

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 123

TUESDAY, 21 APRIL 2015

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. Message from Her Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from Her Excellency the Governor assenting to the following Bill —

1 April 2015 — Message No. 19

Road Traffic Legislation Amendment Bill 2014

Act No.

10 of 2015

3. Ministerial Statement — Disability Services Commission — National Quality Framework

The Minister for Disability Services made a Ministerial Statement with respect to a national framework for quality and safeguarding in disability services.

4. Papers

The following Papers were laid on the Table by —

President

Reports —

Corruption and Crime Commission — Report of an Administrative Matter Relating to the Functions of the Commission Pursuant to Section 88 of the Corruption and Crime Commission Act 2003 (The Repositioning Report) (21 April 2015)..... 2745

Office of the Inspector of Custodial Services — Escapes and attempted escapes from corrections in Western Australia (February 2015) (Deemed tabled 7/04/2015) 2746

Office of the Inspector of Custodial Services — Work Camps in Western Australia (Report No. 95) (Deemed tabled 13/04/2015)..... 2747

Minister for Mental Health

Determinations —

Financial Management (Net Appropriations) Determination 2015..... 2748

Leases —

CALM Lease No. 1158/97 — Between CALM and Stephen Beresford Dilley for the purpose of a dam site for commercial purposes in State Forest No. 28 near Kirup 2749

Local Laws —

Local Government Act 1995 (City of Fremantle Alfresco Dining Local Law (No. 2) 2014 G.G. 10/04/2015, City of Fremantle Plastic Bag Reduction Local Law 2015 G.G. 24/03/2015, Shire of Cue Standing Orders Local Law 2015 G.G. 17/04/2015, Shire of Exmouth Meeting Procedures Local Law 2015 G.G. 1/04/2015, Shire of Exmouth Parking Local Law 2015 G.G. 1/04/2015 and Town of Port Hedland Parking Local Law 2015 G.G. 8/04/2015)	2750
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Regulations —

Alcohol and Drug Authority Act 1974 (Alcohol and Drug Authority Amendment Regulations 2015 G.G. 10/04/2015)	2751
Caravan Parks and Camping Grounds Act 1995 (Caravan Parks and Camping Grounds Amendment Regulations 2015 G.G. 10/04/2015)	2752
Children and Community Services Act 2004 (Children and Community Services Amendment Regulations 2015 G.G. 10/04/2015)	2753
Conservation and Land Management Act 1984 (Conservation and Land Management Amendment Regulations 2015 G.G. 24/03/2015)	2754
Parental Support and Responsibility Act 2008 (Parental Support and Responsibility Amendment Regulations 2015 G.G. 10/04/2015)	2755
Planning and Development Act 2005 (Planning and Development (Development Assessment Panels) Amendment Regulations 2015 G.G. 17/04/2015)	2756

Attorney General*Local Laws —*

Bush Fires Act 1954 (Shire of Gingin Bush Fire Brigades Amendment Local Law 2015 G.G. 2/04/2015)	2757
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Regulations —

Associations Incorporation Act 1987 (Associations Incorporation Amendment Regulations 2015 G.G. 14/04/2015)	2758
Civil Judgments Enforcement Act 2004 (Civil Judgments Enforcement Amendment Regulations 2015 G.G. 10/04/2015)	2759
Electricity Act 1945 (Electricity Amendment Regulations 2015 G.G. 14/04/2015)	2760
Fair Trading Act 2010 (Fair Trading (Retirement Villages Code) Regulations 2015 G.G. 24/03/2015)	2761
Retirement Villages Act 1992 (Retirement Villages Amendment Regulations 2015 G.G. 24/03/2015)	2762

Schemes —

Professional Standards Act 1997 (The New South Wales Bar Association Scheme G.G. 31/03/2015)	2763
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Minister for Agriculture and Food*Management Plans —*

Fish Resources Management Act 1994 (Cockburn Sound (Line and Pot) Management Plan Amendment 2015 [1219] G.G. 2/04/2015)	2764
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Minister for Housing*Proposals —*

