

# LEGISLATIVE ASSEMBLY

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## NOTICES AND ORDERS OF THE DAY

No. 182

WEDNESDAY, 25 NOVEMBER 2015, 12 noon

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Prayers \*

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements \*

Questions Without Notice – approximately 2.00 p.m. each day

Matter of Public Interest – one per week on any day

Private Members' Business – 4.30 p.m. to 6.00 p.m. Wednesdays

Grievances – approximately 9.00 a.m. Thursdays

Private Members' Statements – 12.50 p.m. Thursdays

\* *Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

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**Memorandum:** *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).*

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### BILLS – NOTICES OF MOTION

1. **Land Administration (South West Native Title Settlement) Bill 2015** (Notice given – 24/11/15)

The Premier: To move –

That a Bill for “An Act to –

- provide for the conveyance of freehold title, the creation of reserves and the making of management orders in respect of reserves, and the grant of leasehold interests, for the benefit of the Noongar people; and
- provide for licences to enable the Noongar people to access, and carry out activities for Aboriginal Customary Purposes, on certain unallocated Crown land and unmanaged reserves,

and for related purposes.” be introduced and read a first time.

**2. Pilbara Port Assets (Disposal) Bill 2015** (Notice given – 24/11/15)

The Treasurer: To move –

That a Bill for “An Act to provide for the disposal of the whole or part of any business carried on by, or all or any of the assets or liabilities owned or managed by, the Pilbara Ports Authority, and for related purposes.” be introduced and read a first time.

**3. Biodiversity Conservation Bill 2015** (Notice given – 24/11/15)

The Minister for Environment: To move –

That a Bill for “An Act to provide for –

- the conservation and protection of biodiversity and biodiversity components in Western Australia; and
- the ecologically sustainable use of biodiversity components in Western Australia; and
- the repeal of the *Wildlife Conservation Act 1950* and the *Sandalwood Act 1929*; and
- consequential amendments to other Acts,

and for related purposes.” be introduced and read a first time.

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**GOVERNMENT BUSINESS – NOTICES OF MOTION**

**1. Suspension of Standing Orders – Integrity (Lobbyists) Bill 2014** (Notice given – 24/11/15)

The Leader of the House: To move –

That so much of Standing Orders be suspended as is necessary to enable further debate on the second reading of the *Integrity (Lobbyists) Bill 2014* to take place before the Premier continues with his second reading reply.

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**GOVERNMENT BUSINESS – ORDERS OF THE DAY**

**1. Integrity (Lobbyists) Bill 2014** (Premier) (No. 98, 2r. – 26/11/14)  
(last debated – 24/11/15)

Second reading. Adjourned debate (Premier – continuation of remarks in reply).

**2. \*Local Government Legislation Amendment Bill 2014** (Minister for Local Government) (No. 108, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

**3. \*Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015** (Treasurer) (No. 134, 2r. – 6/5/15)

Consideration in detail of Legislative Council Message No. 112.

**4. Appropriation (Capital 2010-11 to 2013-14) Supplementary Bill 2014** (Treasurer) (No. 106, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

**5. Appropriation (Recurrent 2010-11 to 2013-14) Supplementary Bill 2014** (Treasurer) (No. 105, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

**6. Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015** (Premier) (No. 112, 2r. – 14/10/15)

Second reading. Adjourned debate (Leader of the House).

**7. Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

**8. \*Aboriginal Heritage Amendment Bill 2014** (Deputy Premier) (No. 81, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

**9. Land Acquisition Legislation Amendment (Compensation) Bill 2014** (Premier) (No. 100, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

**10. \*Joint Standing Committee on Delegated Legislation – Application of Standing Orders** (Leader of the House)

Consideration in detail of Legislative Council Message No. 67.

