

# LEGISLATIVE COUNCIL

---

---

## MINUTES OF PROCEEDINGS

No. 165

TUESDAY, 1 DECEMBER 2015

---

---

### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.  
The President, Hon Barry House, took the Chair and read prayers.

### 2. Distinguished Visitors

The President drew attention to the presence in the gallery of the Hon Ron Leeson, a former Member of the Legislative Council and the current President of the Western Australian Parliamentary Former Members Association; and members of the Dellar family who are here for the condolence motion, and, on behalf of Honourable Members, extended a warm welcome to them.

### 3. Death of Hon Stanley James Dellar — Motion of Condolence

Hon Sue Ellery moved, without notice —

That this House expresses its deep regret at the death of Stanley James Dellar, a former Member of the Legislative Council for the Lower North Province; and places on record its appreciation for his long public service, and tenders its profound sympathy to his family in their bereavement.

The motion was supported by all Members, including the President, and carried in silence; Members standing in their places.

### 4. Message from Her Excellency the Governor — Assent to Bills

The President reported the receipt of a Message from Her Excellency the Governor assenting to the following Bills —

| <b>27 November 2015 — Message No. 46</b>             | <b>Act No.</b> |
|--|----------------|
| Child Support (Adoption of Laws) Amendment Bill 2015 | 37 of 2015     |
| Terrorism (Extraordinary Powers) Amendment Bill 2015 | 39 of 2015     |

### 5. Petitions

Hon Dave Grills presented a petition from 81 petitioners requesting the Legislative Council to support the establishment of a drug and alcohol detox facility and on call acute mental health services at the Esperance Hospital, in addition to increased drug and alcohol counselling services in the community. (Tabled Paper 3677).

Hon Simon O'Brien presented a petition from 20 petitioners requesting the Legislative Council to oppose the incorporation of Kings Park into the City of Perth District as proposed in the *City of Perth Bill 2015*. (Tabled Paper 3678).

### 6. Ministerial Statement — Mental Health Act 2014 — Commencement

The Minister for Mental Health made a Ministerial Statement with respect to the commencement of the *Mental Health Act 2014*.

## 7. Ministerial Statement — Perth Market Authority

The Minister for Agriculture and Food made a Ministerial Statement with respect to the appointment of a new seven-member interim board to the Perth Market Authority.

## 8. Papers

The following Papers were laid on the Table by —

### Minister for Mental Health

*Annual Reports* —

Council of Official Visitors (2014–2015) (Date received 1/12/2015) ..... 3674

*Reports* —

Government of Western Australia — Quarterly Financial Results Report (2015–2016)  
(September 2015) ..... 3675

### Parliamentary Secretary representing the Minister for Transport

*Annual Reports* —

Road Safety Council (2014–2015) (Date received 26/11/2015) ..... 3676

## 9. Standing Committee on Uniform Legislation and Statutes Review — Report No. 95 — Co-operatives Amendment Bill 2015 — Extension of Time

Hon Kate Doust presented Report No. 95 of the Standing Committee on Uniform Legislation and Statutes Review, *Co-operatives Amendment Bill 2015 — Extension of Time*. (Tabled Paper 3679).

Hon Kate Doust moved, without notice —

That the reporting date for the Standing Committee on Uniform Legislation and Statutes Review inquiry into the *Co-operatives Amendment Bill 2015* be extended from 16 February to 25 February 2016.

Debate adjourned [SO 190(2)].

## 10. Standing Committee on Estimates and Financial Operations — Report No. 56 — 2014–15 Annual Report Hearings Revised Timetable

Hon Ken Travers presented Report No. 56 of the Standing Committee on Estimates and Financial Operations, *2014–15 Annual Report Hearings Revised Timetable*. (Tabled Paper 3680).

## 11. Dangerous Sexual Offenders Legislation Amendment Bill 2015

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to amend —

- the *Dangerous Sexual Offenders Act 2006*; and
- the *Criminal Procedure Act 2004*; and
- the *Evidence Act 1906*; and
- the *Prisons Act 1981*; and
- the *Sentence Administration Act 2003*; and
- the *Sentencing Act 1995*; and
- the *Young Offenders Act 1994*.”

be introduced and read a first time.

## 12. Suspension of Standing and Temporary Orders

The Leader of the House moved, without notice —

That so much of the Standing and Temporary Orders be suspended so as to enable the following variations to the order of business on Wednesday, 2 December and Thursday, 3 December 2015 —

- (a) no Motions on Notice on Wednesday;

- (b) no consideration of Committee Reports on Wednesday;
- (c) no Private Members' Business on Thursday; and
- (d) to sit after 5:20pm on Thursday night, if required, with the dinner suspension from 6.00pm to 7.00pm.

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.

### **13. Suspension of Standing and Temporary Orders**

Hon Sue Ellery moved, without notice —

That so much of Standing and Temporary Orders be suspended so as to enable Hon Sue Ellery to move the following motion without notice referring an urgent matter to the Standing Committee on Procedure and Privileges —

That the Standing Committee on Procedure and Privileges inquire into the issue of Ministers failing to make themselves available to respond to questions without notice of which some notice has been given.

Debate ensued.

*Point of Order*

Hon Sue Ellery raised the following Point of Order —

This is a narrow debate; you are absolutely correct, and I do not take any issue with that. But if the reason that a Member believes Standing Orders should be suspended is because there is an important matter to be debated, I do not see how it offends Standing Orders to name what that matter is. I ask for your guidance on that.

