

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 124

WEDNESDAY, 22 APRIL 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. Statement by President — Sir James Stirling

The President made the following Statement —

Today marks the 150th anniversary of the death of Sir James Stirling on 22 April 1865, who is buried at St John's Stoke Church, Guildford, in the County of Surrey, England. James Stirling was responsible for not only the detailed exploration of the Western Australian coastline, Perth and the South West regions, but also the establishment of the Swan River Colony as a private colony in 1829. As Western Australia's first Governor, he was instrumental in the appointment of the first Executive Council and Legislative Council, in the establishment of the early court system and the Bank of Western Australia, and, as patron of the Royal Agricultural Society of Western Australia, for the promotion of fine Western Australian wool and livestock. James Stirling secured the future of the Swan River Colony by lobbying the British colonial authorities to accord it the same status as other British colonies. This ensured the payment of an annual parliamentary grant to cover approved and necessary civil expenditure and to pay for a greater military presence in the colony. James Stirling's commitment to the Swan River Colony did not wane and he continued to lobby the British Government for more favourable treatment for the colony following his departure in 1839. James Stirling left Western Australians with a legacy of places and townships he named—for example, Perth, Fremantle, Ellen Brook, Darling Range, Mt Eliza, Canning River, Carnac and Garden Islands, York, Collie, Woodbridge, Albany, Cockburn Sound and Gage Roads. Sir James Stirling is, in many senses, the founding father of Western Australia and one of the most influential and important people in our history.

3. Petition

Hon Jacqui Boydell presented a petition from 113 petitioners requesting the Legislative Council to amend the *Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014* and refer the Bill to a committee for further review. (Tabled Paper 2792).

4. Ministerial Statement — Mental Health Act 2014

The Minister for Mental Health made a Ministerial Statement with respect to the extent of work undertaken to implement the *Mental Health Act 2014*.

5. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Asbestos Management in Public Sector Agencies (Report No. 3) (April 2015) 2788

Minister for Mental Health

Leases —

CALM Lease No. 2295/100 – Between CALM and Australian Craftwood and Timbers Pty Ltd over newly created reserve 51982 at Palgarup near Manjimup for the purpose of natural resource processing and ancillary uses..... 2789

CALM Lease No. 1011/97 – Between CALM and Stephen Beresford Dilley for the purpose of a dam site for commercial purposes in State Forest No. 28 near Kirup 2790

CALM Lease No. 2153/97 – Between CALM and Lindsay Forrest for the purpose of a dam site for commercial purposes in State Forest No. 25 near Donnybrook..... 2791

6. Indigenous Suicide

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

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.

The Minister for Mental Health tabled a graph entitled *Suicide death rates — Western Australia and Australia (2002–2012)*. (Tabled paper 2793).

Debate resumed.

Point of Order

Hon Sue Ellery raised the following Point of Order —

I wonder whether the Minister might first of all agree to table the document, and secondly, in describing the graph, just say, "There are three lines; there is one at the bottom, one in the middle and one at the top." Therefore in future, anyone looking at the tabled version of the graph will actually know what the Member is talking about because that will not be reflected in the future record.

President's Ruling

The President ruled as follows —

The Minister is using an aid to assist her remarks. Of course, it cannot be incorporated into *Hansard* because we do not have the facilities to do that with graphs and tables in terms of photographs. However, it certainly can be tabled like the previous aid. The only other mechanism of record is the television coverage of the Chamber. The request being made for the Minister to table that document is the best option we have in this situation, and if the Minister can explain the graph more clearly.

Debate resumed.

The Minister for Mental Health tabled a graph entitled *Suicide — Aboriginal Western Australians 2008–14 (In Confidence) Coroners Report (inclusive of unconfirmed for 2010–14)*. (Tabled paper 2794).

Debate resumed.

The Minister for Mental Health moved, without notice, to amend the motion as follows —
To delete “condemns the Barnett Government for its failure” and insert —

acknowledges the work of the Barnett Government

Debate resumed.

Hon Sue Ellery moved, without notice —

To amend the amendment moved by Hon Helen Morton as follows —

To insert “that” before the first occurrence of “the” and insert after “population” —

has not resulted in a substantial and sustained improvement

Debate resumed.

Question, That the Amendment to the Amendment be agreed to — put.

The Council divided.

Ayes (10)

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

Hon Adele Farina
Hon Lynn MacLaren
Hon Amber-Jade Sanderson
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

Noes (20)

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 Alyssa Hayden
Hon Col Holt
Hon Mark Lewis
Hon Rick Mazza
Hon Michael Mischin
Hon Helen Morton
Hon Simon O’Brien
Hon Phil Edman (*Teller*)

Amendment to the Amendment thus negatived.

Question, That the Amendment be agreed to — put.

The Council divided.

