

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 244

WEDNESDAY, 7 NOVEMBER 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. Petition

Hon Wendy Duncan presented a petition from 120 petitioners requesting the Legislative Council to support the residents of Laverton in their campaign for the redevelopment of Laverton Hospital. (Tabled Paper 5318).

3. Ministerial Statement — Royalties for Regions — 2011–12 Progress Report

The Parliamentary Secretary representing the Minister for Regional Development made a Ministerial Statement with respect to the Royalties for Regions 2011-12 Progress Report.

The Parliamentary Secretary representing the Minister for Regional Development tabled a report entitled *Royalties for Regions: Delivering to WA Regional Communities*. (Tabled Paper 5319).

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Audit Results Report — (Annual 2011–2012) Assurance Audits (Report No. 14)
(November 2012)..... 5312

Joint Standing Committee on Treaties (Commonwealth of Australia) —

Treaties tabled on 30 October 2012 — Loan Agreement between Australia and the International Monetary Fund (Tokyo, 13 October 2012) and Agreement Between the Government of Australia and the Government of Japan on the Security of Information (Tokyo, 17 May 2012) 5313

Treaties tabled on 1 November 2012 — Protocol of 2010 to the International Convention on Liability and Compensation for Damage in connection with Carriage of Harmful and Noxious Substances by Sea, 1996 (London, 30 April 2010), International Convention on Liability and Compensation for Damage in connection with the Carriage of Harmful and Noxious Substances by Sea, 2012 (Consolidated text of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, and the Protocol of 2010 to the Convention) (London, 30 April 2010), Convention on the International Interests in Mobile Equipment (Cape Town, 16 November 2001), Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Cape Town, 16 November 2001), Air Transport Agreement between the Government of Australia and the Government of the United States of America (Washington, 31 March 2008), Exchange of notes amending the Air Transport Agreement between the Government of Australia and the Government of the United States of America (date and place of exchange TBA), Amendment to the Agreement between the Commonwealth of Australia and Japan for Air Services, done at Tokyo on 19 January 1956, as amended, Agreement between the Government of the Republic of Kenya and the Government of Australia relating to Air Services (Nairobi, 24 May 2012), Agreement between the Government of Australia and the Government of the Republic of Palau relating to Air Services (Koror, 2 May 2012) and Agreement between the Government of Australia and the Democratic Socialist Republic of Sri Lanka relating to Air Services (Colombo, 3 May 2012) 5314

Reports —

Ombudsman Western Australia — Investigation into ways that the State Government departments can prevent or reduce sleep-related infant deaths 5315

Leader of the House on behalf of the Minister for Finance

Reports —

Western Australian Treasury Corporation Quarterly report for the quarter ended 30 September 2012 5316

Minister for Mental Health

Annual Reports —

The Australian Health Practitioner Regulation Agency (2011–2012)
(Date received 6/11/2012) 5317

5. Standing Committee on Estimates and Financial Operations — Report No. 36 — 2011–12 Annual Report Hearings — Comments Regarding the Police Commissioner's Evidence

Hon Giz Watson presented Report No. 36 of the Standing Committee on Estimates and Financial Operations in relation to the *2011-12 Annual Report Hearings — Comments Regarding the Police Commissioner's Evidence*. (Tabled Paper 5320).

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

Hon Sally Talbot: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, 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).

7. Child and Adolescent Mental Health Service — Funding

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

That this House notes the findings from the Commissioner for Children and Young People in the inquiry into the mental health and wellbeing of children and young people in Western Australia, and calls on the Minister for Mental Health to immediately implement the recommendations by providing extra funding for the Child and Adolescent Mental Health Service.

Point of Order

Hon Adele Farina raised the following Point of Order —

I ask that the Member identify the title of the document, the author of the document, the date of the document and also table a copy of the document.

President's Ruling

The President ruled as follows —

The request has been made to identify the document. In response to the point of order raised by Hon Adele Farina, Standing Order 58 refers to documents quoted in debate. It states —

- (1) A Member must identify any document quoted from by the Member in debate, including an uncorrected version of *Hansard*.
- (2) At the conclusion of a speech in which a Member has quoted from a document, the document shall be tabled upon the request of any other Member, unless the Member states the document is a confidential document.

I would ask the Minister to identify the document in response to the point of order, and then there may well be a request at the end of her remarks to table it.

Debate resumed.

Point of Order

Hon Linda Savage raised the following Point of Order —

I do not think I have made a point of order before, so you might have to provide me with some guidance, Mr President. I understood the Minister to say before she started talking about the details that a member of the opposition would have seen a certain document, and she was surprised that she may not have shared that with other members of the opposition. I became a member of the Joint Standing Committee, I think, in June and attended a meeting for the first time in August. The inquiry that the Minister is referring to is an ongoing inquiry of our committee and is not currently an inquiry that we have reported on or tabled a report for the Parliament. I am seeking some clarification perhaps from you, Mr President, or the Minister for the imputation that somehow this was a document that was available to members of the opposition and therefore unavailable to other Members when we have not tabled our report.