**11. \*Aquatic Resources Management Bill 2015** (Deputy Premier) (No. 52, 2r. – 24/2/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

**12. Aquatic Resources Legislation Amendment Bill 2015** (Deputy Premier) (No. 51, 2r. – 24/2/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

**13. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2015** (Minister for Training and Workforce Development) (No. 137, 2r. – 18/6/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

**14. Road Traffic Legislation Amendment Bill (No. 2) 2015** (Minister for Road Safety) (No. 151, 2r. – 11/11/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

**15. Anzac Day Amendment Bill 2015** (Minister for Veterans) (No. 158, 2r. – 11/11/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

**16. Anzac Day Amendment Bill (No. 2) 2015** (Minister for Veterans) (No. 159, 2r. – 11/11/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

**17. Executive Officer Remuneration (Government Entities) Legislation Amendment Bill 2015** (Premier) (No. 148, 2r. – 12/11/15)

Second reading. Adjourned debate (Ms S. McGurk).

**18. Main Roads Amendment Bill 2015** (Minister for Transport) (No. 154, 2r. – 12/11/15)

Second reading. Adjourned debate (Ms S. McGurk).

**19. Licensing Provisions Amendment Bill 2015** (Minister for Finance) (No. 162, 2r. – 17/11/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

**20. Residential Tenancies Amendment Bill 2015** (Parliamentary Secretary to the Minister for Commerce) (No. 164, 2r. – 18/11/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

**21. Disposal of Uncollected Goods Amendment Bill 2015** (Parliamentary Secretary to the Minister for Commerce) (No. 163, 2r. – 19/11/15)

Second reading. Adjourned debate (Ms S. McGurk).

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## PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

### 1. **Unemployment Rates in Western Australia** (Notice given – 11/8/15)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for the increasing rate of unemployment, and failing to diversify the economy to create more jobs for the more than 94,000 unemployed West Australians.

### 2. **Anti-Methamphetamine Advertising** (Notice given – 22/4/15, renewed 23/9/15)

Mr M. McGowan: To move –

That this House supports the use of funds designated for the Bigger Picture advertising campaign to be transferred to the creation and implementation of an anti-methamphetamine advertising and public education campaign.

### 3. **RSPCA** (Notice given – 7/5/15, renewed 15/10/15)

Mr M. McGowan: To move –

That this House endorses the good work of the RSPCA and supports its continued government funding and role in handling prosecutions. Further, that this House rejects Liberal Party calls for an inquiry into this worthy organisation.

### 4. **Role of the Auditor General** (Notice given – 20/10/15)

Mr W.J. Johnston: To move –

That this House:

- (1) acknowledges that the current requirement that the Auditor General submit his audit reports pursuant to Regulations 29 and 30 of the *Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013* with the Minister for Energy before tabling his reports with Parliament is in direct conflict with the role of the Auditor General as an independent officer of Parliament; and
- (2) calls on the Government to immediately amend Regulation 31 of the *Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013* so that the Auditor General tables these reports first with Parliament.

### 5. **Recent Acts of Terrorism** (Notice given – 17/11/15)

Mr M. McGowan: To move –

That this House:

- acknowledges the horror that has occurred in Paris, Baghdad and Beirut in the past few days as a result of acts of terrorism;
- expresses our deepest sympathy and condolences to the victims and those who have lost loved ones;
- acknowledges the tragic number of civilians killed, injured, forced from their homes, displaced or at risk because of the organisation known as Islamic State (IS);
- recognises the humanitarian disaster unfolding in Iraq and Syria, fuelled by IS and other violent and extreme groups;
- condemns organisations including IS which use violence, sexual violence, terror and mass atrocity crimes against civilian populations;
- reaffirms our belief that Australia has a responsibility to contribute to humanitarian efforts to address this ongoing crisis; and

- calls on the Parliament of Western Australia to promote inclusion and freedom of religion for all Australians and to stand with the Muslim community in their condemnation of terrorist organisations.

**6. “Buy Local” Policies** (Notice given – 24/11/15)

Mr F.M. Logan: To move –

That this House condemns the Barnett Government over its failure to abide and enforce its own “Buy Local” policies on providing preferential treatment to regional and indigenous companies tendering for housing maintenance and building contracts in the Kimberley.

**PRIVATE MEMBERS’ BUSINESS – ORDERS OF THE DAY**

**1. Radiation Safety Amendment Bill 2014** (Mr R.H. Cook) (No. 110, 2r. – 26/11/14)

Second reading. Adjourned debate (Leader of the House).

