

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 118

WEDNESDAY, 18 MARCH 2015

1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

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

2. Petition

Hon Mark Lewis presented a petition from 72 petitioners requesting the Legislative Council to support the Government resourcing a food security capacity building project in Broome for Aboriginal children in need. (Tabled Paper 2649).

3. Review of the RSPCA — Amendment to Notice of Motion

Hon Rick Mazza, pursuant to Standing Order 62(a), amended Motion No. 3 — *Review of the RSPCA*, to read as follows —

- (1) That the Council establishes a Select Committee to inquire into the operations of the Western Australian Royal Society for the Prevention of Cruelty to Animals (the ‘RSPCA’), including an examination of —
 - (a) its funding from the Government;
 - (b) its objectives; and
 - (c) the use of its powers.
- (2) The membership of the Select Committee is to be five Members, and is to include the Member from the Shooters and Fishers Party.
- (3) The Member from the Shooters and Fishers Party shall be the Chair.
- (4) The Select Committee is to report to the Council by no later than Thursday, 3 December 2015.

4. Waterways — Environmental Degradation

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

That this Council condemns the Barnett Government for its failure to take effective action to protect Western Australia’s rivers, estuaries and inlets from environmental degradation.

Hon Helen Morton moved, without notice, to amend the motion as follows —

To delete “condemns the Barnett Government for its failure to take effective” and insert —

acknowledges the actions taken by the Barnett Government and supports further ongoing

Debate ensued.

President's Ruling

The President ruled as follows —

I need to interrupt and stop the clock to clarify the situation in terms of Members speaking to the amendment and the motion. Members who have been here a while might recall that it was practice that Members who had not spoken to the substantive motion when an amendment was moved could speak on the whole motion. However, that changed recently when we adopted new Standing Orders. Now we need to dispose of the question before the House on the amendment and, in that sense, Members will have a maximum of 20 minutes to speak specifically on the proposed amendment. For instance, if that is accepted, the question would be that the motion, as amended, be agreed to, and that is where Hon Alanna Clohesy's speaking time would be back to 45 minutes. I will resolve the question of the amendment and then we will go back to the motion or the motion, as amended.

Debate resumed.

Amendment — put.

The Council divided.

Ayes (20)

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 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*)

Noes (10)

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

Hon Adele Farina
Hon Lynn MacLaren
Hon Sally Talbot
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

Amendment thus passed.

Question, That the motion, as amended, be agreed to.

Debate resumed.

Question — put.

The Council divided.

Ayes (20)

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 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*)

Noes (10)

Hon Robin Chapple
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Adele Farina
 Hon Lynn MacLaren

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

Question thus passed.

Motion, as amended, agreed to.

5. Indigenous Suicide

Motion No. 2 having been called, Hon Stephen Dawson, pursuant to notice, moved —

That this Council —

- (a) condemns the Barnett Government for its failure to combat the rise in suicide rates amongst Western Australia's indigenous population; and
- (b) calls on the Ministers for Aboriginal Affairs and Mental Health to outline to the House the strategies they will use to tackle the State's suicide rates.

Interruption pursuant to order.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

Standing Committee on Public Administration — Report No. 23 — Report on Recreational Hunting Systems

Debate resumed on the motion of Hon Liz Behjat, That the Report be noted.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into *Hansard*, documents in relation to staff student ratios for primary schools in the Belmont electorate, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 2650).

The Minister for Mental Health representing the Minister for Planning tabled documents in relation to the Perth waterfront and the de-construction and part-demolition of the Florence Hummerston building — Request for proposal, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 2651).

The Minister for Aboriginal Affairs tabled documents in relation to Department of Aboriginal Affairs artworks located at various ministerial offices as at 16 February 2015, in response to question on notice No. 2628 asked by Hon Ken Travers. (Tabled Paper 2652).

The Minister for Education tabled documents in relation to land owned and leased by the Department of Education, in response to question on notice No. 2334 asked by Hon Sue Ellery. (Tabled Paper 2653).

The Minister for Mental Health tabled documents in relation to the locked doors of open wards of Metropolitan hospitals due to the overflows of involuntary mental health patients from secure wards, for the period from 1 July 2014 to date, in response to question on notice No. 2553 asked by Hon Stephen Dawson. (Tabled Paper 2654).

