

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 247

WEDNESDAY, 14 NOVEMBER 2012

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. School Education Amendment Bill 2012

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 298

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *School Education Amendment Bill 2012* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 13 November 2012

3. Ministerial Statement — Labour Relations Legislation Amendment and Repeal Bill 2012 — Green Bill

The Minister for Commerce made a Ministerial Statement with respect to the *Labour Relations Legislation Amendment and Repeal Bill 2012 — Green Bill*.

The Minister for Commerce tabled the *Labour Relations Legislation Amendment and Repeal Bill 2012 — Green Bill* for public comment. (Tabled Paper 5381)

The Minister for Commerce tabled the explanatory memorandum in relation to the *Labour Relations Legislation Amendment and Repeal Bill 2012 — Green Bill* for public comment. (Tabled Paper 5382).

4. Ministerial Statement — Indigenous Implementation Board — Third Report — Government Response

The Minister for Indigenous Affairs made a Ministerial Statement with respect to the Government's response to the third and final report of the Indigenous Implementation Board.

The Minister for Indigenous Affairs tabled the Government's response to the third report of the Indigenous Implementation Board. (Tabled Paper 5383).

5. Ministerial Statement — Mental Health System — Independent Review

The Minister for Mental Health made a Ministerial Statement with respect to the review by Professor Bryant Stokes of the admission or referral to and the discharge and transfer practices of public mental health facilities and services in Western Australia.

Point of Order

Hon Ljiljana Ravlich raised the following Point of Order —

Given the significance of this report, I would ask that the report be tabled in this Parliament so that it can be more readily accessed by the Western Australian public.

President's Ruling

The President ruled as follows —

If a statement is made referring to a document that has been released in another forum, the Parliament should come first in the release of these documents. If the Minister can access a copy of the document perhaps between now and question time, it may give her the opportunity to table the document.

The document is publicly released. The point is that the Parliament is the clearing house for accountability, and the Parliament should be respected in that sense.

6. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Managing the Road Trauma Trust Account (Report No. 15) (November 2012) 5379

Minister for Education

Addendums —

Western Power Annual Report (2010–2011)..... 5380

7. Child and Adolescent Mental Health Service — Funding

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

That this House notes the findings from the Commissioner for Children and Young People in the inquiry into the mental health and wellbeing of children and young people in Western Australia, and calls on the Minister for Mental Health to immediately implement the recommendations by providing extra funding for the Child and Adolescent Mental Health Service.

Question — put and negatived.

8. Public Housing — Financial Hardship for Western Australian Seniors

Motion No. 2 having been called, Hon Sue Ellery, pursuant to notice, moved —

That this House notes that the decision of the Western Australian Government to end the moratorium on including increases in pension rates in its rental charges for public housing has created additional financial hardship for Western Australian seniors.

Debate ensued.

9. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to the Withers urban renewal project, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 5384).

The Minister for Fisheries, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 6221 asked by Hon Giz Watson will be provided on 27 November 2012.

The Leader of the House representing the Minister for State Development, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 6168 asked by Hon Robin Chapple will be provided on 29 November 2012.

The Leader of the House representing the Premier, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 6187 asked by Hon Alison Xamon will be provided on 29 November 2012.

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to the Tonkin Highway alignment of the Perth to Darwin Highway, in response to a question without notice asked by Hon Linda Savage. (Tabled Paper 5385).

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 6165 asked by Hon Philip Gardiner will be provided on 29 November 2012.

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 6175 asked by Hon Giz Watson will be provided on 29 November 2012.

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 6181, 6189 and 6195 asked by Hon Alison Xamon will be provided on 29 November 2012.

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 6232, 6233 and 6234 asked by Hon Linda Savage will be provided on 29 November 2012.

The Minister for Mental Health on behalf of the Attorney General representing the Minister for Police tabled documents in relation to police numbers in the South West police district, in response to question on notice No. 6300 asked by Hon Adele Farina. (Tabled Paper 5386).

The Minister for Mental Health tabled a report entitled *Review of the admission or referral to and the discharge and transfer practices of public health facilities/services in Western Australia*. (Tabled Paper 5387).

The Minister for Mental Health tabled the Government's response to the report of the *Review of the admission or referral to and the discharge and transfer practices of public health facilities/services in Western Australia*. (Tabled Paper 5388).

President's Ruling

The President ruled as follows —

Members, I acknowledge my explanation may have added a little bit of confusion to this situation. When the Minister for Mental Health was making a statement earlier today, I thought I heard her intention to table the document that she referred to at the beginning of her statement. That is the reason I invited her to table it at the end of that statement. Following the point of order, I further issued that invitation and this she has subsequently done, but I wish to indicate that the Minister was not out of order in that sense. There is no absolute obligation on a Minister to table any document, but it is often the practice that a Minister tables a document that is referred to in a statement, particularly a document that has been referred to frequently in this House over some time. And the reason a Minister often does that is to make sure it is on the permanent, public record and that it attracts parliamentary privilege. So, I hope that clarifies the whole situation for Members.

Point of Order

Hon Adele Farina raised the following Point of Order —

Mr President, can I just ask for a point of clarification? Once the report is tabled, is it not the usual practice that multiple copies are available and they are distributed to Members of Parliament? It seems to me that a quite extensive list of stakeholders have received copies of this report, yet we as Members of Parliament representing the people of Western Australia need to go to a website to get hold of it.