**2. Polling on Council Amalgamation Processes** (Moved – 26/11/14)

Adjourned debate (Minister for Local Government – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House:

- (a) condemns the Premier and the Minister for Local Government for allowing, through its forced amalgamation process, some communities in the metropolitan area an opportunity to have a poll under the Dadour Provisions in the *Local Government Act 1995* about their local council’s future, while others have not been given that democratic right; and
- (b) further supports all affected communities having a right to a poll on their council’s future.

**3. Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013** (Moved – 11/3/15)

Adjourned debate (Mr D.A. Templeman) on the motion moved by Mr C.J. Tallentire –

That the *Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013* under the *Environmental Protection Act 1986*, a copy of which was laid upon the table of the House on Tuesday, 18 February 2014, are hereby disallowed.

**4. TAFE Course Fees** (Moved – 25/2/15) (last debated – 11/3/15)

Adjourned debate (Ms S. McGurk – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for its massive increase in TAFE course fees and its sustained undermining of TAFE.

**5. Remote Aboriginal Communities** (Moved – 25/3/15)

Adjourned debate (Premier – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That the House condemns the Premier for the ongoing uncertainty, confusion and fear that he has created in remote Aboriginal communities since stating that he would close 150 remote communities and calls on the Premier to immediately:

- (a) seek to have the Commonwealth Government reverse or delay its decision to cease funding remote Aboriginal communities;

- (b) clarify on what basis the Government will base its decision on which communities are worthy of future Government investment;
- (c) outline the base line data that the Government has collected to justify the Premier's statement that remote communities have failed; and

outline the Government support that will be provided to those people currently living on remote communities to ensure that their closure will result in better social outcomes.

**6. Criminal Code Amendment (Interference with War Memorials) Bill 2015**

(Mr P.B. Watson) (No. 130, 2r. – 22/4/15)

Second reading. Adjourned debate (Mr R.F. Johnson).

**7. Unemployment in Western Australia** (Moved – 18/3/15) (last debated – 6/5/15)

Adjourned debate (Mr F.M. Logan – continuation of remarks) on the motion moved by Ms J.M. Freeman –

That this House calls on the Barnett Government to immediately tackle the rising unemployment rate in Western Australia, with particular focus on those suburbs and towns of significantly high unemployment, which the Barnett Government has failed to address.

**8. Criminal Code Amendment (Criminal Damage to Places of Worship) Bill 2015**

(Ms M.M. Quirk) (No. 120, 2r. – 18/3/15) (last debated – 13/5/15)

Second reading. Adjourned debate (Mr W.J. Johnston – continuation of remarks).

**9. Suburban Planning** (Moved – 17/6/15) (Amendment moved – 17/6/15)

Adjourned debate (Ms E. Evangel – continuation of remarks) on the amendment moved by the Minister for Planning –

To delete all words after “House” with the view to inserting:

“

- (1) acknowledges the population growth pressures and demographic changes which are occurring in Western Australia, including an aging population and an increasing number of single and two person households;
- (2) acknowledges that issues which need to be addressed through the planning system include:
  - (a) increasing the effective use of existing infrastructure;
  - (b) housing diversity and affordability; and
  - (c) transport costs; and
- (3) supports actions being taken by the Government to ensure increases in housing density and diversity occur in appropriately targeted areas, including a review of the changes which were made to the Residential Design Codes regarding multi-unit housing developments in 2010.

”.

on the motion moved by Ms R. Saffioti –

That this House calls on the Barnett Government to implement a more strategic approach to planning our suburbs to regain public confidence in density and to ensure local communities are heard.

**10. Natural Resource Management Groups Funding** (Moved – 24/6/15)

Adjourned debate (Minister for Environment – continuation of remarks) on the motion moved by Mr C.J. Tallentire –

That this House condemns the Barnett Government for its failure to fund natural resource management groups in a timely and adequate manner.

**11. Taking of Property on Just Terms Bill 2014** (Mr M.J. Cowper) (No. 78, 2r. – 25/6/14) (Restored – 13/8/15)

Second reading. Adjourned debate (Mr M.J. Cowper – continuation of remarks).

**12. Emergency Services Levy** (Moved – 9/9/15)

Adjourned debate (Mr A. Krsticevic) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for misappropriating funds collected by the Emergency Services Levy for purely administrative purposes instead of for frontline emergency needs, and calls for a system of independent allocation of ESL funds to be implemented as recommended in the first Keelty inquiry.

