

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 75

THURSDAY, 19 JUNE 2014

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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. Petition**

Hon Stephen Dawson presented a petition from 3 petitioners requesting the Legislative Council to amend the *Mental Health Bill 2013* to provide for the recording of diagnostic interviews that result in involuntary treatment of patients. (Tabled Paper 1565).

**3. Ministerial Statement — Hospital in the Home Mental Health Service**

The Minister for Mental Health made a Ministerial Statement with respect to the new Graylands “Hospital in the Home” mental health service.

**4. Ministerial Statement — Metropolitan Region Scheme Amendment 1239/41 — Gidgegannup Urban Precinct**

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment 1239/41 — Gidgegannup Urban Precinct.

The Minister for Mental Health representing the Minister for Planning tabled plans relating to the Metropolitan Region Scheme Amendment 1239/41 — Gidgegannup Urban Precinct. (Tabled Paper 1566).

The Minister for Mental Health representing the Minister for Planning tabled a report on submissions and transcripts of hearings relating to the Metropolitan Region Scheme Amendment 1239/41 — Gidgegannup Urban Precinct. (Tabled Paper 1567).

**5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 13 — The timeliness of misconduct investigations undertaken or overseen by the Corruption and Crime Commission: Final Report**

Hon Nick Goiran presented Report No. 13 of the Joint Standing Committee on the Corruption and Crime Commission, *The timeliness of misconduct investigations undertaken or overseen by the Corruption and Crime Commission: Final Report*. (Tabled Paper 1568).

**6. Standing Committee on Estimates and Financial Operations — Report No. 46 — 2014–15 Budget Estimates Hearings — July Timetable.**

Hon Martin Aldridge presented Report No. 46 of the Estimates and Financial Operations Committee, *2014–15 Budget Estimates Hearings — July Timetable*. (Tabled Paper 1569).

## 7. Shire of Shark Bay Local Government Property Amendment Local Law 2014 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Shark Bay Local Government Property Amendment Local Law 2014* published in the *Gazette* on 18 March 2014 and tabled in the Council on 1 April 2014 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 1341).

## 8. Seniors' Cost of Living

Non-Government Business No. 1 having been called, Hon Sue Ellery moved, without notice —

That this House condemns the Liberal-National Government for its attack on seniors' cost of living by —

- (a) imposing severe rises in fees and charges; and
- (b) failing to stand up to the Federal Government's funding cuts to seniors.

Debate ensued.

*Motion lapsed.*

## 9. Forest Management Practices — Prescribed Burning Programs

Private Members' Business No. 1 having been called, Hon Nigel Hallett moved, without notice —

That the Council —

- (a) recognises that Western Australia's declining prescribed burning programs and forest management practices are seriously impacting on the security and safety of Western Australian residents and the environment; and
- (b) calls on the State Government to urgently re-examine the process by which prescribed burning programs are implemented to —
  - (i) provide broad scale fuel reduction to increase bush fire suppression potential and reduce bushfire size;
  - (ii) increase catchment water yield and daily run off; and
  - (iii) provide a safe environment and help maintain biodiversity and enhance ecological processes on which native plants and animals depend.

Debate ensued.

*Motion lapsed.*

## 10. Order of Business

Ordered — That Order of the Day No. 1, *Regulation 11(3)(o) as inserted into the Retirement Villages Regulations 1992 by Regulation 6 of the Retirement Villages (Recurrent Charges, Prescribed Matters and Exemption Certificates) Amendment Regulations 2014 — Disallowance*, be taken after Order of the Day No. 6, *Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2013*. (Leader of the House).

## 11. 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 Mental Health 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.

Hon Martin Aldridge, by leave, tabled a document outlining The Nationals' plan to deliver more funding to regional Western Australia. (Tabled Paper 1570).

Debate resumed.

On the motion of Minister for Mental Health the debate was adjourned to the next sitting.

## 12. Disability Services 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.

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### In Committee

(Hon Alanna Clohesy in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4.

The Deputy Chair moved the following Committee Recommendation —

Page 3, after line 2 — To insert —

*NDIS Rules* means the rules mentioned in section 209 of the *National Disability Insurance Scheme Act 2013*;

Amendment — put and negatived.

The Deputy Chair moved the following Committee Recommendation —

Page 3, line 12, in the Table, first column, row 4 — To insert —

National Disability Insurance Scheme (Becoming a Participant) Rules 2013;

National Disability Insurance Scheme (Timeframes for Decision Making) Rules 2013;

National Disability Insurance Scheme (Supports for Participants) Rules 2013;

National Disability Insurance Scheme (Children) Rules 2013;

National Disability Insurance Scheme (Nominees) Rules 2013;

National Disability Insurance Scheme (Registered Providers of Supports) Rules 2013;

National Disability Insurance Scheme (Plan Management) Rules 2013;

National Disability Insurance Scheme (Protection and Disclosure of Information) Rules 2013;

National Disability Insurance Scheme — Rules for the Scheme Actuary 2013;

National Disability Insurance Scheme — Risk Management Rules 2013;

National Disability Insurance Scheme (Supports for Participants — Accounting for Compensation) Rules 2013

Amendment — put and negatived.