Ayes (20)

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
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 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery

Hon Adele Farina
 Hon Lynn MacLaren
 Hon Amber-Jade Sanderson
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Amendment thus passed.

Question, That the Motion, as amended, be agreed to — put and passed.

7. Review of the RSPCA

Motion No. 2 having been called, Hon Rick Mazza, pursuant to notice, moved —

- (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.

Interruption pursuant to order.

8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

Standing Committee on Estimates and Financial Operations — Report No. 52 — 2015/16 Budget Estimates Hearings — Sitting Schedule

Hon Ken Travers moved, That the Report be noted.

Debate ensued.

Question — put and passed.

Joint Select Committee on Aboriginal Constitutional Recognition — Report No. 1 — Towards a True and Lasting Reconciliation: Report into the Appropriate Wording to Recognise Aboriginal People in the Constitution of Western Australia

Hon Michael Mischin moved, That the Report be noted.

Debate ensued.

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 —

- (1) Standing Committee on Estimates and Financial Operations — Report No. 52 — *2015/16 Budget Estimates Hearings — Sitting Schedule* and had noted same.
- (2) Joint Select Committee on Aboriginal Constitutional Recognition — Report No. 1 — *Towards a True and Lasting Reconciliation: Report into the Appropriate Wording to Recognise Aboriginal People in the Constitution of Western Australia*, made progress, and seeks to sit again.

Report adopted.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Housing representing the Minister for Lands tabled documents in relation to coastal vulnerability for the shoreline at North Coogee, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 2795).

The Minister for Education tabled, and by leave incorporated into *Hansard*, documents in relation to mental health programs delivered in primary and secondary Western Australian schools, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 2796).

The Minister for Education tabled documents in relation to teachers, teacher aides and administrative staff numbers for each school in the South West electoral region as at 20 February 2015, in response to question on notice No. 2825 asked by Hon Adele Farina. (Tabled Paper 2797).

The Minister for Education tabled documents in relation to schools in the South West region that have air conditioning in every classroom as at 20 February 2015, in response to question on notice No. 2828 asked by Hon Adele Farina. (Tabled Paper 2798).

The Minister for Education tabled documents in relation to the number of demountable classrooms at each school in the South West region as at 20 February 2015, in response to question on notice No. 2829 asked by Hon Adele Farina. (Tabled Paper 2799).

The Minister for Education tabled a list of schools in the South West electoral region that receive funding through the Commonwealth's National School Chaplaincy Programme for 2015–16 or the In School State Funded Chaplaincy Programme for 2015–16, in response to question on notice No. 2830 asked by Hon Adele Farina. (Tabled Paper 2800).

The Minister for Education tabled documents in relation to student attendance figures for each of 2013 and 2014, for each school in Bunbury, Busselton and Margaret River, in response to question on notice No. 2832 asked by Hon Adele Farina. (Tabled Paper 2801).

The Minister for Education tabled, and by leave incorporated into *Hansard*, documents in relation to staff to student ratios for primary schools in the Kalamunda electorate, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 2802).

The Minister for Education tabled, and by leave incorporated into *Hansard*, documents in relation to standard advice provided to supernumerary education assistants regarding targeted voluntary severance, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 2803).

The Leader of the House representing the Minister for Training and Workforce Development, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2763 asked by Hon Kate Doust will be provided on 5 May 2015.

The Minister for Mental Health representing the Minister for Women's Interests, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2762 asked by Hon Kate Doust will be provided on 5 May 2015.

The Minister for Disability Services, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2784 asked by Hon Kate Doust will be provided on 23 April 2015.

The Minister for Mental Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2785 asked by Hon Kate Doust will be provided on 23 April 2015.

The Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2783 asked by Hon Kate Doust will be provided on 23 April 2015.

The Attorney General representing the Minister for Road Safety, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2764 asked by Hon Kate Doust will be provided on 5 May 2015.

The Attorney General representing the Minister for Police, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2765 asked by Hon Kate Doust will be provided on 5 May 2015.

The Attorney General representing the Minister for Police, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 2833 and 2834 asked by Hon Adele Farina will be provided on 5 May 2015.

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to information regarding the Midland Health Campus Services Agreement, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 2804).

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance*, 2, *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance*, 3, *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance*, 4, *Shire of Kellerberrin Fencing Local Law 2014 — Disallowance*, 5, *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance*, and 6, *Magistrates Court (Civil Proceedings) Amendment Rules 2014 — Disallowance*, be taken after Order of the Day No. 10, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House).

11. Barrow Island Amendment Bill 2015

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

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells. A quorum being formed, the debate continued.

Interruption pursuant to Temporary order.

12. Members' Statements

Statements were taken.

13. Adjournment

The Council adjourned at 6.38pm until Thursday, 23 April 2015 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Peter Katsambanis, Hon Robyn McSweeney and Hon Sally Talbot.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council