

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 154

WEDNESDAY, 25 MAY 2011

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. Ministerial Statement - National Reconciliation Week

The Minister for Indigenous Affairs made a Ministerial Statement with respect to the recognition of National Reconciliation Week.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

3. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Audit Results: Annual Assurance Audits completed since 1 November 2010,
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Ministerial Notification (Report No. 3) (May 2011)..... 3320

Letters -

Joint Standing Committee on the Corruption and Crime Commission - Extension of
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Leader of the House

Regulations -

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Recognition (Western Australia) (Temporary Exemptions) Regulations 2011 G.G. 17/05/2011)... 3322

Minister for Finance*Regulations -*

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Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2011 G.G. 20/05/2011 and Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2011 G.G. 20/05/2011).....	3324
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Western Australian Marine Act 1982 (W.A. Marine (Load Lines) Amendment Regulations 2011 G.G. 20/05/2011 and W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations 2011 G.G. 20/05/2011).....	3327

Minister for Energy on behalf of the Minister for Child Protection*Local Laws -*

Local Government Act 1995 (City of Gosnells Animals, Environment and Nuisance Amendment Local Law 2011 G.G. 20/05/2011, City of Mandurah Cemeteries Local Law 2010 G.G. 20/05/2011, Shire of Wongan-Ballidu Local Government Property Local Law 2011 G.G. 16/05/2011 and Shire of Wongan-Ballidu Parking and Parking Facilities Local Law 2011 G.G. 16/05/2011).....	3328
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Minister for Mental Health*Ministerial Approvals -*

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Regulations -

Health and Disability Services (Complaints) Act 1995 (Health Services (Conciliation and Review) Amendment Regulations 2011 G.G. 20/05/2011)	3330
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Parliamentary Secretary representing the Attorney General*Rules -*

Magistrates Court Act 2004 (Magistrates Court (Civil Proceedings) Amendment Rules 2011 G.G. 20/05/2011 and Magistrates Court (General) Amendment Rules (No. 2) 2011 G.G. 17/05/2011).....	3331
Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court (Minor Cases Procedure) Amendment Rules 2011 G.G. 20/05/2011)	3332

4. Criminal Code Amendment Bill (No. 2) 2011

The Hon Alison Xamon: To move on the next day of sitting -

That a Bill for “An Act to amend *The Criminal Code* so that mandatory sentencing provisions for doing grievous bodily harm to or assaulting certain officers do not apply to persons whose judgement or behaviour at the time of the offence was impaired to a significant extent by mental impairment.” be introduced and read a first time.

5. Greater Bunbury Region Scheme Amendment No. 0010/41 - Marlston North and the Greater Bunbury Region Scheme Amendment No. 0011/41 - Koombana North - Disallowance

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

That the *Greater Bunbury Region Scheme Amendment No. 0010/41 - Marlston North* and the *Greater Bunbury Region Scheme Amendment No. 0011/41 - Koombana North* published in the *Gazette* on 11 March 2011 and tabled in the Legislative Council on 23 March 2011 under the *Planning and Development Act 2005*, be and are hereby disallowed.

6. Public Housing - Financial Hardship for Western Australian Seniors

Hon Sue Ellery: To move on the next day of sitting -

That this House notes that the decision of the Western Australian Government to end the moratorium on including increases in pension rates in its rental charges for public housing has created additional financial hardship for Western Australian seniors.

7. Mental Health Reforms

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House calls on the Minister for Mental Health to explain —

- (a) why the new Mental Health Act will not be introduced in Parliament until mid-2012; and
- (b) why the Barnett Government has failed to deliver reform in the area of Mental Health.

8. Mental Health Services

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House condemns the Barnett Government and the Minister for Mental Health for their cuts to Mental Health services and their failure to implement policy decisions.

9. Mental Impairment Court Intervention Program

Motion No. 1 having been called, debate resumed on the motion of Hon Alison Xamon as follows -

That this House call upon the Attorney General to urgently adopt Recommendation 23 of the Law Reform Commission Final Report *Court Intervention Programs: Project No. 96* (June 2009), and establish a mental impairment court intervention program in Western Australia.