Land Administration Act 1997 — Proposal No. 1/2015 — Excision of land from a portion of Class A Reserve 27581 for the widening of Pinjarra road to facilitate the construction of a new Mandurah Traffic Bridge — pursuant to section 42(4) of the Land Administration Act 1997	2765
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Regulations —

Liquor Control Act 1988 (Liquor Control (Kunawarritji Restricted Area) Amendment Regulations 2015 G.G. 10/04/2015 and Liquor Control (Yakanarra Restricted Area) Amendment Regulations 2015 G.G. 24/03/2015)	2766
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Parliamentary Secretary representing the Minister for Transport*Regulations —*

Transport Co-ordination Act 1966 (Transport Co-ordination Amendment Regulations 2015 G.G. 17/04/2015)	2767
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Parliamentary Secretary representing the Minister for Health*By-laws —*

Hospitals and Health Services Act 1927 (Armadale Kelmscott District Memorial Hospital Amendment By-laws 2015 G.G. 14/04/2015, Bentley Hospital Amendment By-laws 2015 G.G. 14/04/2015, Fiona Stanley Hospital Amendment By-laws 2015 G.G. 14/04/2015, Fremantle Hospital Amendment By-laws 2015 G.G. 14/04/2015, Metropolitan Health Service Amendment By-laws 2015 G.G. 14/04/2015, Osborne Park Hospital Amendment By-laws 2015 G.G. 14/04/2015, Peel Health Services Amendment By-laws 2015 G.G. 14/04/2015, Royal Perth Hospital Amendment By-laws 2015 G.G. 14/04/2015, Swan District Hospital (Eveline Road Site) Amendment By-laws 2015 G.G. 17/04/2015, WA Country Health Service Amendment By-laws 2015 G.G. 14/04/2015 and Women's and Children's Hospitals Amendment By-laws 2015 G.G. 14/04/2015).....	2768
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Local Laws —

Health Act 1911 (Shire of Mt Marshall Health Local Law 2014 G.G. 1/04/2015 and Shire of Mukinbudin Health Local Law 2014 G.G. 10/04/2015)	2769
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Regulations —

Health Act 1911 (Drugs of Addiction Notification Amendment Regulations 2015 G.G. 17/04/2015).....	2770
Poisons Act 1964 (Poisons Amendment Regulations (No. 2) 2015 G.G. 17/04/2015).....	2771

5. Standing Committee on Uniform Legislation and Statutes Review — Report No. 92 — Directors' Liability Reform Bill 2015

Hon Brian Ellis presented Report No. 92 of the Standing Committee on Uniform Legislation and Statutes Review, *Directors' Liability Reform Bill 2015*. (Tabled Paper 2772).

6. 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).

7. Electricity Corporations Amendment Bill 2015

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

Question — put.

The Council divided.

Ayes (20)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
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 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 Amber-Jade Sanderson
Hon Darren West
Hon Samantha Rowe (*Teller*)

Question thus passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Leader of the House representing the Minister for Energy moved, That the Bill be read a third time.

Question — put.

The Council divided.

Ayes (20)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
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 Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
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Hon Kate Doust
Hon Sue Ellery

Hon Adele Farina
Hon Lynn MacLaren
Hon Amber-Jade Sanderson
Hon Darren West
Hon Samantha Rowe (*Teller*)

Question thus passed.

Bill read a third time and passed.

8. Land Legislation Amendment Bill 2014

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

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Amber-Jade Sanderson in the Chair)

Clause 1.

Debate ensued.

9. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into *Hansard*, documents in relation to the Midland Health Campus services agreement, schedule and details, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 2773).

