

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 114

TUESDAY, 10 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. Statement by President — Deputy Clerk of the Legislative Council — Criminal Charges

The President made the following Statement —

I want to place the contents of the memo sent yesterday to all Members of Parliament and parliamentary staff on the formal record and add a few comments.

I was advised on Wednesday, 18 February that Mr Nigel Lake, Deputy Clerk of the Legislative Council, was arrested by police late on 17 February 2015. I was also advised that Mr Lake was subsequently charged with a number of offences and is due to appear in court on 18 March 2015 to answer those charges. Upon learning that Mr Lake had been arrested and charged, I immediately directed him to remain away from the workplace and to not undertake any work until further notice. This was to allow the police to complete their investigation. I consider any behaviour which results in criminal charges being laid against a parliamentary officer as very serious.

The Legislative Council and the Parliament have fully cooperated with police. The Corruption and Crime Commission was notified on 18 February 2015, given that the matter involves a public officer. We have made alternative arrangements to cover Mr Lake's workload to ensure that the important work of the Legislative Council can continue without interruption.

I am unable to comment or speculate any further on matters before the court. I urge the same response from Members at this stage. Understandably, many may be feeling stunned and upset about the details and allegations that have come to light in the past couple of days, but I know that the Legislative Council is a strong, resilient institution that is supported by capable and professional staff who will ensure that it is business as usual in the weeks and months ahead.

3. Message from Her Excellency the Governor — Assent to Bills

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

3 March 2015 — Message No. 8	Act No.
Declared Places (Mentally Impaired Accused) Bill 2013	4 of 2015
Succession to the Crown Bill 2014	5 of 2015

4. **Statement by President — Legislative Council Vacancy — Resignation of Hon Ljiljanna Ravlich MLC**

The President made the following Statement —

Today I received a letter that is dated 10 March 2015. It was addressed to me, and reads —

Dear Mr President

I hereby wish to notify you that I tender my resignation as a Member of the Legislative Council, effective as at 10 March 2015.

Yours sincerely

Ljiljanna Ravlich MLC

Member for North Metropolitan Region

The Leader of the House moved, without notice —

That a vacancy in the membership of the Legislative Council is declared by reason of the resignation on Tuesday, 10 March 2015 of Hon Ljiljanna Ravlich, Member for the North Metropolitan Region.

Question — put and passed.

5. **Papers**

The following Papers were laid on the Table by —

Leader of the House

Regulations —

Electricity Industry Act 2004 (Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2015 G.G. 24/02/2015).....	2605
Pay-roll Tax Assessment Act 2002 (Pay-roll Tax Assessment Amendment Regulations 2015 G.G. 24/02/2015).....	2606

Minister for Mental Health

Local Laws —

Dog Act 1976 (Shire of Dardanup Dogs Amendment Local Law 2015 G.G. 6/03/2015)	2607
Local Government Act 1995 (City of Perth Parking Amendment Local Law 2015 G.G. 27/02/2015).....	2608

Reports —

Government of Western Australia Quarterly Financial Results Report (2014–2015) (December 2014).....	2609
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Attorney General

Regulations —

Criminal Code Act Compilation Act 1913 (Criminal Code (Infringement Notices) Regulations 2015 G.G. 3/03/2015).....	2610
Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2015 G.G. 3/03/2015)	2611
Police Act 1892 (Police Force Amendment Regulations 2015 G.G. 3/03/2015).....	2612
Spent Convictions Act 1988 (Spent Convictions (Act Amendment) Regulations 2014 G.G. 6/03/2015)	2613

Parliamentary Secretary representing the Minister for Transport

Regulations —

Road Traffic Act 1974 (Road Traffic (Drug Driving) Amendment Regulations 2015 G.G. 6/03/2015)	2614
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6. Standing Committee on Public Administration — Report No. 23 — Report on Recreational Hunting Systems

Hon Liz Behjat presented Report No. 23 of the Standing Committee on Public Administration, *Report on Recreational Hunting Systems*, which comprises of a Report of the Committee and a Minority Report of Hon Amber-Jade Sanderson and Hon Darren West. (Tabled Paper 2615).