**13. Major Events (Ticket Scalping) Bill 2014** (Mr M. McGowan) (No. 111, 2r. – 23/9/15)

Second reading. Adjourned debate (Mr A. Krsticevic).

**14. Local Government Amendment (Regional Subsidiaries) Bill 2014** (Mr S. Love) (No. 83, 2r. – 11/9/14) (restored – 24/9/15)

Second reading. Adjourned debate (Dr A.D. Buti).

**15. Housing Supply** (Moved – 16/9/15) (last debated – 15/10/15)

Adjourned debate (Mr F.M. Logan – continuation of remarks) on the motion moved by Ms R. Saffioti –

That this House expresses concern that the Government's Perth and Peel@3.5 million plan does not provide for an adequate level of housing supply for the future.

**16. Attacks on the RSPCA** (Moved – 21/10/15)

Adjourned debate (Ms S. McGurk – continuation of remarks) on the motion moved by Mr M. McGowan –

That this House condemns the Liberal, National and Shooters & Fishers parties for their attacks on the RSPCA.

**17. Seniors in Western Australia** (Moved – 11/11/15)

Adjourned debate (Mr D.A. Templeman – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for the increasing rate of unemployment, and failing to diversify the economy to create more jobs for the more than 94,000 unemployed West Australians.

**18. Limitation Amendment (Child Sexual Abuse Actions) Bill 2015** (Dr G.G. Jacobs) (No. 160, 2r. – 12/11/15)

Second reading. Adjourned debate (Mrs M.H. Roberts).

**19. Increases in Land Tax** (Moved – 18/11/15)

Adjourned debate (Treasurer – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That this House condemns the Barnett Liberal National Government for its three consecutive increases in land tax which are significantly impacting land owners and small businesses at a time when businesses are experiencing an economic slowdown.

- \* Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.
- ‡ Denotes second reading debate on the Bill is being undertaken cognately with a principal Bill, and no further second reading debate will occur.
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## **AWAITING GOVERNOR'S MESSAGE**

- 1. Peel-Harvey Catchment Management Bill 2014** (Mr C.J. Tallentire) (No. 82, 2r. – 25/6/14) (Restored – 13/8/15) (last debated – 16/9/15)

Second reading.

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## COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
<b><i>Joint Standing Committee on Audit:</i></b> Inquiry into the Budget, Organisational Structure and Resourcing Needs of the Office of the Auditor General	
<b><i>Joint Standing Committee on Delegated Legislation:</i></b> Inquiry into Access to Australian Standards Adopted in Delegated Legislation	
<b><i>Education and Health Standing Committee:</i></b> Inquiry into the Transition and Operation of Services at Fiona Stanley Hospital	26 November 2015
<b><i>Community Development and Justice Standing Committee:</i></b> Inquiry into the Methods Employed by Western Australia Police to Evaluate Performance	7 April 2016
<b><i>Joint Standing Committee on the Commissioner for Children and Young People:</i></b> Review of the Functions Exercised by the Commissioner for Children and Young People	7 April 2016
<b><i>Economics and Industry Standing Committee:</i></b> Inquiry into Technological and Service Innovation in Western Australia	30 June 2016
<b><i>Public Accounts Committee:</i></b> Inquiry into Information and Communications Technology (ICT) Procurement and Contract Management	25 August 2016

## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Public Accounts Committee – Review of Auditor General Reports No. 4 Selected Reports 2013 and 2014	Minister for Health; Minister for Police; Parliamentary Secretary to the Minister for Mental Health	24 December 2015
Community Development and Justice Standing Committee – Report No. 10: A Measure of Trust – How WA Police Evaluates the Effectiveness of its Response to Family and Domestic Violence	Minister for Police; Minister Representing the Attorney General	22 January 2016

## NOTICES AND AMENDMENTS

### *Aboriginal Heritage Amendment Bill 2014 (No. 81-1)*

Clause 18.

The Deputy Premier: To move –

Page 19, lines 16 to 20 – To delete the lines and substitute:

“

(3) In section 28(4):

(a) delete “Subject to subsection (3), the” and insert:

The

(b) delete “Minister from a panel of names submitted for the purposes of this Act by the Registrar.” and insert:

Minister.

