

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 111

TUESDAY, 24 FEBRUARY 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. Petitions

Hon Sue Ellery presented a petition from 2,493 petitioners requesting the Legislative Council to recommend legislation be amended to ensure adequate consultation through the Development Assessment Panels process in relation to the closure and redevelopment of the High Road Hotel, Parkwood. (Tabled Paper 2588).

3. Ministerial Statement — Metropolitan Region Scheme Amendment No. 1228/41 — Bellevue Urban Precinct and Environs

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to the Metropolitan Region Scheme Amendment No. 1228/41 – Bellevue Urban Precinct and Environs.

The Minister for Mental Health representing the Minister for Planning tabled the Metropolitan Region Scheme Amendment No. 1228/41 – Bellevue Urban Precinct and Environs Report and related plans (February 2015). (Tabled Paper 2589).

4. Ministerial Statement — Status Reports of the Fisheries and Aquatic Resources of Western Australia 2013/14

The Minister for Fisheries made a Ministerial Statement with respect to the Status Reports of the Fisheries and Aquatic Resources of Western Australia 2013/14.

5. Papers

The following Papers were laid on the Table by —

President

Reports —

Ombudsman Western Australia — Report by the Parliamentary Commissioner for the Administrative Investigations under Section 158 of the Criminal Organisations Control Act 2012 for the monitoring period ended 1 November 2014 (21 January 2015)..... 2559

Leader of the House

Regulations —

School Education Act 1999 (School Education Amendment Regulations 2015 G.G. 16/01/2015) 2560

Minister for Mental Health*Local Laws —*

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Dog Act 1976 (Shire of Carnamah Dogs Local Law 2014 G.G. 12/01/2015, Shire of Exmouth Dogs Amendment Local Law 2014 G.G. 23/01/2015 and Shire of Trayning Dogs Amendment Local Law 2015 G.G. 20/02/2015).....	2562
Local Government Act 1995 (City of Busselton Activities in Thoroughfares and Public Places and Trading Local Law 2015 G.G. 20/02/2015, City of Joondalup Fencing Local Law 2014 G.G. 14/01/2015, City of Joondalup Local Government and Public Property Local Law 2014 G.G. 14/01/2015, City of Vincent Trading in Public Places Amendment Local Law 2014 G.G. 16/01/2015, Shire of Trayning Public Places and Local Government Property Local Law 2015 G.G. 12/02/2015, Shire of Waroona Fencing Local Law 2014 G.G. 16/01/2015, Shire of Waroona Local Government Property Local Law 2014 G.G. 16/01/2015 and Shire of Waroona Repeal Local Law 2014 G.G. 16/01/2015).....	2563

Reviews —

Department of Environment Regulation – Review of the Contaminated Sites Act 2003 (February 2015).....	2564
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Attorney General*Regulations —*

Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations (No. 2) 2015 G.G. 10/02/2015)	2565
Cross-border Justice Act 2008 (Cross-border Justice Amendment Regulations 2015 G.G. 10/02/2015)	2566
District Court of Western Australia Act 1969 (District Court (Fees) Amendment Regulations 2015 G.G. 10/02/2015)	2567
Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2015 G.G. 10/02/2015 and Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 6) 2014 G.G. 13/01/2015)	2568
Magistrates Court Act 2004 (Magistrates Court (Fees) Amendment Regulations 2015 G.G.10/02/2015 and Magistrates Court Amendment Regulations 2015 G.G. 10/02/2015)	2569
Residential Tenancies Act 1987 (Residential Tenancies Amendment Regulations (No. 2) 2014 G.G. 20/01/2015).....	2570
Spent Convictions Act 1988 (Spent Convictions Amendment Regulations 2015 G.G. 10/02/2015)	2571
State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Regulations 2015 G.G. 10/02/2015)	2572

Rules —

Legal Profession Act 2008 (Legal Profession Amendment Rules 2015 G.G. 20/02/2015).....	2573
Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court (Civil Proceedings) Amendment Rules 2014 G.G. 23/01/2015)	2574
State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Rules 2014 G.G. 6/02/2015).....	2575

