

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 243

TUESDAY, 6 NOVEMBER 2012

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### 1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

### 2. Message from His Excellency the Governor — Assent to Bills

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

<b>5 November 2012 — Message No. 21</b>	<b>Act No.</b>
Mining Rehabilitation Fund Bill 2012	33 of 2012
Mining Rehabilitation Fund Amendment Bill 2012	34 of 2012
Electoral Amendment Bill 2012	35 of 2012
Retirement Villages Amendment Bill 2012	36 of 2012
Building Amendment Bill 2012	37 of 2012

### 3. Petition

Hon Brian Ellis presented a petition from 141 petitioners requesting the Legislative Council to recommend that the Government ban smoking at sporting grounds. (Tabled Paper 5294).

### 4. Ministerial Statement — Teacher Registration Board — Establishment

The Minister for Education made a Ministerial Statement with respect to the establishment of the Teacher Registration Board.

### 5. Papers

The following Papers were laid on the Table by —

#### **President**

*Annual Reports* —

State Records Commission (2011–2012) (Date received 31/10/2012) ..... 5271

*Letters* —

Joint Standing Committee on the Commissioner for Children and Young People —

Letter from the Chairman to the President advising of a Referral of Matters to the Commissioner for Children and Young People. .... 5272

*Reports* —

Corruption and Crime Commission — Report on the Investigation of Alleged Public Sector Misconduct in Relation to Contact with Students and the Accessing of Child Pornography by a Department of Education Employee (2 November 2012) (Deemed tabled 2/11/2012)..... 5273

**Leader of the House***Regulations —*

Fish Resources Management Act 1994 — (Fish Resources Management Amendment Regulations (No. 11) 2012 G.G. 02/11/2012).....	5274
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Real Estate and Business Agents Act 1978 — (Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2012 G.G. 23/10/2012).....	5277
Road Traffic Act 1974 — (Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2012 G.G. 02/11/2012 and Road Traffic (Authorisation to Drive) Amendment Regulations (No. 4) 2012 G.G. 02/11/2012).....	5278

**Minister for Education***Local Laws —*

Bush Fires Act 1954 — (Shire of Exmouth Bush Fire Brigades Local Law 2012 G.G. 30/10/2012).....	5279
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*Orders —*

Young Offenders Act 1994 — (Young Offenders (Detention Centre) Revocation Order 2012 G.G. 30/10/2012).....	5280
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Emergency Management Act 2005 — (Emergency Management Amendment Regulations (No. 2) 2012 G.G. 31/10/2012).....	5282
Fire Brigades Act 1942 — (Fire Brigades Amendment Regulations (No. 2) 2012 G.G. 31/10/2012) ...	5283
Fire and Emergency Services Act 1998 — (Fire and Emergency Services Authority of Western Australia Amendment Regulations 2012 G.G. 31/10/2012).....	5284
Fire and Emergency Services Superannuation Act 1985 — (Fire and Emergency Services (Superannuation Fund) Amendment Regulations (No. 2) 2012 G.G. 31/10/2012).....	5285

**Minister for Education on behalf of the Minister for Child Protection***Local Laws —*

Local Government Act 1995 — (City of Kalgoorlie-Boulder Dogs Local Law 2012 G.G. 24/10/2012, City of Vincent Parking and Parking Facilities Amendment Local Law No. 1 2012 G.G. 30/10/2012, Shire of Broome Local Government Property and Public Places Local Law 2012 G.G. 23/10/2012 and Shire of Broome Repeal Local Law 2012 G.G. 23/10/2012).....	5286
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**Minister for Mental Health***By Laws —*

Hospitals and Health Services Act 1927 — (Royal Perth Hospital Amendment By-laws 2012 G.G. 23/10/2012).....	5287
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*Orders —*

Planning and Development Act 2005 — Order and Reasons in accordance with section 76(5) of the Planning and Development Act 2005 relating to section 76(1) Representation in respect of Lot 226 Greenfield Street Boodarie (Town of Port Headland).....	5288
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Planning and Development Act 2005 — Order and Reasons in accordance with section 76(5) of the Planning and Development Act 2005 relating to Lots 4, 22 and 25 Guger Street, Lot 26 Loch Street and Lot 20 College Road, Claremont .....	5289
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*Regulations —*