The Deputy Chair moved the following Committee Recommendation —  
Page 5, after line 18 — To insert —

**26J. Review of Part**

- (1) The Minister must cause a review of the operation and effectiveness of this part to be carried out as soon as is practicable after the second anniversary of the day on which Part 4B of this Act comes into operation.
- (2) The Minister must cause a copy of the report to be laid before each House of Parliament by no later than 30 August 2016.

Amendment — put and negatived.

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

Clause 5.

The Deputy Chair moved the following Committee Recommendation —  
Page 5, line 28 — To delete “provide” and insert —

prescribe

Amendment — put and negatived.

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

Clause 6.

Debate ensued.

The Deputy Chair moved the following Committee Recommendation —  
Page 6, lines 4 to 23 — To delete the lines and insert —

**57A. Notification, tabling and disallowance**

- (1) This section applies to the —
  - (a) NDIS Rules (Commonwealth);
  - (b) changes to the NDIS Rules (Commonwealth);
  - (c) NDIS Act (Commonwealth);
  - (d) Australian Standards and Codes.
- (2) Where any document to which this section applies is made publicly available in accordance with section 57A, the Director General must, within 10 business days after the day on which the document is first made publicly available, cause to be published in the *Gazette* notice of —
  - (a) the making of the document; and
  - (b) where the document is publicly available.
- (3) If notification of the making of a document to which this section applies is not published in the *Gazette* in accordance with subsection (2), the document ceases to have effect on the expiry of the 10<sup>th</sup> business day after the day on which the document was first made publicly available, but without affecting the validity or anything done, or of the omission of anything in the meantime.

- (4) A copy of the document to which this section applies must be laid before each House of Parliament within 6 sitting days following notification of the making of the document in the *Gazette* in accordance with subsection (2).
- (5) If notification of the making of a document to which this section applies is published in the *Gazette*, the *Interpretation Act 1984*, section 42 applies as if the document were a regulation published in the *Gazette*.

Amendment — put and negatived.

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

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Disability Services moved, That the Bill be read a third time.

The Acting President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

### 13. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, a document in relation to the 2012–13 budget allocation of \$55 million for the funding of additional child health nurses, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1571).

The Minister for Agriculture and Food on behalf of the Minister for Commerce tabled, and by leave incorporated into Hansard, a document in relation to the contribution by the Department of Commerce to Safe Work Australia, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 1572).

The Parliamentary Secretary representing the Minister for Regional Development tabled a document in relation to Royalties for Regions stakeholder functions, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 1573).

### 14. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable the following variations to the Order of Business for Wednesday, 25 June 2014, and Thursday, 26 June 2014 —

- (a) no Motions on Notice on Wednesday;
- (b) no Consideration of Committee Reports on Wednesday; and
- (c) no Private Members' Business on Thursday.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

### 15. Statement by President — Committee of the Whole — Minister's Seating

The President made the following Statement —

Yesterday the issue came up about the Minister for Mental Health preferring to sit in the chair furthest away from the Chair and *Hansard*, after being invited by the Chair to take the seat closest to her. I was approached by several Members with questions about the practice involved and whether the Minister had disobeyed the Chair. I have investigated this matter today and spoken with the Minister for Mental Health and the Clerk. The Minister for Mental Health indicated that she had always taken this seat when handling Bills in committee and preferred this seat as it gave her better vision of her advisers, the opposition benches where most questions come from, the Chair of the Committee, and her leader, if necessary. I have also checked with *Hansard* whether there are any issues regarding where the Minister sits. *Hansard* reporters have no difficulty with a Minister or a Parliamentary Secretary who is handling legislation sitting at either seat. Their only concerns arise when the Minister or Parliamentary Secretary, or any Member for that matter, turns their back on them so it is harder to pick up comments. If anything, they prefer the position adopted by the Minister for Mental Health at the table as it is more face on to *Hansard's* position. There is no firm Standing Order, convention or practice on this matter, so I believe it is open to the Minister or Parliamentary Secretary handling legislation during the Committee of the Whole to choose whichever chair they prefer at the table. The important matter relates to how they make their remarks so that all Members can hear them clearly and *Hansard* can record them properly.

### 16. Medicines, Poisons and Therapeutic Goods Bill 2013

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 61

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Medicines, Poisons and Therapeutic Goods Bill 2013*.

Ms W.M. Duncan

Deputy Speaker

Legislative Assembly Chamber

Perth, 19 June 2014

### 17. Warehousemen's Liens Amendment Bill 2013

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 62

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Warehousemen's Liens Amendment Bill 2013* without amendment.

Mr N.W. Morton

Acting Speaker

Legislative Assembly Chamber

Perth, 19 June 2014

### 18. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

### 19. Members' Statements

Statements were taken.

**20. Criminal Code Amendment (Unlawful Possession) Bill 2013**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 63

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Criminal Code Amendment (Unlawful Possession) Bill 2013* without amendment.

Mr P. Abetz

Acting Speaker

Legislative Assembly Chamber

Perth, 19 June 2014

**21. Adjournment**

The Council adjourned at 5.20pm until Tuesday, 24 June 2014 at 3.00pm.

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

Attendance: Present all Members except Hon Peter Katsambanis, Hon Lynn MacLaren and Hon Ken Travers.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council