

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 220

WEDNESDAY, 27 JUNE 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. Ministerial Statement — Verve Energy — Kwinana High Efficiency Gas Turbine Facilities

The Minister for Energy made a Ministerial Statement with respect to the opening of Verve Energy's new high efficiency gas turbine facilities at the Kwinana Power Station.

3. Ministerial Statement — Department of Child Protection — Complaint Investigation

The Minister for Child Protection made a Ministerial Statement with respect to the complaint process at the Department for Child Protection.

4. Ministerial Statement — Child and Adolescent Mental Health Service

The Minister for Mental Health made a Ministerial Statement with respect to improvements in providing child and adolescent mental health services.

5. Paper

The following Paper was laid on the Table by —

Minister for Mental Health representing the Minister for Environment

Report —

State of Cockburn Sound (2011 Report) 4701

6. Redress WA — Payments

Motion No. 1 having been called, Hon Sue Ellery continued her introductory remarks in moving the motion as follows —

That this Council agrees with the comments by Premier Barnett that the Government's decision to cut the maximum payment available to Redress WA applicants from \$80,000 to \$45,000 was 'a bit too tough', notes the devastating effect this second betrayal has had on many of the applicants and calls on the Government to re-visit this decision.

Debate ensued.

Point of Order

Hon Adele Farina raised the following Point of Order —

The Minister has referred to an email and I would like the Minister to identify and table the email.

Deputy President's Ruling

The Deputy President ruled as follows —

Members, in response to Hon Adele Farina's Point of Order, Standing Order 58 'Documents Quoted in Debate' requires the person quoting to mention the particular document. At the conclusion of the speech in which the Member has quoted from that particular document, the document shall be tabled upon the request of other Members of the Council, unless the Member states that the document is of a confidential nature.

The ruling I will make will require the Minister to go a little further than just saying 'an email'. I suggest that the Minister's referral to the email should be an email in relation to something a bit more specific. I require a little more than for the Minister to just state 'an email', which later cannot be identified as anything other than an email.

Members, the Minister's statement that the email is in relation to simply Redress, I would deem to be not appropriate inasmuch as it simply does not go far enough. I suggest that if the document is ever called on, the Council needs to be quite clear as to the specific document in question and that would include, in my understanding, especially the date of that document. To simply suggest that the email is in relation to Redress, would be a given, obviously, with the motion on notice that we are dealing with, so I ask the Minister to take it at least one or two steps further and make clear the specific nature of this document in question—particularly if it is ever called upon later—and that would, as I already indicated, include mentioning the date of that particular email. That is my ruling.

Debate resumed.

Minister for Child Protection moved, without notice —

To delete all words after "decision" and insert —

to make the maximum payment available to Redress applicants was to be \$45,000, notes the extra \$30 million put into the scheme and congratulates the Government on delivering payments to all eligible Redress applicants.

Debate ensued.

Interruption pursuant to order.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Training and Workforce Development tabled, and by leave incorporated into Hansard, documents in relation to apprentices and trainees in primary industry courses that were in training as at 30 April 2012, in response to a question without notice asked by Hon Jon Ford. (Tabled Paper 4702).

Point of Order

Hon Jon Ford raised the following Point of Order —

My first point of order, which I was about to bring, was that the Minister is somehow trying to pre-empt the reasons the Member has asked the question; that is just purely irrelevant and subjective. The second one now is that she is trying to infer that, somehow, she is involved in criminal activity. None of those things are relevant, and they are certainly out of order.

President's Ruling

The President ruled as follows —

I think there is a point of order. The Minister needs to be relevant in the answer that she is giving.

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the Environmental Protection Authority's minutes, agendas and disclosure of interest details concerning the proposed gas hub at James Price Point, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 4703).

The Minister for Finance on behalf of the Leader of the House representing Minister for State Development tabled documents in relation to the approved route for a pipeline for delivering gas from Barrow Island to shore, in response to question on notice No. 5605 asked by Hon Robin Chapple. (Tabled Paper 4704).

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to fares for regional taxi drivers, in response to a question without notice asked by Hon Helen Bullock. (Tabled Paper 4705).

The Minister for Finance representing the Treasurer, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5610 asked by Hon Alison Xamon will be provided by 14 August 2012.

The Minister for Disability Services, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5613 asked by Hon Alison Xamon will be provided on 28 June 2012.

Point of Order

Hon Ken Travers raised the following Point of Order —

Under Standing Orders, Ministers are required to advise us if a question is not going to be answered within the required time. If a Minister gives a date for an answer to be provided, when that date passes, is there an obligation on them to further advise the Council as to when the answer will be provided? There are a number of questions for which Ministers have advised the Council that an answer would be provided by 21 June, and we still have not received that answer in the Council. Therefore, I am just wondering what mechanisms there are for Members to pursue getting the answer to those questions.

President's Ruling

The President ruled as follows —

I believe there is an obligation. If the Minister has made a statement to this Council that an answer will be provided on a certain date, there is an obligation to provide that answer by that certain date. If there are circumstances that do not allow that, the Minister has an obligation to advise why that is not possible and to set a further timetable.