7. Standing Committee on Uniform Legislation and Statutes Review — Report No. 89 — Gene Technology (Western Australia) Bill 2014

Hon Kate Doust presented Report No. 89 of the Standing Committee on Uniform Legislation and Statutes Review, *Gene Technology (Western Australia) Bill 2014*. (Tabled Paper 2616).

8. Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 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 (Minor Cases Procedure) Amendment Rules (No. 2) 2014* published in the *Gazette* on 12 December 2014 and tabled in the Council on 17 February 2015 under the *Magistrates Court (Civil Proceedings) Act 2014*, be and are hereby disallowed. (Tabled Paper 2434).

9. Magistrates Court (Civil Proceedings) Amendment Rules (No. 5) 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 (No. 5) 2014* published in the *Gazette* on 12 December 2014 and tabled in the Council on 17 February 2015 under the *Magistrates Court (Civil Proceedings) Act 2014*, be and are hereby disallowed. (Tabled Paper 2434).

10. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable Questions without Notice to be taken at 3.30pm today.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

11. City of Fremantle Alfresco Dining Local Law 2014 — Disallowance

The Order of the Day having been read for the motion moved *pro forma* by Hon Robin Chapple, as follows —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Fremantle Alfresco Dining Local Law 2014* published in the *Gazette* on 18 July 2014 and tabled in the Council on 13 August 2014 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 1704).

Debate ensued.

Question — put and passed.

12. Order of Business

Ordered — That Orders of the Day Nos 2, *School Education Amendment Regulations 2014 — Disallowance*, 3, *Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance*, 4, *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance*, 5, *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance*, 6, *Shire of Kellerberrin Fencing Local Law 2014 — Disallowance*, and 7, *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance*, be taken after Order of the Day No. 11, *North West Gas Development (Woodside) Agreement Amendment Bill 2014*. (Leader of the House).

13. North West Gas Development (Woodside) Agreement 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 Planning tabled documents in relation to the Coastal Vulnerability Assessment Western Australia projects list, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 2617).

The Minister for Aboriginal Affairs tabled, and by leave incorporated into *Hansard*, documents in relation to the potential closure of Aboriginal communities in Western Australia, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 2618).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to works improvement notices, management letters and incident reports issued during the Forest Management Plan (2004–2013), in response to question on notice No. 2250 asked by Hon Lynn MacLaren. (Tabled Paper 2619).

The Minister for Mental Health representing the Minister for Planning tabled documents in relation to the land management of Stakehill Swamp, in response to question on notice No. 2256 asked by Hon Lynn MacLaren. (Tabled Paper 2620).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to license and license conditions for the Wedge and Grey shack communities, in response to question on notice No. 2530 asked by Hon Lynn MacLaren. (Tabled Paper 2621).

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. 2269 asked by Hon Robin Chapple will be provided on 23 April 2015.

The Minister for Agriculture and Food representing the Minister for Forestry, in accordance with Standing Order No. 108(2), advised that answers to questions on notice Nos 2252 and 2253 asked by Hon Lynn MacLaren will be provided by 23 April 2015.

The Minister for Housing representing the Minister for Regional Development tabled documents in relation to results of the community consultation undertaken prior to the relocation of the Karratha hospital, in response to question on notice No. 2282 asked by Hon Stephen Dawson. (Tabled Paper 2622).

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into *Hansard*, documents in relation to the upgrade of the Narrogin hospital, in response to a question without notice asked by Hon Darren West. (Tabled Paper 2623).

15. North West Gas Development (Woodside) Agreement Amendment Bill 2014

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

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells. A quorum being formed, the debate continued.

Question — put and 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 State Development 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 taken forthwith. (Leader of the House).

17. Adjournment

The Council adjourned at 4.29pm until Wednesday, 11 March 2015 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council