*President's Ruling*

The President ruled as follows —

In moving the original motion, you, as Leader of the Opposition, outlined what you thought the urgent matter was. You foreshadowed that you would take another course of action if the House agreed to the suspension of Standing and Temporary Orders. You did that very succinctly, descriptively and quite clearly. For every Member after that to say exactly the same thing is tedious repetition. Every Member can agree with you but it is within very, very narrow guidelines. Those narrow guidelines are concerned with the primary motion, which is the suspension or otherwise of Standing and Temporary Orders. That is the motion before the House, not the broader debate.

Debate resumed.

### **14. Questions Without Notice**

Questions without notice were taken.

The Minister for Child Protection tabled documents in relation to the number of approved grants for 2014 and 2015 under the Hardship Utilities Grant Scheme in the South West suburbs, in response to question on notice No. 3475 asked by Hon Adele Farina. (Tabled Paper 3681).

The Minister for Mental Health tabled documents in relation to the National Disability Insurance Scheme My Way trial in the Lower South West, in response to question on notice No. 3562 asked by Hon Adele Farina. (Tabled Paper 3682).

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled documents in relation to bonds retired to the Mining Rehabilitation Fund since 1 July 2013, in response to question on notice No. 3468 asked by Hon Robin Chapple. (Tabled Paper 3683).

The Parliamentary Secretary representing the Premier on behalf of the Minister for Housing representing the Minister for Regional Development tabled documents in relation to Royalties for Regions Funding provided to the South West Region in 2015–16, in response to question on notice No. 3523 asked by Hon Adele Farina. (Tabled Paper 3684).

The Parliamentary Secretary representing the Premier on behalf of the Minister for Housing representing the Minister for Regional Development tabled documents in relation to projects that have received a funding commitment through the Growing Our South Fund, in response to question on notice No. 3558 asked by Hon Adele Farina. (Tabled Paper 3685).

The Parliamentary Secretary representing the Premier on behalf of the Minister for Housing representing the Minister for Regional Development tabled documents in relation to funding agreements entered into by the Department of Regional Development in 2014–15 and 2015–16 to date, in response to question on notice No. 3559 asked by Hon Adele Farina. (Tabled Paper 3686).

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Minister for Health tabled documents in relation to School Dental Clinic Scheme details as at 20 October 2015, in response to question on notice No. 3485 asked by Hon Adele Farina. (Tabled Paper 3687).

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Minister for Health tabled documents in relation to median wait times for an appointment with a Paediatrician in the South West Electoral Region for 2014 and 2015 to date, in response to question on notice No. 3487 asked by Hon Adele Farina. (Tabled Paper 3688).

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Minister for Health tabled documents in relation to details of admissions for each South West hospital for 2014 and 2015 to date, in response to question on notice No. 3505 asked by Hon Adele Farina. (Tabled Paper 3689).

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Minister for Health tabled documents in relation to the total emergency department attendances by triage category for 2014 and 2015 to date, in response to question on notice No. 3506 asked by Hon Adele Farina. (Tabled Paper 3690).

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Minister for Health tabled documents in relation to the services available for each hospital in the South West Region as at 1 July 2015, in response to question on notice No. 3508 asked by Hon Adele Farina. (Tabled Paper 3691).

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Minister for Health tabled documents in relation to the quantity and location of various health professionals allocated to the South West Region from the 2015–16 State Budget, in response to question on notice No. 3511 asked by Hon Adele Farina. (Tabled Paper 3692).

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Minister for Health tabled documents in relation to elective surgery wait times for each hospital in the South West in 2014 and 2015 to date, in response to question on notice No. 3513 asked by Hon Adele Farina. (Tabled Paper 3693).

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Minister for Health tabled the *Western Australian Country Health Service Guideline* (effective 30 July 2008 to current), in response to question on notice No. 3724 asked by Hon Adele Farina. (Tabled Paper 3694).

## 15. Suspension of Standing Orders

Debate resumed on the motion of Hon Sue Ellery (*see item 13 above*).

Question — put.

The Council divided.

### Ayes (10)

Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Lynn MacLaren

Hon Martin Pritchard  
Hon Sally Talbot  
Hon Ken Travers  
Hon Darren West  
Hon Alanna Clohesy (*Teller*)

**Noes (19)**

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 Nigel Hallett  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Rick Mazza  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Phil Edman (*Teller*)

Question thus negatived.

**16. Order of Business**

Ordered — That Order of the Day No. 1, *Planning and Development Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 5, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House).

**17. Perth Market (Disposal) Bill 2015**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill, debate resumed on the motion of Hon Alanna Clohesy, as follows —

That —

- (1) Order of the Day No. 14, *Perth Market (Disposal) Bill 2015*, be discharged and referred to the Standing Committee on Legislation for consideration and report no later than 25 February 2016.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

*Interruption pursuant to order.*

**18. Members' Statements**

Statements were taken.

The President tabled documents and disclosed a matter of direct pecuniary interest relating to the construction of a Telstra mobile phone tower on his personal property. (Tabled Paper 3695).

**19. Adjournment**

The Council adjourned at 9.54pm until Wednesday, 2 December 2015 at 1.00pm.

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

Attendance: Present all Members except Hon Alyssa Hayden, Hon Colin Holt, Hon Samantha Rowe and Hon Amber-Jade Sanderson (*leave of absence*).

**PAUL GRANT**  
 Acting Clerk of the Legislative Council

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