Hospitals and Health Services Act 1927 — (Hospitals (Services Charges) Amendment Regulations (No. 5) 2012 G.G. 02/11/2012) .....	5290
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**Attorney General**

*Orders —*

Misuse of Drugs Act 1981 — (Misuse of Drugs (Amounts of Prohibited Drugs) Order (No. 2) 2012 G.G. 30/10/2012) .....	5291
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*Response to Reports —*

Joint Standing Committee on the Corruption and Crime Commission — The Discontinuance of Contempt Proceedings Against Members of the Coffin Cheaters Motorcycle Club (Report No. 27) (Attorney General).....	5292
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*Schemes —*

Professional Standards Act 1997 — (Association of Taxation and Management Accountants Scheme G.G. 29/10/2012).....	5293
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**6. Standing Committee on Public Administration — Report No. 15 — Omnibus Report — Activity During 38<sup>th</sup> Parliament**

Hon Max Trenorden presented Report No. 15 of the Standing Committee on Public Administration in relation to the *Omnibus Report — Activity During 38<sup>th</sup> Parliament*. (Tabled Paper 5295).

**7. Standing Committee on Uniform Legislation and Statutes Review — Report No. 77 — Family Court Amendment (Family Violence and Other Measures) Bill 2012**

Hon Adele Farina presented Report No. 77 of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Family Court Amendment (Family Violence and Other Measures) Bill 2012*. (Tabled Paper 5296).

**8. Standing Committee on Uniform Legislation and Statutes Review — Report No. 78 — Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2012**

Hon Adele Farina presented Report No. 78 of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2012*. (Tabled Paper 5297).

**9. City of Greater Geraldton Parking and Parking Facilities Local Law 2012 — Disallowance — Withdrawn from Notice Paper**

Hon Sally Talbot, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Notice of Motion for Disallowance No. 1, *City of Greater Geraldton Parking and Parking Facilities Local Law 2012*, from the Notice Paper.

**10. City of Perth Standing Orders Amendment Local Law 2012 — Disallowance — Discharge from Notice Paper**

Hon Sally Talbot, by leave, moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *City of Perth Standing Orders Amendment Local Law 2012 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**11. Metropolitan Region Scheme Amendment No. 1221/41 — Banjup Urban Precinct — Disallowance**

Hon Lynn MacLaren: To move on the next day of sitting —

That the *Metropolitan Region Scheme Amendment No. 1221/41 — Banjup Urban Precinct* published in the *Gazette* on 14 September 2012 and tabled in the Legislative Council on 19 September 2012 under the *Planning and Development Act 2005*, be and is hereby disallowed. (Tabled Papers 4978–4979).

**12. Leave of Absence — Hon Donna Faragher**

Hon Ken Baston moved, without notice —

That leave be granted to Hon Donna Faragher for all sitting days for the remainder of 2012 due to ill health.

Question — put and passed.

**13. Order of Business**

Ordered — That Orders of the Day Nos 2, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, 3, *Submission No. 13/2012 — Amendment to Class A Reserve 8485 and Cancellation of Class A Reserve 28535 — Disallowance*, 4, *City of Vincent Dogs Amendment Local Law No. 2, 2012 — Disallowance*, and 5, *Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1 — Disallowance*, be taken after Order of the Day No. 16, *Browse (Land) Agreement Bill 2012*. (Leader of the House).

**14. Western Australian Future Fund Bill 2012**

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

Debate resumed.

**15. Questions Without Notice**

Questions without notice were taken.

The Minister for Mental Health, by leave, incorporated into Hansard, a table in relation to full time equivalent employees for the South West Child and Adolescent Mental Health Services, as of 1 October 2012, in response to a question without notice asked by Hon Adele Farina.

The Minister for Mental Health, by leave, incorporated into Hansard, a table in relation to full time and part time employees, and the portion of full time equivalent worked, for the South West Child and Adolescent Mental Health Services, in response to a question without notice asked by Hon Adele Farina.

The Minister for Education tabled documents in relation to a list of schools in the South West region scheduled for infrastructure improvements, in response to question on notice No. 6093 asked by Hon Adele Farina. (Tabled Paper 5298).

The Minister for Education tabled documents in relation to school psychologists in South West schools, in response to question on notice No. 6094 asked by Hon Adele Farina. (Tabled Paper 5299).

