

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 13

THURSDAY, 20 JUNE 2013

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**1. Meeting of Council**

The Council assembled at 10.00am pursuant to order.

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

**2. Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?**

Hon Nick Goiran presented Report No. 1 of the Joint Standing Committee on the Corruption and Crime Commission in relation to the *Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?* (Tabled Paper 353).

**3. Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — How the Corruption and Crime Commission handles allegations and notifications of Police misconduct**

Hon Nick Goiran presented Report No. 2 of the Joint Standing Committee on the Corruption and Crime Commission in relation to *How the Corruption and Crime Commission handles allegations and notifications of Police misconduct.* (Tabled Paper 354).

**4. Environment Portfolio**

Hon Simon O'Brien: To move on the next day of sitting —

That this House congratulates the Liberal–National Government on its excellent performance in the environment portfolio.

**5. Great Southern Region**

Hon Colin Holt: To move on the next day of sitting —

That this Council commends the Liberal–National Government on recognising the importance the Great Southern Region of Western Australia and applauds the work done by this Government to support the communities of that region.

**6. Education Portfolio**

Hon Liz Behjat: To move on the next day of sitting —

That this Council congratulates the Liberal–National Government on its excellent performance in the education portfolio.

**7. Royalties For Regions — Pilbara Cities**

Hon Jacqui Boydell: To move on the next day of sitting —

That this Council congratulates the Liberal–National alliance Government on its investment through the Royalties for Regions program into the Pilbara Cities initiative, further developing the interests and opportunities for the people and communities of the Mining and Pastoral Region.

**8. Police Portfolio**

Hon Phil Edman: To move on the next day of sitting —

That this Council congratulates the Liberal–National Government on its excellent performance in the police portfolio.

**9. Royalties For Regions — Mining And Pastoral Region**

Hon Dave Grills: To move on the next day of sitting —

That this Council congratulates the Liberal–National alliance Government on its acknowledgement and support of the Mining and Pastoral Region and recognises the contribution Royalties for Regions has made to creating better and safer communities in regional Western Australia.

**10. Agriculture and Food Portfolio**

Hon Brian Ellis: To move on the next day of sitting —

That this Council congratulates the Liberal–National Government on its excellent performance in the agriculture and food portfolio.

**11. Mid West Region — Development**

Hon Martin Aldridge: To move on the next day of sitting —

That this House congratulates the Liberal–National Government on its regional development focus in the Mid West Region.

**12. Science Activities**

Hon Donna Faragher: To move on the next day of sitting —

That this Council recognises the significant support and activities being undertaken by the Liberal–National Government in the area of science.

**13. Social Leisure Infrastructure in Regional Western Australia**

Hon Paul Brown: To move on the next day of sitting —

That this Council congratulates the Liberal–National alliance Government on its excellent provision of social leisure infrastructure throughout regional Western Australia, in particular the Agricultural Region, through the Ministry of Sport and Recreation and the Ministry of Regional Development.

**14. Transport Portfolio**

Hon Jim Chown: To move on the next day of sitting —

That this Council congratulates the Liberal led Government on its outstanding ability to provide positive outcomes for the State in the transport portfolio.

**15. Health Portfolio**

Hon Alyssa Hayden: To move on the next day of sitting —

That this Council congratulates the Liberal–National Government on its ability to provide ongoing high quality services and care to the Western Australian community in the health portfolio.

**16. Regional Development — South West Region**

Hon Colin Holt: To move on the next day of sitting —

That this Council commends the Liberal–National Government on delivering outstanding regional development outcomes in the South West Region of Western Australia.

**17. Mental Health Portfolio**

Hon Nick Goiran: To move on the next day of sitting —

That this Council congratulates the Liberal–National Government on its excellent performance in the mental health portfolio.

**18. Royalties for Regions — Investment in Regional Western Australia**

Hon Jacqui Boyde: To move on the next day of sitting —

That this Council congratulates the Liberal–National alliance Government for its forethought and planning by adopting the Royalties for Regions program, which has allowed regional Western Australia to be prepared for major investment opportunities throughout the Mining and Pastoral Region, further supporting the people who chose to live, work and invest in regional Western Australia.