President's Ruling

The President ruled as follows —

Members, there is no requirement in the Standing Order for documents to be available in multiple. It is often the practice, if they are available, that if Members wish to seek a copy they are perfectly at liberty to do so. If the Minister is able to make it available when the Minister tables a report, that is fine. Sometimes a report is tabled with only one copy in the circumstances.

10. Public Housing - Financial Hardship for Western Australian Seniors

Debate resumed on the motion of Hon Sue Ellery (*see item 8 above*).

Interruption pursuant to order.

11. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Standing Committee on Public Administration — Report No. 15 — Omnibus Report — Activity During the 38th Parliament

The Leader of the House moved, That the Report be noted.

Debate ensued.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 36 — 2011/12 Annual Report Hearings — Comments Regarding the Police Commissioner's Evidence

Hon Ken Travers moved, That the Report be noted.

Debate ensued.

Interruption pursuant to order.

The Deputy President resumed the Chair.

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

- (1) Standing Committee on Public Administration — Report No. 15 — Omnibus Report — Activity During the 38th Parliament and had noted same.
- (2) Standing Committee on Estimates and Financial Operations — Report No. 36 — 2011/12 Annual Report Hearings — Comments Regarding the Police Commissioner's Evidence made progress, and seeks to sit again.

Report adopted.

12. Standing Committee on Procedure and Privileges — Referral of Standing Committee on Public Administration — Report No. 15 — Omnibus Report — Activity During the 38th Parliament

The Leader of the House moved, without notice —

That Recommendation Nos 1 and 2 of the *Standing Committee on Public Administration — Report No. 15 — Omnibus Report — Activity During 38th Parliament*, be referred for consideration and report to the Standing Committee on Procedure and Privileges.

Question — put and passed.

13. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, 2, *Submission No. 13/2012 — Amendment to Class A Reserve 8485 and Cancellation of Class A Reserve 28535 — Disallowance*, 3, *City of Vincent Dogs Amendment Local Law No. 2, 2012 — Disallowance*, 4, *Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1 — Disallowance*, 5, *City of Subiaco Meeting Procedures Local Law 2012 — Disallowance*, 6, *Metropolitan Region Scheme Amendment No. 1221/41 — Banjup Urban Precinct — Disallowance*, and 7, *Metropolitan Region Scheme Amendment No. 1221/41 — Banjup Urban Precinct — Disallowance*, be taken after Order of the Day No. 10, *Integrity (Lobbyists) Bill 2011*. (Leader of the House).

14. Western Australian Future Fund Bill 2012

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

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 5.

Debate resumed on the amendment of Hon Ken Travers as follows —

Page 3, after line 15 — To insert —

- (6) No money is to be credited to the Future Fund until there is no net debt existing for the general government sector.

Point of Order

The Minister for Finance representing the Treasurer raised the following Point of Order —

I listened carefully without interrupting to the words of the honourable Member in moving his amendment. What I believe I heard was a second reading argument against the policy of this Bill. I listened without interjection. What was clearly coming through was a second reading argument—not a bad one, even though I disagreed with it, I might add, against this Bill. Fairly and squarely put, I listened carefully and that is what it was. It is on that basis, Mr Chair, that I put the question that the amendment is out of order.

This is borne out by the argument that has just been advanced by the Member, to adopt this amendment would defeat the intent, substance and thrust of this bill. I believe that this is so far to the contrary of what the Bill is trying to do that it cannot be seen as a legitimate amendment.

Deputy President's Ruling

The Deputy President ruled as follows —

The amendment moved by Hon Ken Travers is contrary to clause 6(1). For that reason, it is out of order. Clause 6(1) states —

The Regional Development Minister is taken to have authorised the expenditure of \$297.7 million from the Royalties for Regions Fund with effect on the day on which this section comes into operation.

The amendment moved by Hon Ken Travers is contrary to that and I rule it out of order.

Hon Ken Travers moved, That consideration of Clause 5 be postponed until after Clause 6.

Question — put and passed.

Clause 6

Hon Ken Travers moved –

Page 3, line 20 — To insert after “operation” —

provided that there is no net debt existing for the general government sector

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (9)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Ljiljanna Ravlich
 Hon Linda Savage
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Noes (22)

Hon Liz Behjat
 Hon Robin Chapple
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Wendy Duncan
 Hon Brian Ellis
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Lynn MacLaren
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O’Brien
 Hon Max Trenorden
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

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

Postponed Clause 5.

Debate resumed.

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

Clause 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Interruption pursuant to order.

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.

15. Members' Statements

Statements were taken.

Want of Quorum

There not being a quorum present, the President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

16. Wills Amendment (International Wills) Bill 2012

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 299

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Wills Amendment (International Wills) Bill 2012* without amendment.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 14 November 2012

17. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 300

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012*.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 14 November 2012

18. Criminal Organisations Control Bill 2011

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 301

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Criminal Organisations Control Bill 2011*.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 14 November 2012

19. Adjournment

The Council adjourned at 10.14 pm until Thursday, 15 November 2012 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher (leave of absence), Hon Jon Ford and Hon Sally Talbot.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council