The Minister for Aboriginal Affairs tabled, and by leave incorporated into *Hansard*, a list of Aboriginal sacred sites, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 2774).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to apprentices and trainees in training as at 31 December 2014 with an employer site in the East Metropolitan electoral region, in response to question on notice No. 2798 asked by Hon Alanna Clohesy. (Tabled Paper 2775).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to apprentices and trainees in training as at 30 September 2014 with an employer site in the East Metropolitan electoral region, in response to question on notice No. 2799 asked by Hon Alanna Clohesy. (Tabled Paper 2776).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to apprentices and trainees in training as at 30 June 2014 with an employer site in the East Metropolitan electoral region, in response to question on notice No. 2800 asked by Hon Alanna Clohesy. (Tabled Paper 2777).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to apprentices and trainees and their commenced and completed training details in the East Metropolitan electoral region for the three months ended 31 December 2014, in response to question on notice No. 2801 asked by Hon Alanna Clohesy. (Tabled Paper 2778).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to apprentices and trainees and their commenced and completed training details in the East Metropolitan electoral region for the three months ended 30 September 2014, in response to question on notice No. 2802 asked by Hon Alanna Clohesy. (Tabled Paper 2779).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to apprentices and trainees and their commenced and completed training details in the East Metropolitan electoral region for the three months ended 30 June 2014, in response to question on notice No. 2803 asked by Hon Alanna Clohesy. (Tabled Paper 2780).

The Minister for Mental Health representing the Minister for Culture and the Arts tabled maps showing the location of shipwrecks and buffer zones located at Lot 883 Koombana Drive, Bunbury, in response to question on notice No. 2806 asked by Hon Adele Farina. (Tabled Paper 2781).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to sick, diseased, injured or abandoned fauna on Barrow Island in 2011, 2012, 2013 and 2014, in response to question on notice No. 2845 asked by Hon Robin Chapple. (Tabled Paper 2782).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to a summary of records of contamination, cause, mitigation and environmental impact on Barrow Island, in response to question on notice No. 2856 asked by Hon Robin Chapple. (Tabled Paper 2783).

The Minister for Agriculture and Food representing the Minister for Forestry tabled documents in relation to direct expenditure on sandalwood regeneration from 2011 to 2014, in response to question on notice No. 2269 asked by Hon Robin Chapple. (Tabled Paper 2784).

The Minister for Agriculture and Food tabled documents in relation to natural resource management funding allocated in the State Budget in 2013–14 and 2014–15, in response to question on notice No. 2844 asked by Hon Adele Farina. (Tabled Paper 2785).

The Minister for Agriculture and Food representing the Minister for Forestry tabled documents in relation to the Forest Products Commission Draft Management Plan for the Karri Forest 2013 and 2014, in response to question on notice No. 2252 asked by Hon Lynn MacLaren. (Tabled Paper 2786).

The Minister for Agriculture and Food representing the Minister for Forestry tabled documents in relation to Karri Forest Management Plan reference documents and maps 2013 and 2014, in response to question on notice No. 2253 asked by Hon Lynn MacLaren. (Tabled Paper 2787).

10. Land Legislation Amendment Bill 2014

Resumption of consideration of this Bill in Committee of the Whole House (*see item 8 above*).

The President left the Chair.

In Committee

(Hon Alanna Clohesy in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5 agreed to.

Clause 6.

Hon Sue Ellery moved —

Page 5, after line 20 — To insert —

- (1A) Monies received from the charging of fees that is more than the cost of providing the product or service the subject of the fees (the surplus), shall be expended by the Authority for the purposes of the Authority only, and any such surplus shall not be paid into the consolidated account, and the Authority's board of management and the Minister shall not take into account any such surplus when recommending or determining the amount of the dividend, if any, that the Authority is to pay to the consolidated account pursuant to section 71 of the *Land Information Authority Act 2006*.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (9)

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

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

Noes (19)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett

Hon Alyssa Hayden
 Hon Col Holt
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Brian Ellis (*Teller*)

Amendment thus negatived.

Question, That the clause stand as printed — put and passed.

Clauses 7 to 12 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Acting President announced 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.

11. Land Legislation Amendment (Taxing) Bill 2014

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

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clauses 4 to 10 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President announced 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.

12. 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.

Interruption pursuant to order.

13. Adjournment

The Council adjourned at 9.45pm until Wednesday, 22 April 2015 at 1.00pm.

Members present during the day's proceedings

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

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council