”.

Clause 43.

The Deputy Premier: To move –

Page 34, line 13 – To delete “5” and substitute:

“ 6 ”.

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### *Aquatic Resources Management Bill 2015 (No. 52-1)*

Clause 145.

The Deputy Premier: To move –

Page 105, Table item 5 in the 3<sup>rd</sup> column – To insert after “who”:

“ holds an aquaculture licence and ”.

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***Bell Group Companies (Finalisation of Matters and Distribution of Proceeds)  
Bill 2015 (No. 134–2)***

Legislative Council Message No. 112.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendments made by the Legislative Council in the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015*

**No. 1**

Clause 2, page 2, line 8 — To delete “Assent;” and insert —

Assent (*assent day*);

**No. 2**

Clause 2, page 2, lines 12 and 13 — To delete “a day fixed by proclamation, and different days may be fixed for different provisions.” and insert —

the day after assent day.

**No. 3**

Clause 3, page 5, after line 11 — To insert —

***director***, of a company, means a person who is a director of the company under paragraph (a) of the definition of ***director*** in the Corporations Act section 9;

**No. 4**

Clause 3, page 6, lines 9 to 11 — To delete the lines and insert —

***liquidator*** means a liquidator of a WA Bell Company and includes a provisional liquidator of a WA Bell Company immediately before —

- (a) for a WA Bell Company that was registered immediately before the transfer day — the transfer day; and
- (b) for a reinstated WA Bell Company — the day on which the company was deregistered;

**No. 5**

Clause 3, page 7, after line 12 — To insert —

*reinstated WA Bell Company* means a WA Bell Company that was not registered immediately before the transfer day but which had its registration reinstated on or after the transfer day;

**No. 6**

Clause 3, page 8, line 15 — To delete “12 noon on”.

**No. 7**

Clause 3, page 9, line 3 — To delete “12 noon on the transfer day.” and insert —

the dissolution of that company under section 27.

**No. 8**

Clause 3, page 9, line 7 — To delete “by” and insert —

under

**No. 9**

Clause 3, page 9, after line 7 — To insert —

- (4) A reference in this Act to —
  - (a) the deregistration of a company is a reference to the deregistration of the company under the Corporations Act or the Corporations Law (as in force before 15 July 2001); and
  - (b) the reinstatement of the registration of a company is a reference to the reinstatement of the registration of the company under the Corporations Act.

**No. 10**

Clause 4, page 9, lines 10 and 11 — To delete “mechanism to resolve, without litigation, disputes which have arisen in relation to” and insert —

mechanism, that avoids litigation, for

**No. 11**

Clause 4, page 10, lines 4 to 6 — To delete “intentions of the liquidator and the creditors who funded the Bell litigation as set out in agreements” and insert —

commercial substance of the agreements between the liquidator and the creditors who funded the Bell litigation, as

**No. 12**

Clause 9, page 12, after line 10 — To insert —

- (aa) to administer each WA Bell Company until it is dissolved; and

**No. 13**

Clause 10, page 12, after line 28 — To insert —

- (da) seek the reinstatement of the registration of a WA Bell Company;
- (db) indemnify a liquidator of a WA Bell Company against costs or liability in relation to the performance of a function as liquidator of the company, on the terms and conditions determined by the Authority;

**No. 14**

Clause 10, page 13, line 4 — To delete “section 7(3) or”.

**No. 15**

Clause 18, page 16, after line 15 — To insert —

- (aa) expenses of, and incidental to, the administration of a WA Bell Company by the Authority;
- (ab) any amount payable under an indemnity under section 10(2)(db);

**No. 16**

Clause 18, page 16, line 22 — To delete “all other payments.” and insert —

the payment of amounts specified in the determination of the Governor under section 37(2).

**No. 17**

Clause 22, page 19, lines 12 to 14 — To delete the lines and insert —

- (c) all property held (in any capacity) by a person who is a liquidator of a WA Bell Company on trust for any person, other than property held in a capacity that does not relate to the liquidation of a WA Bell Company.