**19. Climate Change Readiness (Coastal Planning and Protection) Bill 2013**

Non-Government Business No. 1 having been called, Hon Lynn MacLaren, pursuant to notice, moved —

That a Bill for “An Act about planning and development in the coastal zone, the management of the coastal zone, and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Lynn MacLaren moved, That the Bill be read a second time.

Hon Lynn MacLaren tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 355).

Debate stands adjourned.

**20. Protection of Western Australia’s South West Forests — Scientists’ Statement**

Non-Government Business No. 2 having been called, Hon Robin Chapple moved, without notice —

That this Council calls on the State Government to —

- (a) note the Scientists’ Statement on Protection of Western Australia’s South West Forests of June 2013;
- (b) acknowledge the endorsement of the statement by thirty-six eminent scientists; and
- (c) recognise the South West forests as a carbon store and prioritise this above conflicting uses.

Hon Robin Chapple, by leave, tabled the scientists’ statement on Protection of Western Australia’s South West Forests. (Tabled Paper 356).

Debate ensued.

*Motion lapsed.*

**21. Regional Freight Transport Network Plan**

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

That this Council commends the Barnett Government on Western Australia’s first Regional Freight Transport Network Plan.

Debate ensued.

*Motion lapsed.*

**22. Suspension of Standing Orders**

Hon Sally Talbot moved, without notice —

That so much of Standing Orders be suspended to enable me to move the following motion —  
 That this House calls on the Minister for Mental Health to make public the name of the Graylands Hospital doctor who has made unauthorised decisions under the *Mental Health Act 1996*.

Debate ensued.

*Point of Order*

Hon Helen Morton raised the following Point of Order —

At no time, Mr President, did I roll my eyes, and I would rather the Member withdraw that statement.

*President's Ruling*

The President ruled as follows —

There is no way I can enforce the withdrawal in this case, because my gaze was directed to the Member on her feet, who was directing her comments through the Chair, so I did not see whether the Minister for Mental Health was reading a book or whatever she might have been doing. I cannot verify the accusation, but I can point out that it is bordering on unparliamentary to make reflections on other Members and to cast aspersions that whatever actions they might be engaged in at that moment have something to do with their attitude; that is reading things into their response, which may not be appropriate, correct or fair. On that basis, I cannot insist on a withdrawal, but I ask Members to keep those comments in mind. I think Hon Sally Talbot is summarising her contribution.

Debate resumed.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Council divided.

**Ayes (12)**

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

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

**Noes (21)**

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

Hon Alyssa Hayden  
 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*)

The President having counted the Council, and there being an absolute majority present, declared the motion negatived.

**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.

**25. Questions Without Notice**

Questions without notice were taken.

*Point of Order*

Hon Ken Travers raised the following Point of Order —

There been a longstanding precedent in the House that we do not refer to debates in the other place. To provide an answer referring us to a debate in the other place breaches that longstanding convention.

*President's Ruling*

The President ruled as follows —

As Members know, there is a Standing Order saying something about alluding to debates in the other place. I do not think debate in the other place was alluded to in this answer in terms of a view. It was backing up an argument, but at least a substantial point of view had been put in the answer, and for further information Members can see the transcript of the debate in the other House. I read the answer that way, rather than it alluding to the debate in a way as to say that it was totally ludicrous and wrong, or something like that.

The Minister for Education tabled, and by leave incorporated into Hansard, a table in relation to the cost of repairing wilful damage at the Endeavour Primary School from 2008–2009 to 2011–2012, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 357).

The Minister for Mental Health tabled documents in relation to a Graylands Hospital doctor operating in contravention of the *Mental Health Act 1996* in carrying out the functions of a psychiatrist, in response to a question without notice asked by Hon Sally Talbot. (Tabled Paper 358).

**26. Address-In-Reply**

Debate resumed on the Address-in-Reply (*see item 24 above*).

*Interruption pursuant to order.*

**27. Adjournment**

The Council adjourned at 5.20pm until Tuesday, 25 June 2013 at 3.00pm.

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

Attendance: Present all Members.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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