Reports —

Corruption and Crime Commission of Western Australia — Criminal Investigation (Covert Powers) Act 2012 Annual Compliance Report (1 July 2013 – 30 June 2014) (Department of Fisheries)	2576
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Minister for Agriculture and Food*Orders —*

Fish Resources Management Act 1994 (Prohibition on Fishing (Burswood Lake) Order 2015 G.G. 20/01/2015 and Prohibition on Herring Trap Nets Order 2015 [1226] G.G. 13/02/2015)	2577
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Regulations —

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 2) 2015 G.G. 20/02/2015 and Fish Resources Management Amendment Regulations 2015 G.G. 23/01/2015)	2578
Fisheries Adjustment Schemes Act 1987 (Fisheries Adjustment Schemes Amendment Regulations 2015 G.G. 13/01/2015)	2579

Parliamentary Secretary representing the Minister for Transport*Regulations —*

Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations 2015 G.G. 13/02/2015)	2580
Road Traffic Act 1974 (Road Traffic Code Amendment Regulations 2015 G.G. 13/02/2015)	2581
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Transport Co-ordination Act 1966 (Country Taxi-cars (Fares and Charges) Amendment Regulations 2015 G.G. 20/02/2015)	2583

Parliamentary Secretary representing the Minister for Health*By-laws —*

Queen Elizabeth II Medical Centre Act 1966 (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2015 G.G. 10/02/2015)	2584
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Regulations —

Health Act 1911 (Health (School Dental Therapists) Repeal Regulations 2015 G.G. 23/01/2015)	2585
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations 2015 G.G. 23/01/2015)	2586
Tobacco Products Control Act 2006 (Tobacco Products Control Amendment Regulations 2015 G.G. 10/02/2015)	2587

6. Directors' Liability Reform Bill 2015

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to amend *The Criminal Code* and various other Acts in relation to the criminal liability of directors and other persons involved in the management of bodies corporate, and for related purposes.” be introduced and read a first time.

7. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to amend *The Criminal Code*.” be introduced and read a first time.

8. Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance

Hon Kate Doust: To move on the next day of sitting —

That *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014* published in the *Gazette* on 30 December 2014 and tabled in the Council on 19 February 2015 under the *Public Sector Management Act 1994*, be and are hereby disallowed (Tabled Paper 2491).

9. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Fremantle Alfresco Dining Local Law 2014 – Disallowance*, and 2, *School Education Amendment Regulations 2014 – Disallowance*, be taken after Order of the Day No. 8, *Perth Theatre Trust Amendment Bill 2014*. (Leader of the House).

10. Declared Places (Mentally Impaired Accused) Bill 2013

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.

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

The Minister for Disability Services moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

11. Succession to the Crown 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 Deputy President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 14 agreed to.

Schedule 1 agreed to.

Preamble agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Attorney General moved, That the Bill be read a third time.

The Acting President announced that the 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. Swan and Canning Rivers Management 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.

The Council divided.

Ayes (22)

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 Nigel Hallett

Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Lynn MacLaren
Hon Rick Mazza
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Noes (11)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Ljiljanna Ravlich

Hon Amber-Jade Sanderson
Hon Sally Talbot
Hon Ken Travers
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 Minister for Mental Health representing the Minister for Environment moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

13. Perth Theatre Trust Amendment Bill 2014

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

Debate resumed.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to a list of all current policies of the Conservation Commission and the Department of Parks and Wildlife, in response to question on notice No. 2260 asked by Hon Lynn MacLaren. (Tabled Paper 2590).

The Minister for Housing representing the Minister for Regional Development tabled a corrected response in relation to question on notice No. 2185 asked by Hon Robin Chapple. (Tabled Paper 2591).

15. Perth Theatre Trust Amendment Bill 2014

Debate resumed on the second reading of this Bill (*see item 13 above*).

Question — put and passed.

Bill read a second time.

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

The Minister for Mental Health representing the Minister for Culture and the Arts moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

16. Order of Business

Ordered — That Members' Statements be now taken. (Leader of the House).

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 5.43pm until Wednesday, 25 February 2015 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council