

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 117

TUESDAY, 17 MARCH 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 the Deputy of the Governor — Assent to Bill

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

16 March 2015 — Message No. 14	Act No.
North West Gas Development (Woodside) Agreement Amendment Bill 2014	9 of 2015

3. Taxation Legislation Amendment Bill 2014

The following Message from the Legislative Assembly was reported —

Mr President Message No. 94

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Taxation Legislation Amendment Bill 2014*.

Mr P. Abetz
Acting Speaker
Legislative Assembly Chamber
Perth, 26 February 2015

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Notices —

Notice under section 82 of the Financial Management Act 2006 by the Minister for Sport and Recreation in respect to answers A5, A6 and A7 in the Legislative Council Standing Committee on Estimates and Financial Operations on 3 February 2015 2633

Regulations —

Gas Supply (Gas Quality Specifications) Act 2009 (Gas Supply (Gas Quality Specifications) Amendment Regulations 2015)..... 2634

Teacher Registration Act 2012 (Teacher Registration (General) Amendment Regulations 2015) 2635

Vocational Education and Training Act 1996 (Vocational Education and Training (General) Amendment Regulations 2015)..... 2636

Minister for Mental Health*Local Laws —*

Local Government Act 1995 (City of Stirling Thoroughfares and Public Places Amendment Local Law 2015)..... 2637

Minister for Agriculture and Food*Management Plans —*

Fish Resources Management Act 1994 (Abalone Management Plan Amendment 2015 [1227] and Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2015 [1203]) 2638

5. Standing Committee on Uniform Legislation and Statutes Review — Report No. 90 — Planning and Development (Development Assessment Panels) Regulations 2011 — Extension of Time

Hon Kate Doust presented Report No. 90 of the Standing Committee on Uniform Legislation and Statutes Review, *Planning and Development (Development Assessment Panels) Regulations 2011 — Extension of Time*. (Tabled Paper 2639).

Hon Kate Doust moved, without notice —

That the reporting date for the Standing Committee on Uniform Legislation and Statutes Review's inquiry into the *Planning and Development (Development Assessment Panels) Regulations 2011* be extended from 14 May 2015 to 8 September 2015.

Question — put and passed.

6. Gender Reassignment Amendment Bill 2015

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

That a Bill for “An Act —

- to amend the *Gender Reassignment Act 2000*, to abolish the Gender Reassignment Board of Western Australia and confer on the State Administrative Tribunal jurisdiction to make recognition orders; and
- to amend the *Constitution Acts Amendment Act 1899* and the *Equal Opportunity Act 1984* as a consequence of this Act.”

be introduced and read a first time.

7. Mining (Community Protection) Amendment Bill 2015

Hon Robin Chapple: To move on the next day of sitting —

That a Bill for “An Act to amend the *Mining Act 1978* to provide for the Minister to exempt land from mining and for mineral tenement applications to be subject to planning provisions.” be introduced and read a first time.

8. Magistrates Court (Civil Proceedings) Amendment Rules 2014 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Magistrates Court (Civil Proceedings) Amendment Rules 2014* published in the *Gazette* on 23 January 2015 and tabled in the Legislative Council on 24 February 2015 under the *Magistrates Court (Civil Proceedings) Act 2004*, be and are hereby disallowed. (Tabled paper 2574).

9. Order of Business

Ordered — That Orders of the Day Nos 1, *School Education Amendment Regulations 2014 — Disallowance*, 2, *Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance*, 3, *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance*, 4, *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance*, 5, *Shire of Kellerberrin Fencing Local Law 2014 — Disallowance*, and 6, *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance*, be taken after Order of the Day No. 13, *Gene Technology (Western Australia) Bill 2015*. (Leader of the House).

10. Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 2014 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 7, *Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 2014 — Disallowance*, be discharged from the Notice Paper. (Tabled paper 2434).

Question — put and passed.

11. Magistrates Court (Civil Proceedings) Amendment Rules (No. 5) 2014 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 8, *Magistrates Court (Civil Proceedings) Amendment Rules (No. 5) 2014 — Disallowance*, be discharged from the Notice Paper. (Tabled paper 2434).

Question — put and passed.

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

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

Debate resumed.

Hon Lynn MacLaren, by leave, tabled a definition of “*reasonable suspicion*” obtained from *LexisNexis*. (Tabled paper 2640).

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into *Hansard*, documents in relation to North Metropolitan Education Region Schools 2014 Attendance Data, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 2641).

The Minister for Mental Health representing the Minister for Environment tabled maps of the Donnelly 19 wildfire area (February 2015), in response to question on notice No. 2431 asked by Hon Lynn MacLaren. (Tabled Paper 2642).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to prescribed burns for 2011–12, 2012–13 and 2013–14, by planned area, actual area and escape area, in hectares, in response to question on notice No. 2529 asked by Hon Lynn MacLaren. (Tabled Paper 2643).

The Minister for Mental Health representing the Minister for Environment tabled a list of published scientific research papers on the impact of 1080 baits on non-target species in Western Australia, in response to question on notice No. 2570 asked by Hon Lynn MacLaren. (Tabled Paper 2644).

The Minister for Mental Health representing the Minister for Planning tabled documents in relation to the Metropolitan Redevelopment Authority’s Australian Fine China precinct in Subi Centro consisting of nine single residential lots, in response to question on notice No. 2546 asked by Hon Ken Travers. (Tabled Paper 2645).

The Minister for Agriculture and Food representing the Minister for Forestry, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2528 asked by Hon Lynn MacLaren will be provided on 21 April 2015.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled a document entitled *Iron ore financial assistance Department of Mines and Petroleum Western Australia — Guidelines for applicants (December 2014)*, in response to question on notice No. 2338 asked by Hon Robin Chapple. (Tabled Paper 2646).

The Minister for Fisheries tabled documents in relation to gillnet fisheries and prawn trawl fisheries operating in the Kimberly region between Eighty Mile Beach and the Northern Territory border regarding details of species caught between 2008 and 2014, in response to question on notice No. 2542 asked by Hon Robin Chapple. (Tabled Paper 2647).

The Minister for Housing representing the Minister for Regional Development tabled documents in relation to Royalties for Regions funding provided to the Shire of Carnarvon for the Main Street and Fascine redevelopment projects, in response to question on notice No. 2585 asked by Hon Stephen Dawson. (Tabled Paper 2648).

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

Debate resumed on the second reading of this Bill (*see item 12 above*).

Interruption pursuant to order.

15. Members' Statements

Statements were taken.

16. Road Traffic Legislation Amendment Bill 2014

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 97

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Road Traffic Legislation Amendment Bill 2014*.

Mr I.M. Britza

Acting Speaker

Legislative Assembly Chamber

Perth, 17 March 2015

17. Adjournment

The Council adjourned at 9.53pm until Wednesday, 18 March 2015 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Stephen Dawson and Hon Amber-Jade Sanderson.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council