**No. 18**

Clause 22, page 19, after line 14 — To insert —

- (1A) Property received by a WA Bell Company or another person, on or after the transfer day, that would have been transferred to, and vested in, the Authority by subsection (1) were it vested or held by the company or person as described in subsection (1) before the transfer day, is transferred to, and vested in, the Authority by force of this section, at the time at which it is received.

- (1B) In relation to a reinstated WA Bell Company, property revested in the company as a consequence of its reinstatement is taken to have been received by the company for the purposes of subsection (1A).
- (1C) Subsection (1) or (1A), whichever is relevant, does not apply to a share in a company that was a subsidiary of TBGL —
  - (a) immediately before the transfer day; or
  - (b) if the company was deregistered before the transfer day — immediately before the time at which the company was deregistered.
- (1D) A share to which subsection (1) or (1A) would have applied but for subsection (1C), is transferred to, and vested in, the Authority by force of this section immediately before the earlier of —
  - (a) the day specified by the Authority, by instrument published in the Gazette, for the purposes of this paragraph; and
  - (b) the day on which the WA Bell Company is dissolved under section 27.
- (1E) To the extent to which a right to make a taxation objection, or a right or capacity to seek the review of, or to appeal against, a decision of the Commissioner in relation to a taxation objection, is property of a WA Bell Company, subsection (1) or (1A), whichever is relevant, does not apply to the right or capacity.
- (1F) Words and expressions used in subsection (1E) and also in the *Taxation Administration Act 1953* (Commonwealth) Part IVC have the same meanings in that subsection as they have in that Part.

#### **No. 19**

Clause 22, page 19, line 28 — To delete “transfer day.” and insert —

day specified in the certificate.

#### **No. 20**

Clause 23, page 20, lines 14 to 16 — To delete “held, property that, before the transfer day, was property of a kind referred to in section 22(1).” and insert —

held —

- (a) property that, before the transfer day, was property of a kind referred to in section 22(1); or
- (b) in relation to a reinstated WA Bell Company — property that, before the day on which the company was deregistered, was property of a kind referred to in section 22(1); or
- (c) property to which section 22(1A) applies.

#### **No. 21**

Clause 25, page 21, line 10 — To insert after “incurred by” —

a WA Bell Company or

**No. 22**

Clause 25, page 21, line 17 — To insert after “of” —

a WA Bell Company or

**No. 23**

New Division 3A, page 22, after line 29 — To insert —

**Division 3A — Administration of WA Bell Companies**

**26A. Authority to administer WA Bell Companies**

- (1) The Authority is, by force of this section, the administrator of each WA Bell Company.
- (2) Subsection (1) has effect —
  - (a) for a WA Bell Company that was registered immediately before the transfer day — from the beginning of the transfer day; and
  - (b) for a reinstated WA Bell Company — from the time at which the company’s registration is reinstated.
- (3) The Authority’s administration of a WA Bell Company ceases on the earlier of —
  - (a) the dissolution of the company; and
  - (b) the day specified in a notice given by the Authority to the liquidator (or other officer if there is no liquidator) of the company that the Authority will cease to be the administrator of the company on that day.

**26B. Role of Authority as administrator of WA Bell Companies**

- (1) While a WA Bell Company is under the administration of the Authority, the Authority —
  - (a) has control of the company’s property and affairs; and
  - (b) may manage that property and those affairs; and
  - (c) may dispose of any of that property; and
  - (d) may perform any function, and exercise any power, that the company or any of its officers could perform or exercise if the company were not under the administration of the Authority.
- (2) Nothing in subsection (1) limits the generality of anything else in it.
- (3) Nothing in this section limits any other power of the Authority under this Act or any other written law.

**26C. Powers of other officers**

- (1) While a company is under the administration of the Authority, a person (other than the Authority) cannot perform or exercise, and must not purport to perform or exercise, a function or power as an officer of the company.

- (2) Subsection (1) does not apply to the extent that the performance or exercise is with the Authority's written approval or is in the exercise of a power or duty under this Act.
- (3) Subsection (1) does not remove a director or the liquidator of a WA Bell Company from his or her office.

**No. 24**

Clause 27, page 23, lines 3 and 4 — To delete the lines and insert —

- (1) The Governor may, by proclamation, dissolve a WA Bell Company.

