) notes the mass opposition to the proposed Mangles Bay marina tourism precinct development as evidenced by the petition bearing more than 8,000 signatures; and
- (b) calls on the Barnett Government to honour the original 1964 agreement under which the land at Point Peron including the site of the proposed development was transferred by the Commonwealth to the State subject to the condition that its future use would be restricted to a reserve for recreation and/or park lands.

Interruption pursuant to order.

21. Questions Without Notice

Questions without notice were taken.

The Minister for Commerce tabled documents in relation to the Asbestos Management Review, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 342).

Point of Order

Hon Sue Ellery raised the following Point of Order —

We canvassed this type of matter in the previous Parliament. That is not a satisfactory answer to the Parliament. If the information is available and a Member of Parliament asks for it, the obligation is on the Minister to make it available to the Member of Parliament when they ask for it. They do not refer them to another document; they do not refer them to a website; they provide the information.

The Leader of the House raised the following Point of Order —

I am conscious of that and I apologise for it. I am sure that if the Minister for Mental Health had a little more time, she would not have accepted that response. We have made it quite clear to Members in the other chamber that such responses are not acceptable and we will follow it up.

President's Ruling

The President ruled as follows —

I think it is a valid point of order. As the Leader of the Opposition said, it has been mentioned in the House before that an answer should at least provide some partial information, and then if there is further information to refer to, it is valid to refer it to a public document or to table the public document in addition to the answer. But just to say that the information is available elsewhere is not really acceptable.

The Minister for Child Protection tabled documents in relation to Hardship Utility Grant Scheme (HUGS) applicants processed in February, March and April 2013, in response to question on notice No. 33 asked by Hon Sally Talbot. (Tabled Paper 343).

The Minister for Child Protection tabled documents in relation to Hardship Utility Grant Scheme (HUGS) applicants processed in January 2013, in response to question on notice No. 36 asked by Hon Sally Talbot. (Tabled Paper 344).

The Minister for Child Protection tabled documents in relation to Hardship Utility Grant Scheme (HUGS) applicants processed in November 2012, in response to question on notice No. 42 asked by Hon Sally Talbot. (Tabled Paper 345).

The Minister for Child Protection tabled documents in relation to Hardship Utility Grant Scheme (HUGS) applicants processed in October 2012, in response to question on notice No. 45 asked by Hon Sally Talbot. (Tabled Paper 346).

The Minister for Child Protection tabled documents in relation to Hardship Utility Grant Scheme (HUGS) applicants processed in September 2012, in response to question on notice No. 48 asked by Hon Sally Talbot. (Tabled Paper 347).

The Minister for Child Protection tabled documents in relation to applicants provided with financial assistance to pay utility bills in February 2011, 2012 and 2013, in response to question on notice No. 51 asked by Hon Sally Talbot. (Tabled Paper 348).

The Minister for Child Protection tabled documents in relation to fulltime equivalent (FTE) details for the Department for Child Protection as at February 2013, in response to question on notice No. 58 asked by Hon Sally Talbot. (Tabled Paper 349).

The Minister for Child Protection tabled documents in relation to fulltime equivalent (FTE) details for the Department for Child Protection as at 30 November 2012, in response to question on notice No. 66 asked by Hon Sally Talbot. (Tabled Paper 350).

The Attorney General representing the Minister for Police, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 26 asked by Hon Robin Chapple will be provided on 20 June 2013.

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to the final investigation report by the Public Transport Authority into the dewirement of an overhead line between Warwick and Stirling stations on 3 October 2012, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper 351).

Point of Order

Hon Sue Ellery raised the following Point of Order —

I have been advised by my colleague Hon Alanna Clohesy that in answer to her question C240, asked of the Minister for Mental Health representing the Treasurer, the Minister advised that she did not have an answer at the time, but that if it came in, she would give it to the Member. It has been handed to the Member, but the Minister did not read out the answer.

It raises another question in my mind that the answer was handed to the Member, but the Minister did not read out the answer. I wonder what status the answer has in any event.

President's Ruling

The President ruled as follows —

It does not. It becomes only a piece of correspondence between the Minister and the Member. I think this issue came up yesterday. If a question is asked on the record, an answer should be provided on the record. I refer the point of order to the Minister.

22. Statement by President — Information Technology Services

The President made the following Statement —

I inform the House of a very important matter. As Members know, most information technology services and hardware for Members and their electorate offices are provided by the Department of the Premier and Cabinet (DPC), but some issues arise when they work in Parliament House. The Parliamentary Services Department has had discussions with the Department of the Premier and Cabinet's information technology area regarding the ongoing confusion surrounding issues of IT support for Members of Parliament while they are at Parliament House. This confusion largely relates to Members' laptops having DPC specific systems, security protocols and software loaded on them, thus making it inaccessible for parliamentary staff to problem-solve issues. Also, DPC does not provide any IT help-desk support to Members after 6.00 pm, which leads to problems on sitting nights.

Commencing from this evening, the Parliament will trial parliamentary help-desk staff, who are on duty until the last house rises or midnight on sitting nights, handling all calls relating to Members' IT queries in Parliament House on sitting nights after 6.00pm. Our IT area has now received details of DPC access codes, software instructions and frequently asked question sheets, which, hopefully, should enable it to resolve most Members' IT queries.

23. Order of Business

Ordered — That Order of the Day No. 1, *Shire of Kellerberrin Dogs Local Law (2012) — Disallowance*, be taken after Order of the Day No. 6, *Hospitals and Health Services Amendment Bill 2013*. (Leader of the House).

24. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

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

Leave granted.

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

25. Order of Business

Ordered — That Bills for Introduction No. 2, *Restraining Orders Amendment Bill 2013*, be taken forthwith. (Leader of the House).

26. Restraining Orders Amendment Bill 2013

The Attorney General, pursuant to notice, moved —

That a Bill for “An Act to amend the *Restraining Orders Act 1997* and to make consequential amendments to the *Children’s Court of Western Australia Act 1988*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

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

The Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 352).

Debate stands adjourned.

27. Order of Business

Ordered — That Order of the Day No. 4, *Supply Bill 2013*, be taken forthwith. (Leader of the House).

28. Supply Bill 2013

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.

29. Members’ Statements

Statements were taken.

Point of Order

Hon Helen Morton raised the following Point of Order —

Mr President, I understand that you have made previous statements that Members are not to refer directly to Ministers in that way, “you”, and stuff like that, and that the statement is meant to come through the Chair. Could you just ask the Member to retract those statements, please?

President’s Ruling

The President ruled as follows —

I have often said that when the tone of the debate crosses the line into personal comment and personal accusations, that is when I draw the line. It is not out of order for a Member to say somebody has been a disappointment in their view, and it is not unreasonable that somebody might take umbrage at that. That is part of the debate of this chamber. But I have mentioned before finger-pointing and saying “you, you, you”, and that Members should refer to other Members by their correct title.

30. Adjournment

The Council adjourned at 10.11pm until Thursday, 20 June 2013 at 10.00am.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Brian Ellis and Hon Mark Lewis.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council