The Minister for Child Protection tabled documents in relation to Department for Child Protection and Family Support Hardship Utility Grant Scheme applications processed in June, July, September, October, November and December 2014, in response to question on notice No. 2557 asked by Hon Stephen Dawson. (Tabled Paper 2655).

The Minister for Child Protection tabled documents in relation to Hardship Utility Grant Scheme details for the months of June, July, September, October, November and December 2014, in response to question on notice No. 2558 asked by Hon Stephen Dawson. (Tabled Paper 2656).

The Minister for Child Protection tabled documents in relation to Hardship Utility Grants for various suburbs in November 2014, in response to question on notice No. 2559 asked by Hon Stephen Dawson. (Tabled Paper 2657).

The Minister for Child Protection tabled documents in relation to the details of foster carers as at 30 November 2014, in response to question on notice No. 2565 asked by Hon Stephen Dawson. (Tabled Paper 2658).

The Minister for Child Protection tabled documents in relation to Department for Child Protection and Family Support full time equivalent funded allocations and vacancies as at 1 November 2014, in response to question on notice No. 2567 asked by Hon Stephen Dawson. (Tabled Paper 2659).

The Minister for Mental Health tabled documents in relation to the *Mental Health Plan 2020 Action Plan* and the cost of implementing the nine items listed, in response to question on notice No. 2593 asked by Hon Stephen Dawson. (Tabled Paper 2660).

The Minister for Housing representing the Minister for Regional Development tabled documents in relation to the Withers project expenditure reconciliation, in response to question on notice No. 2681 asked by Hon Adele Farina. (Tabled Paper 2661).

The Parliamentary Secretary representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2337 asked by Hon Ken Travers will be provided on Thursday, 26 March 2015.

8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 6 above*).

In Committee

(Hon Adele Farina in the Chair)

Standing Committee on Public Administration — Report No. 23 — Report on Recreational Hunting Systems

Debate resumed on the motion of Hon Liz Behjat, That the Report be noted.

Interruption pursuant to order.

The Acting President resumed the Chair.

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

Standing Committee on Public Administration — Report No. 23 — *Report on Recreational Hunting Systems*, made progress, and seeks to sit again.

Report adopted.

9. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

10. Gender Reassignment Amendment Bill 2015

The Attorney General, pursuant to notice, moved —

That a Bill for “An Act —

- to amend the *Gender Reassignment Act 2000* to abolish the Gender Reassignment Board of Western Australia and confer on the State Administrative Tribunal jurisdiction to make recognition orders; and
- to amend the *Constitution Acts Amendment Act 1899* and the *Equal Opportunity Act 1984* as a consequence of this Act.”

be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General moved, That the Bill be read a second time.

The Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2662).

Debate stands adjourned.

11. Children and Community Services Legislation Amendment and Repeal Bill 2014

The Deputy President reported the receipt of Message No. 95 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Child Protection moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Child Protection moved, That the Bill be read a second time.

The Minister for Child Protection tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2663).

Debate stands adjourned.

12. Land Legislation Amendment Bill 2014

The Deputy President reported the receipt of Message No. 96 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Housing representing the Minister for Lands moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Housing representing the Minister for Lands moved, That the Bill be read a second time.

The Minister for Housing representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2664).

Debate stands adjourned.

13. Land Legislation Amendment (Taxing) Bill 2014

The Deputy President reported the receipt of Message No. 98 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Housing representing the Minister for Lands moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Housing representing the Minister for Lands moved, That the Bill be read a second time.

The Minister for Housing representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2665).

Debate stands adjourned.

14. Order of Business

Ordered — That Orders of the Day Nos 1, *School Education Amendment Regulations 2014 — Disallowance*, 2, *Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance*, 3, *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance*, 4, *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance*, 5, *Shire of Kellerberrin Fencing Local Law 2014 — Disallowance*, and 6, *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance*, be taken after Order of the Day No. 11, *Gene Technology (Western Australia) Bill 2015*. (Leader of the House).

15. Partial Revocation of State Forest No. 16

The Minister for Mental Health representing the Minister for Environment, pursuant to notice, moved —

That the proposal for the Partial Revocation of State Forest No. 16 laid on the table of the Legislative Council on Wednesday, 11 March 2015 be carried out.

Debate ensued.

Question — put and passed.

16. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015

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

Debate resumed.

Interruption pursuant to order.

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 6.25pm until Thursday, 19 March 2015 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council