**No. 25**

Clause 27, page 23, line 5 — To delete "a WA" and insert —

the WA

**No. 26**

New Division 1A, page 25, after line 2 — To insert —

**Division 1A — Application of this Part****28A. Application of this Part in relation to certain interests**

- (1) In relation to a liability referred to in section 25(3), this Part has effect as if —
  - (a) the liability were, immediately before the transfer day, a liability of the WA Bell Company referred to in section 25(2) in relation to the liability; and
  - (b) the person who, immediately before the transfer day, had the benefit of the liability were, immediately before the transfer day, a creditor of the WA Bell Company.
- (2) If property vested in a WA Bell Company or held by a liquidator of a WA Bell Company, to which section 22(1)(a) or (b) applied at the beginning of the transfer day, was freed from an encumbrance, trust, equity or interest (the *interest*) by section 22 and the WA Bell Company was not the beneficiary of the interest, this Part has effect as if —
  - (a) the interest were, immediately before the transfer day, a liability of the WA Bell Company; and
  - (b) the person who, immediately before the transfer day, had the benefit of the interest were, immediately before the transfer day, a creditor of the WA Bell Company.
- (3) If property to which section 22(1) applied at the beginning of the transfer day was freed from an encumbrance, trust, equity or interest (the *interest*) by section 22 and subsection (2) does not apply in relation to the property, this Part has effect as if —
  - (a) the interest were, immediately before the transfer day, a liability of each WA Bell Company; and



- (b) the person who, immediately before the transfer day, had the benefit of the interest were, immediately before the transfer day, a creditor of each WA Bell Company.
- (4) In relation to a claim referred to in section 26(3), this Part has effect as if —
  - (a) the claim were, immediately before the transfer day, a liability of the WA Bell Company referred to in section 26(2) in relation to the claim; and
  - (b) the person who, immediately before the transfer day, had the benefit of the claim were, immediately before the transfer day, a creditor of the WA Bell Company.
- (5) If the Authority determines, under section 33, that an interest to which subsection (3) applies is a liability of each WA Bell Company, each company is jointly and severally liable.

**No. 27**

Clause 29, page 26, lines 14 to 16 — To delete “liquidator, in the capacity of liquidator of the company, on trust for any person other than the company;” and insert —

liquidator referred to in section 22(1)(c);

**No. 28**

Clause 29, page 26, after line 24 — To insert —

- (12) This section has effect in relation to a reinstated WA Bell Company as if references in it to the transfer day were references to the day on which the registration of the company was reinstated.

**No. 29**

Clause 30, page 27, after line 7 — To insert —

- (2A) The Authority may also publish the notice referred to in subsection (2) by any other means that the Authority thinks necessary to bring it to the attention of the persons referred to in that subsection.

**No. 30**

Clause 32, page 28, lines 3 and 4 — To delete the lines and insert —

- (2A) The Authority may prepare more than one draft report.
- (3) The Authority must provide each draft report to each person who gave particulars of a liability under section 30.
- (3A) The first draft report under subsection (2) must be prepared, and provided in accordance with subsection (3), within the period of 150 days beginning on the transfer day.

**No. 31**

Clause 34, page 28, line 28 — To delete “A report under this section” and insert —

The report under subsection (1)

**No. 32**

Clause 34, page 28, after line 29 — To insert —

- (2A) Before making a final determination under section 33, the Authority may make one or more interim reports to the Minister based on its preliminary determination of the property and liabilities of each WA Bell Company under section 33.
- (2B) The Authority must make a report under subsection (2A) if directed to do so by the Minister.
- (2C) A report under subsection (2A) may contain a description of any contingencies and uncertainties and any interim recommendations of the Authority under section 35 or 36.

**No. 33**

Clause 35, page 30, after line 12 — To insert —

- (2A) A recommendation in an interim report under section 34(2A) is an interim recommendation.
- (2B) A recommendation in the report under section 34(1) is a final recommendation and must take into account any amount or property that the Governor under section 36A(2) has determined is to be paid to, or transferred to or vested in, a person.