8. Standing Committee on Public Administration — Special Report

Hon Max Trenorden presented a Special Report of the Standing Committee on Public Administration entitled *Special Report*. (Tabled Paper No. 4706).

9. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

The President left the chair.

In Committee

(Hon Michael Mischin in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 25 — The Use of Public Examinations by the Corruption and Crime Commission

Hon Nick Goiran moved, That consideration of the report be postponed to the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 27 — Discontinuance of Contempt Proceedings against Members of the Coffin Cheaters Motorcycle Club

Hon Nick Goiran moved, That consideration of the report be postponed to the next sitting.

Question — put and passed.

Standing Committee on Environment and Public Affairs — Report No. 26 — Petition No. 145 — The Closure of Tier 3 Rail Lines in the Central Wheatbelt

The Minister for Finance moved, That consideration of the report be postponed to the next sitting.

Question — put.

The Committee divided.

Ayes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner

Hon Nick Goiran
Hon Nigel Hallett
Hon Alyssa Hayden
Hon Col Holt
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Noes (13)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Adele Farina
Hon Jon Ford
Hon Ljiljanna Ravlich

Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Question thus passed.

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee of the whole House had postponed consideration of all items until the next sitting.

Report adopted.

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 2, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 3, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 4, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 8, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 10, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 11, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 14, *Children's Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 15, *Civil Judgments Enforcement Amendment Regulations (No. 2) 2011 — Disallowance*, 16, *Coroners Amendment Regulations (No. 2) 2011 — Disallowance*, 17, *District Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 18, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 — Disallowance*, 19, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 20, *State Administrative Tribunal Amendment Regulations (No. 5) 2011 — Disallowance*, 21, *Supreme Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 22, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 23, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, 24, *City of Busselton Busselton Regional Airport Local Law 2012 — Disallowance*, 25, *City of Swan Standing Orders Local Law 2010 — Disallowance* and 26, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, be taken after Order of the Day No. 34, *Lotteries Commission Amendment Bill 2011*. (Minister for Finance).

11. Cognate Debate — Petroleum and Geothermal Energy Safety Levies Amendment Bill 2012 and Petroleum and Geothermal Energy Safety Levies Amendment Bill (No. 2) 2012

The Minister for Finance sought leave of the House to debate Order of the Day No. 35, *Petroleum and Geothermal Energy Safety Levies Amendment Bill 2012* and Order of the Day No. 36, *Petroleum and Geothermal Energy Safety Levies Amendment Bill (No. 2) 2012* cognately [SO 127].

Leave granted.

12. Petroleum and Geothermal Energy Safety Levies Amendment Bill 2012 and Petroleum and Geothermal Energy Safety Levies Amendment Bill (No. 2) 2012

The Orders of the Day having been read for the cognate debate on the second reading of these Bills. Debate resumed.

Question — That the *Petroleum and Geothermal Energy Safety Levies Amendment Bill 2012* be read a second time — put and passed.

Bill read a second time.

Question — That the *Petroleum and Geothermal Energy Safety Levies Amendment Bill (No. 2) 2012* be now read a second time — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Parliamentary Secretary representing the Minister for Justice on behalf of the Minister for Mines and Petroleum moved, That the *Petroleum and Geothermal Energy Safety Levies Amendment Bill 2012* be now read a third time.

Question — put and passed.

Bill read a third time and passed.

The Parliamentary Secretary representing the Minister for Justice on behalf of the Minister for Mines and Petroleum moved, That the *Petroleum and Geothermal Energy Safety Levies Amendment Bill (No. 2)* be now read a third time.

Question — put and passed.

Bill read a third time and passed.

13. Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012 and Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012

The Orders of the Day having been read for the cognate debate on the second reading of these Bills. Debate resumed.

Question — That the *Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012* be read a second time — put.

The Council divided.

Ayes (14)

Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher

Hon Nick Goiran
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Ken Baston (*Teller*)

Noes (14)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford

Hon Philip Gardiner
 Hon Ljiljanna Ravlich
 Hon Ken Travers
 Hon Max Trenorden
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Question thus negatived.

Bill defeated.

Question — That the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012* be read a second time — put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

The Parliamentary Secretary representing the Minister for Justice moved that the Deputy Chair do report progress and seek to sit again.

Question — put and passed.

The Deputy Chair reported to the Deputy President.

Report adopted.

14. Order of Business

Ordered — That Order of the Day No. 33, *Inheritance (Family and Dependants Provision) Amendment Bill 2012*, be taken forthwith. (Minister for Finance).

15. Inheritance (Family and Dependants Provision) Amendment Bill 2012

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

Debate resumed.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Parliamentary Secretary representing the Minister for Justice moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

16. Order of Business

Ordered — That Members' Statements be taken forthwith. (Minister for Finance).

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 10.09pm until Thursday, 28 June 2012 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Lynn MacLaren and Hon Norman Moore.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council