The Minister for Education tabled documents in relation to non-regular attendance by students of schools in the South West region, in response to question on notice No. 6096 asked by Hon Adele Farina. (Tabled Paper 5300).

The Minister for Education tabled documents in relation to demountable buildings at each school in the South West region, in response to question on notice No. 6097 asked by Hon Adele Farina. (Tabled Paper 5301).

The Minister for Education representing the Minister for Housing tabled a map of the cities and towns covered within the Department of Housing's South West region, in response to question on notice No. 6078 asked by Hon Adele Farina. (Tabled Paper 5302).

The Minister for Education representing the Minister for Housing tabled documents in relation to sixty-two dwellings to be constructed this financial year for clients of the Disabilities Services Commission, in response to question on notice No. 6083 asked by Hon Adele Farina. (Tabled Paper 5303).

The Minister for Education representing the Minister for Housing tabled documents in relation to one hundred dwellings to be constructed for high needs clients of the Mental Health Commission, in response to question on notice No. 6084 asked by Hon Adele Farina. (Tabled Paper 5304).

The Minister for Education representing the Minister for Housing tabled documents in relation to towns and cities where three thousand and thirty-eight new houses were built under the Affordable Housing Strategy 2010–2020, in response to question on notice No. 6088 asked by Hon Adele Farina. (Tabled Paper 5305).

The Minister for Mental Health representing the Minister for Environment tabled a map of the Department for Environment and Conservation's three regions in the South West, in response to question on notice No. 6074 asked by Hon Adele Farina. (Tabled Paper 5306).

The Minister for Mental Health tabled documents in relation to the position titles and locations of full time equivalent employees allocated to the Southern Country Health Service, in response to question on notice No. 6131 asked by Hon Adele Farina. (Tabled Paper 5308).

The Minister for Mental Health tabled the Western Australia Mental Health Support Network pamphlet, in response to question on notice No. 6135 asked by Hon Adele Farina. (Tabled Paper 5309).

The Minister for Mental Health representing the Minister for Health tabled documents in relation to future projections of demand for services for hospitals in the South West region, in response to question on notice No. 6139 asked by Hon Adele Farina. (Tabled Paper 5307).

The Minister for Mental Health tabled documents in relation to funding allocated in the State Budget for the State Forensic Mental Health Service, in response to question on notice No. 5973 asked by Hon Alison Xamon. (Tabled Paper 5310).

The Minister for Mental Health tabled documents in relation to funding allocation and bed capacity and occupancy at Graylands Hospital for the years 2000–01 through to 2012–13, in response to question on notice No. 5974 asked by Hon Alison Xamon. (Tabled Paper 5311).

#### *Point of Order*

Hon Ljiljanna Ravlich raised the following Point of Order —

I draw to the President's attention a matter concerning questions on notice Nos 5888 and 5893 submitted to the Minister for Mental Health on 14 August 2012. On 19 September 2012, under Standing Order 107(2), the Minister promised to provide the answers on Thursday, 27 September 2012. My records show that to date those answers have not been provided.

In addition to that, questions on notice Nos 6020, 6021, 6022 and 6023 were submitted to the Minister for Mental Health on 12 September 2012. On 12 September 2012 the Minister undertook to provide the answers to me by 25 October 2012. My records show that to date answers to those four questions have also not been provided. With the President's permission, I seek an explanation from the Minister.

#### *President's Ruling*

The President ruled as follows —

On that point of order, I refer Members to Standing Order 107(2), which states —

When a question on notice remains unanswered after nine sitting days, the Member to whom the question is directed shall advise the Council, at the conclusion of the period for questions without notice on the next sitting day, the date when an answer is expected to be provided.

I invite the Minister for Mental Health to make any comment today, or, if she is unable to, I request that she report on that point of order after tomorrow's question time.

#### **16. Western Australian Future Fund Bill 2012**

Debate resumed on the second reading of this Bill (*see item 14 above*).

*Interruption pursuant to order.*

**17. Members' Statements**

Statements were taken.

**18. Adjournment**

The Council adjourned at 10.11pm until Wednesday, 7 November 2012 at 2.00pm.

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

Attendance: Present all Members except Hon Helen Bullock, Hon Donna Faragher (leave of absence), Hon Alyssa Hayden and Hon Robyn McSweeney.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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