

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 71

WEDNESDAY, 14 MAY 2014

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. Petition

Hon Sally Talbot presented a petition from one petitioner requesting the Legislative Council to consider introducing laws for the mandatory licensing of strata managers and caravan park managers in Western Australia. (Tabled Paper 1471).

3. Paper

The following Paper was laid on the Table by —

President

Auditor General's Papers -

Moving On: The Transition of Year 7 to Secondary School (Report No. 8)

(May 2014)..... 1470

4. Gender Pay Gap — Pay Equity Inquiry

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

That the Legislative Council notes that Western Australia continues to have the widest gender pay gap in Australia and calls on the Government to conduct a pay equity inquiry as a matter of urgency and use the recommendations of that inquiry to formulate a two-year strategy to close the gender pay gap in Western Australia.

Question — put.

The Council divided.

Ayes (11)

Hon Robin Chapple
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Darren West
Hon Amber-Jade Sanderson (*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 Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Motion thus negated.

5. Psychiatric Hospitals – Patient Protection

Motion No. 2 having been called, Hon Sally Talbot, pursuant to notice, moved —

That this House notes the findings of the Victorian Mental Illness Awareness Council, that 45 per cent of women who are inpatients in psychiatric hospitals in that state are sexually assaulted while an inpatient, and calls on the Government to take urgent action to —

- (a) establish the extent of similar problems in Western Australian psychiatric hospitals; and
- (b) protect women in Western Australian psychiatric hospitals from sexual assault.

Interruption pursuant to order.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

—————
In Committee

(Hon Amber-Jade Sanderson in the Chair)

Standing Committee on Environment and Public Affairs — Report No. 35 — Inquiry into the Sandalwood Industry in Western Australia

Hon Stephen Dawson moved, That the Report be noted.

7. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to details of new railcars for the Perth Transport Authority, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper 1472).

8. Statement by President — Laptop Replacement Program

The President made the following Statement —

Before we resume business, I want to inform Members that in relation to a letter all Members received today from the Director General of the Department of the Premier and Cabinet regarding laptop replacement programs for Members, the various options available for Members to have a look at, inspect and ask questions about will be available tomorrow in the Member's lounge, and they may be there next week as well. From tomorrow they will be there for Members to size up options and ask questions.

9. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 6 above*).

In Committee

(Hon Liz Behjat in the Chair)

Standing Committee on Environment and Public Affairs — Report No. 35 — Inquiry into the Sandalwood Industry in Western Australia

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. 11 — Emails between staff of the Department of Corrective Services and the Corruption and Crime Commission: Supplementary Report

Hon Nick Goiran moved, That the Report be noted.

Question — put and passed.

Interruption pursuant to order.

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. 35 — *Inquiry into the Sandalwood Industry in Western Australia* and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 11 — *Emails between staff of the Department of Corrective Services and the Corruption and Crime Commission: Supplementary Report* and had noted same.

Report adopted.

10. Children's Court (Fees) Amendment Regulations 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *Children's Court (Fees) Amendment Regulations 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

11. Civil Judgments Enforcement Amendment Regulations 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Civil Judgments Enforcement Amendment Regulations 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

12. Coroners Amendment Regulations 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Coroners Amendment Regulations 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

13. District Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 4, *District Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

14. Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 5, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

15. Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 6, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

16. State Administrative Tribunal Amendment Regulations (No. 4) 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 7, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

17. Supreme Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 8, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

18. State Administrative Tribunal Amendment Regulations (No. 2) 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 9, *State Administrative Tribunal Amendment Regulations (No. 2) 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

19. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2014–2015

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Finance representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 1449A–E (2014–2015 Budget Statements), laid upon the Table of the House on Thursday, 8 May 2014.

Debate resumed.

On the motion of Hon Samantha Rowe the debate was adjourned to the next sitting.

20. Electoral Amendment Bill 2014

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 5.

Debate resumed on the amendment of Hon Kate Doust as follows —

Page 3, lines 15 and 16 — To delete “, protections and immunities”.

Amendment — put.

The Committee divided.

Ayes (9)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina

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 Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Amendment thus negated.

Hon Kate Doust moved —

Page 3, lines 20 to 25 — To delete the lines.

Debate ensued.

Amendment — put and negated.

Debate resumed.

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

New Clause 5A.

Hon Kate Doust moved —

Page 3, after line 26 — To insert —

5A. Section 16E amended

In section 16E delete “2 years” and insert:

18 months

Debate ensued.

Deputy Chair's Ruling

The Deputy Chair ruled as follows —

Members, Hon Kate Doust has moved to insert a new clause 5A. I have had the opportunity to consider and receive advice on this matter. Members, in my view the proposed amendment by the Deputy Leader of the Opposition, Hon Kate Doust, goes outside the scope of the Bill. The primary restriction on a Committee of the Whole House imposed by Standing Order 134(1)(a) is that any amendment that it makes must be relevant to the subject matter of the Bill. The subject matter of the Bill is the provisions of the Bill as printed, read a second time, and committed to the Committee of the Whole House.

It is not sufficient that an amendment fall within the title of the Bill which, in many cases, simply recites that the Bill is one to amend a particular Act—in this case, the *Electoral Act 1907* or the *Freedom of Information Act 1992*. The amendment proposes to change a section of the parent Act not dealt with in the amendment Bill, and that is section 16E. This section determines when a distribution effectively commences. The amendment Bill primarily deals with the period over which the distribution process is to occur, extending that period by one month from seven months to eight months and incidental matters. There is no amendment in the Bill dealing with when a distribution is to commence. Accordingly, I rule the amendment out of order.

Clause 6 agreed to.

Clause 7.

Debate ensued.

The Minister for Electoral Affairs moved, That the Chair report progress and seek to sit again.

Question — put and passed.

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.

21. Members' Statements

Statements were taken.

22. Adjournment

The Council adjourned at 9.51pm until Thursday, 15 May 2014 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Brian Ellis and Hon Alyssa Hayden.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council