The Parliamentary Secretary representing the Attorney General moved, without notice -

- (1) To delete “call upon” and insert —

notes the action so far taken by

- (2) To delete “urgently”.

Debate ensued.

Part (1) of the amendment - put.

Debate ensued.

Interruption pursuant to Temporary Orders.

10. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Standing Committee on Estimates and Financial Operations - Report No. 27 - Removal of Senior School Allocation Funding for Year 11 and 12 Courses at District High Schools - Committee Report

Debate resumed on the motion of Hon Giz Watson, That the Report be noted.

Hon Liz Behjat, by leave, tabled a letter from the Minister for Education to Hon Liz Behjat regarding a minority report submitted as part of the Standing Committee on Estimates and Financial Operations *Inquiry into the Removal of Senior School Allocation Funding for Year 11 and 12 Courses at District High Schools*. (Tabled paper 3333).

11. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Culture and the Arts tabled, and by leave incorporated into Hansard, a document in relation to bookings for the State Theatre Centre from 27 May 2011 to 31 December 2011, in response to a question without notice asked by Hon Linda Savage. (Tabled paper 3334).

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 3797 and 3798 asked by Hon Ljiljanna Ravlich will be provided on Thursday, 26 May 2011.

The Minister for Disability Services, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 3777 asked by Hon Sue Ellery will be provided on Thursday, 26 May 2011.

12. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the further consideration of Committee Reports and Ministerial Statements (cf item 10 above).

In Committee

(Hon Michael Mischin in the Chair)

Standing Committee on Estimates and Financial Operations - Report No. 27 - Removal of Senior School Allocation Funding for Year 11 and 12 Courses at District High Schools - Committee Report

Debate resumed on the motion of Hon Giz Watson, That the Report be noted.

Question - put and passed.

Draft Cane Toad Strategy for Western Australia 2009-2019 - Ministerial Statement

Hon Robin Chapple moved, That the Ministerial Statement be noted.

Interruption pursuant to Temporary Orders.

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Standing Committee on Estimates and Financial Operations - Report No. 27 - Removal of Senior School Allocation Funding for Year 11 and 12 Courses at District High Schools - Committee Report and had noted same.
- (2) Draft Cane Toad Strategy for Western Australia 2009-2019 - Ministerial Statement, made progress, and asked leave to sit again.

Report adopted.

13. Order of Business

Ordered - That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1186/41 - Wandai Transit Oriented Development Precinct - Disallowance*, 2, *Offshore Minerals Regulations 2010 - Disallowance*, 3, *City of Mandurah Waste Management Local Law 2010 - Disallowance*, 4, *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance*, and 5, *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance*, be taken after Order of the Day No. 13, *Young Offenders Legislation Amendment (Research Information) Bill 2010*. (Leader of the House).

14. Commonwealth Heads of Government Meeting (Special Powers) Bill 2011

The Order of the Day for the consideration of this Bill, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 13.

Debate resumed.

Hon Adele Farina moved -

- (1) Page 10, line 29 — To delete “any of”.
- (2) Page 10, line 32 — To insert after “the *Gazette*,” —
and
Page 11, line 3 — To insert after “the State,” —
and

Part (1) of the amendment - put.

The Committee divided.

Ayes (13)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran

Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Hon Adele Farina, by leave, withdrew Part (2) of her amendment.

Debate ensued.

Question - That the Clause stand as printed.

The Committee divided.

Ayes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran

Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Noes (13)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Question thus passed.

Clause agreed to.

The Parliamentary Secretary representing the Premier moved, That consideration of Clauses 14 and 15 be postponed until after consideration of Clause 93.

Question - put and passed.

Clause 16.

Debate ensued.

Interruption pursuant to Temporary Orders.

15. Adjournment

The House adjourned at 9.45pm until Thursday, 26 May 2011 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council