

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 172

WEDNESDAY, 24 FEBRUARY 2016

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### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

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

### 2. Ministerial Statement — Consumer Credit Legal Service of Western Australia — Website Launch

The Attorney General made a Ministerial Statement with respect to the website launch of the Consumer Credit Legal Service of Western Australia, to improve community access to services for disadvantaged and vulnerable people.

### 3. Ministerial Statement — Ovarian Cancer Awareness

The Parliamentary Secretary to the Minister for Science on behalf of the Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to February as Ovarian Cancer Awareness Month.

### 4. Paper

The following Paper was laid on the Table by —

#### President

*Auditor General's Papers* —

Consumable Stock Management in Hospitals (Report No. 2) (February 2016)

(Date received 24/02/16) ..... 3856

### 5. Container Deposit Scheme

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

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

Hon Martin Aldridge moved, without notice —

To delete all the words following “Council” and insert —

encourages the State Government to consider the introduction of a Container Deposit Scheme in Western Australia

Debate ensued.

Question — put.

The Council divided.

**Ayes (18)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher  
 Hon Nick Goiran  
 Hon Dave Grills

Hon Nigel Hallett  
 Hon Col Holt  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Rick Mazza  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Phil Edman (*Teller*)

**Noes (11)**

Hon Robin Chapple  
 Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Lynn MacLaren

Hon Martin Pritchard  
 Hon Amber-Jade Sanderson  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Motion, as amended — put and passed.

**6. Muresk Facility**

The Order of the Day having been read for the debate on the motion of Hon Darren West, as follows —

That this Council notes the failure of the Barnett Governments' 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).

Debate ensued.

*Interruption pursuant to order.*

**7. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

**In Committee**

(Hon Adele Farina in the Chair)

**Standing Committee on Environment and Public Affairs — Report No. 42 — Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas**

The Leader of the House moved, That consideration be postponed until the next sitting.

Question — put and passed.

**Standing Committee on Environment and Public Affairs — Report No. 43 — Overview of Petitions 1 July 2014 to 30 June 2015**

Debate resumed on the motion of Hon Stephen Dawson, That the Report be noted.

Question — put and passed.

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 25 — Parliamentary Inspector’s Report on Allegations of Misconduct Made Against Officers in the Corruption and Crime Commission’s Electronic Collection Unit**

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Question — put and passed.

**Joint Standing Committee on the Commissioner for Children and Young People — Report No. 6 — Listen To This: A review of “Listen to Us”, a report by the Commissioner for Children and Young People**

Hon Sue Ellery moved, That the Report be noted.

Question — put and passed.

**Standing Committee on Estimates and Financial Operations — Report No. 56 — 2014–15 Annual Report Hearings Revised Timetable**

Hon Ken Travers moved, That the Report be noted.

Question — put and passed.

**Standing Committee on Estimates and Financial Operations — Report No. 57 — Budget Estimates Hearings (2013–2014)**

Hon Ken Travers moved, That the Report be noted.

Debate ensued.

Question — put and passed.

**Standing Committee on Estimates and Financial Operations — Report No. 58 — Agency Annual Report Hearings (2012–2013)**

Hon Ken Travers moved, That the Report be noted.

Question — put and passed.

**Standing Committee on Estimates and Financial Operations — Report No. 59 — Budget Estimates Hearings (2014–2015)**

Hon Ken Travers moved, That the Report be noted.

Debate ensued.

Question — put and passed.

**Standing Committee on Estimates and Financial Operations — Report No. 60 — Agency Annual Report Hearings (2013–2014)**

Hon Ken Travers moved, That the Report be noted.

Question — put and passed.

**Joint Standing Committee on Delegated Legislation — Report No. 83 — Annual Report 2015**

Hon Martin Pritchard moved, That the Report be noted.

Question — put and passed.

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Environment and Public Affairs — Report No. 42 — *Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas* and postponed consideration to the next sitting.
- (2) Standing Committee on Environment and Public Affairs — Report No. 43 — *Overview of Petitions 1 July 2014 to 30 June 2015* and had noted same.
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report No. 25 — *Parliamentary Inspector’s Report on Allegations of Misconduct Made Against Officers in the Corruption and Crime Commission’s Electronic Collection Unit* and had noted same.

- (4) Joint Standing Committee on the Commissioner for Children and Young People — Report No. 6 — *Listen To This: A review of "Listen to Us", a report by the Commissioner for Children and Young People* and had noted same.
- (5) Standing Committee on Estimates and Financial Operations — Report No. 56 — *2014–15 Annual Report Hearings Revised Timetable* and had noted same.
- (6) Standing Committee on Estimates and Financial Operations — Report No. 57 — *Budget Estimates Hearings (2013–2014)* and had noted same.
- (7) Standing Committee on Estimates and Financial Operations — Report No. 58 — *Agency Annual Report Hearings (2012–2013)* and had noted same.
- (8) Standing Committee on Estimates and Financial Operations — Report No. 59 — *Budget Estimates Hearings (2014–2015)* and had noted same.
- (9) Standing Committee on Estimates and Financial Operations — Report No. 60 — *Agency Annual Report Hearings (2013–2014)* and had noted same.
- (10) Joint Standing Committee on Delegated Legislation — Report No. 83 — *Annual Report 2015* and had noted same.