President's Ruling

The President ruled as follows —

The point raised by Hon Linda Savage is valid, but it is not really in the form of a point of order. It is a point raised in terms of clarification about an issue and the status of the letter that the Minister has identified. The one bit the Member has not identified is whether that letter is a public document or a private document. The point that Hon Linda Savage raised, which was particularly valid, is that no Member in this chamber can or should make the assumption that a piece of correspondence that is dealt with by a committee of this Parliament is automatically shared by the Members on that committee with their colleagues. That is certainly not the case, as it should be. In fact, it can be a contempt of Parliament. The Minister might be able to clear up the issue and clarify the status of that letter that you are quoting from.

Debate resumed.

The Minister for Mental Health tabled a letter from the Minister for Mental Health to the Commissioner for Children and Young People in relation to the Inquiry into Mental Health and Wellbeing of Children and Young People in Western Australia, and a short report relating to the inquiry. (Tabled Paper 5321).

Debate resumed.

Interruption pursuant to order.

8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Joint Standing Committee on Delegated Legislation — Report No. 55 — City of Perth Standing Orders Amendment Local Law 2012

Committee report called and lapsed.

Joint Standing Committee on Delegated Legislation — Special Report in Relation to the City of Perth Standing Orders Amendment Local Law 2012

Committee report called and lapsed.

Standing Committee on Public Administration — Report No. 15 — Omnibus Report — Activity During the 38th Parliament

The Leader of the House moved, That consideration of the report be postponed to the next sitting.

Debate ensued.

Question — put and passed.

The Deputy President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, 2, *Submission No. 13/2012 — Amendment to Class A Reserve 8485 and Cancellation of Class A Reserve 28535 — Disallowance*, 3, *City of Vincent Dogs Amendment Local Law No. 2, 2012 — Disallowance*, and 4, *Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1 — Disallowance*, be taken after Order of the Day No. 15, *Browse (Land) Agreement Bill 2012*. (Leader of the House).

10. Mental Health Amendment (Psychiatrists) Bill 2012

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

Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Regional Development, by leave, incorporated into Hansard, a table in relation to the full time equivalent employees at the Peel Development Commission, in response to a question without notice asked by Hon Sally Talbot.

The Minister for Education representing the Minister for Emergency Services, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 6109 asked by Hon Adele Farina will be provided on 29 November 2012.

The Minister for Mental Health tabled, and by leave incorporated into Hansard, documents in relation to deaths and serious incidents reported to the Chief Psychiatrist, in response to question on notice No. 5884 asked by Hon Ljiljanna Ravlich. (Tabled Paper 5322).

The Minister for Mental Health tabled documents in relation to Disability Justice Centres in Kenwick and Herne Hill, in response to question on notice No. 6020 asked by Hon Ljiljanna Ravlich. (Tabled Paper 5323).

The Minister for Mental Health tabled documents with respect to meetings between the Minister and the City of Gosnells in relation to Disability Justice Centres, in response to question on notice No. 6021 asked by Hon Ljiljanna Ravlich. (Tabled Paper 5324).

The Minister for Mental Health tabled documents in relation to the classification details of Disability Justice Centres, in response to question on notice No. 6022 asked by Hon Ljiljanna Ravlich. (Tabled Paper 5325).

The Minister for Mental Health tabled documents in relation to assistance from the Mentally Impaired Accused Review Board for Disability Justice Centres, in response to question on notice No. 6023 asked by Hon Ljiljanna Ravlich. (Tabled Paper 5326).

The Minister for Mental Health, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 6134 and 6136 asked by Hon Adele Farina will be provided on 8 November 2012.

The Attorney General representing the Minister for Police tabled documents in relation to full time equivalent police officers for the West Metropolitan District as at 30 September 2012, in response to question on notice No. 6235 asked by Hon Linda Savage. (Tabled Paper 5327).

The Attorney General representing the Minister for Police tabled documents in relation to monthly reported crime statistics for Rossmoyne in 2011–12, in response to question on notice No. 6152 asked by Hon Sue Ellery. (Tabled Paper 5328).

The Attorney General representing the Minister for Police tabled documents in relation to monthly reported crime statistics for Rossmoyne in 2010–11, in response to question on notice No. 6153 asked by Hon Sue Ellery. (Tabled Paper 5329).

The Attorney General representing the Minister for Police tabled documents in relation to monthly reported crime statistics for Rossmoyne in 2009–10, in response to question on notice No. 6154 asked by Hon Sue Ellery. (Tabled Paper 5330).

12. Mental Health Amendment (Psychiatrists) Bill 2012

Debate resumed on the second reading of this Bill (*see item 10 above*).

Question — put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.
Debate ensued.
Clause agreed to.
Title agreed to.

The Deputy President resumed the Chair.
Bill reported without amendment.
Report adopted.

The Minister for Mental Health moved, That the Bill be read a third time.
The Deputy President having reported that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.
Question — put and passed.
Bill read a third time and passed.

13. 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.
Interrupted pursuant to order.

14. Members' Statements

Statements were taken.

15. Road Traffic (Miscellaneous Amendments) Bill 2012

The President reported the receipt of Message No. 287 from the Legislative Assembly forwarding the Bill for concurrence.
The Attorney General representing the Minister for Police moved, That the Bill be read a first time.
Question — put and passed.
Bill read a first time.
The Attorney General representing the Minister for Police moved, That the Bill be read a second time.
The Attorney General representing the Minister for Police tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5331).
Debate stands adjourned.

16. Adjournment

The Council adjourned at 10.29pm until Thursday, 8 November 2012 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher (leave of absence) and Hon Alyssa Hayden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council