Report adopted.

### **8. Order of Business**

Ordered — That Order of the Day No. 1, *Planning and Development Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 9, *Western Australian Health Promotion Foundation Bill 2015*. (Leader of the House).

### **9. City of Perth Bill 2015**

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

### **10. Questions Without Notice**

Questions without notice were taken.

The Attorney General representing the Minister for Corrective Services tabled documents in relation to completed recommendations, as at 23 February 2016, from the announced inspection of Roebourne Regional Prison and the 2010 inspection referred to in Report 89, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 3857).

The Minister for Mental Health, by leave incorporated into *Hansard*, information in relation to the Mental Health Advocacy Service, in response to a question without notice asked by Hon Stephen Dawson.

### **11. Statement by President — Standing Committee on Uniform Legislation and Statutes Review — Resignation of Member**

The President made the following Statement —

I have received the following letter —

Dear Mr President

As you know, I was appointed some months ago to fill a vacancy on the Standing Committee on Uniform Legislation and Statutes Review.

It is now my intention to resign from this committee.

I would appreciate it if you would accept my resignation and put in place the necessary processes to appoint my replacement.

Yours sincerely

Hon Samantha Rowe MLC

## 12. Standing Committee on Uniform Legislation and Statutes Review — Appointment of Member

The Leader of the House moved, without notice —

That Hon Amber-Jade Sanderson be appointed as a Member to the Standing Committee on Uniform Legislation and Statutes Review.

Question — put and passed.

## 13. City of Perth Bill 2015

Debate resumed on the second reading of this Bill (*see item 9 above*).

### *Point of Order*

Hon Helen Morton raised the following Point of Order —

My point of order, Mr Acting President, was the suggestion that somehow or other what I was saying was dishonest. The Member knows that what I am saying is absolutely honest and he really should retract that statement.

### *Acting President's Ruling*

The Acting President ruled as follows —

I am contemplating Standing Orders 44, 45 and 46. I think it is appropriate that the President be asked to rule on this matter, not someone temporarily occupying the Chair. Therefore, I shall leave the Chair until the ringing of the bells.

*The Acting President left the Chair at 5.32pm*

*The President resumed the Chair at 5.47pm*

### *President's Ruling*

The President ruled as follows —

The Acting President left the Chair to confer with me on a point of order that was raised by the Minister for Mental Health during her speech, objecting to words that were used by Hon Ken Travers. That is the background. In terms of general practice, I refer members to Standing Order 46, in particular, Standing Order 46(2), which states —

A Member may object to the President that the words used by another Member constitute unparliamentary language, so long as the objection is taken immediately after the words have been used.

That is the standard practice of this House. What is unparliamentary and what is not often comes down to the context in which it is used; in fact, it always comes down to the context. Certain words can be used and thrown around this Chamber and it depends entirely on the context in which they are being used. When they are directly personal and reflect on a Member in particular, that is when the line is crossed into unparliamentary language. The normal practice when an issue like that arises is that the President or the acting Chair invites the Member who has been requested to withdraw certain words to withdraw them. That invitation lines up with Standing Order 46. That invitation is initially given as a courtesy. The Member is invited to withdraw the words if they wish. If they refuse, it becomes a matter for the Chair to adjudicate whether the words are unparliamentary or not.

I could go on to stage 2 immediately if I wished and make a decision now but I think it is better if I go back to stage 1, in which the Minister for Mental Health has requested the Member who said certain words, I could not hear them, quite frankly, because the microphone was not on in my room, to withdraw. In terms of the debate, let us go back to that stage. I invite Hon Ken Travers to withdraw the remarks as a courtesy in this case.

Just to confirm that, if that had not been the situation, if the Member felt that the words uttered were in a general context; in this case, the tone of the debate was about general Government processes, the comment would not have been unparliamentary. If it was directed personally at the Member on their feet, it would have been unparliamentary. I hope that clarifies it to some extent for Members.

Hon Ken Travers withdrew his remark.

Debate resumed.

Question — put.  
The Council divided.

**Ayes (20)**

Hon Ken Baston  
Hon Liz Behjat  
Hon Jim Chown  
Hon Alanna Clohesy  
Hon Peter Collier  
Hon Kate Doust  
Hon Sue Ellery  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Adele Farina

Hon Nick Goiran  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Martin Pritchard  
Hon Sally Talbot  
Hon Ken Travers  
Hon Samantha Rowe (*Teller*)

**Noes (9)**

Hon Jacqui Boydell  
Hon Robin Chapple  
Hon Dave Grills  
Hon Nigel Hallett  
Hon Col Holt

Hon Lynn MacLaren  
Hon Rick Mazza  
Hon Simon O'Brien  
Hon Martin Aldridge (*Teller*)

Question thus passed.  
Bill read a second time.  
The Acting President left the Chair.

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**In Committee**

(Hon Brian Ellis in the Chair)

Clause 1.  
Debate ensued.  
*Interruption pursuant to order.*

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The President resumed the Chair.  
The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.  
Ordered — That the Committee of the Whole House sit again.

**14. Members' Statements**

Statements were taken.

**15. Adjournment**

The Council adjourned at 6.29pm until Thursday, 25 February 2016 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Paul Brown and Hon Alyssa Hayden.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council