**No. 34**

Clause 36, page 31, line 8 — To delete “litigation” and insert —

litigation, whether directly or indirectly

**No. 35**

Clause 36, page 32, after line 9 — To insert —

- (3A) A recommendation in an interim report under section 34(2A) is an interim recommendation.
- (3B) A recommendation in the report under section 34(1) is a final recommendation and must take into account any amount or property that the Governor, under section 36A(2), has determined is to be paid to, or transferred to or vested in, a person.

**No. 36**

Clause 36, page 32, line 24 — To delete “mentioned in section 25 or 26”.

**No. 37**

Heading to Division 3, page 33, line 4 — To delete “**Determination by**” and insert —

**Determinations of****No. 38**

Clause 37, page 33, line 5 to page 34, line 7 — To delete the clause.

**No. 39**

New Clause 36A, page 33, line 5 — To insert —

**36A. Governor may determine amounts and property: interim determinations**

- (1) The Minister may submit to the Governor an interim report of the Authority under section 34(2A).
- (2) The Governor may, by instrument in writing, determine an amount to be paid to, or property to be transferred to or vested in, a person.

**No. 40**

New Cause 37, page 33, line 5 — To insert —

**37. Governor may determine amounts and property: final determination**

- (1) The Minister must submit to the Governor the report of the Authority under section 34(1).
- (2) The Governor may, by instrument in writing, determine an amount to be paid to, or property to be transferred to or vested in, a person.
- (3) The amount or amounts to be paid to, and the property to be transferred to or vested in, a person under this Division —
  - (a) is in respect of the aggregate of all liabilities of all WA Bell Companies to that person as a creditor; and
  - (b) may be by way of compensation for providing funding or an indemnity.

**No. 41**

New Clause 37A, page 33, line 5 — To insert —

**37A. Determinations: general provisions**

- (1) Nothing in this Act requires the Governor to determine that any amount is to be paid to, or any property is to be transferred to or vested in, any person on any account whatsoever.

- (2) Nothing in this Act requires that the aggregate value of all money determined by the Governor to be paid, and all property determined by the Governor to be transferred or vested, under this Division must be equal to the value of the money or property held by the Authority or the total liabilities of all WA Bell Companies as determined under section 33.
- (3) The Minister must give a determination of the Governor to the Authority.
- (4) A determination need not contain reasons.
- (5) A determination is not subsidiary legislation for the purposes of the *Interpretation Act 1984*.
- (6) Nothing in this Division creates any right in, or for the benefit of, a creditor of a WA Bell Company or any other person.
- (7) The Governor has absolute privilege in making a determination and in relation to any fact or matter stated in it.
- (8) On the making of the determination under section 37(2), every liability of every WA Bell Company to a person to whom nothing is to be paid and to whom no property is to be transferred and in whom no property is to be vested under a determination under this Division is, by force of this Act, discharged and extinguished.

**No. 42**

Clause 38, page 34, line 11 — To delete “the determination of the Governor under section 37,” and insert —

a determination of the Governor under Division 3,

**No. 43**

Clause 38, page 34, after line 12 — To insert —

- (aa) notify each person specified in the determination to or in whom the Governor has determined an amount is to be paid or property is to be transferred or vested; and

**No. 44**

Clause 38, page 34, line 26 to page 35, line 12 — To delete the lines and insert —

- (4) Subsection (5) applies to a person covered by the determination of the Governor under section 37(2).
- (5) At the end of the period of 3 months beginning on the day on which notice of the determination of the Governor under section 37(2) is given to the person —
  - (a) every liability of every WA Bell Company to the person is, by force of this Act, discharged and extinguished; and

- (b) if the person has not given a duly executed deed in accordance with subsection (3) in relation to a determination of the Governor under Division 3 — the determination ceases to have effect in relation to the person.
- (6) Subsection (7) applies to a person covered by a determination of the Governor under section 36A(2) but not covered by the determination of the Governor under section 37(2).
- (7) At the end of the period of 3 months beginning on the day on which the Governor makes the determination under section 37(2) —
  - (a) every liability of every WA Bell Company to the person is, by force of this Act, discharged and extinguished; and
  - (b) if the person has not given a duly executed deed in accordance with subsection (3) in relation to a determination of the Governor under section 36A(2) — the determination ceases to have effect in relation to the person.
- (8) A reference to a person covered by a determination of the Governor is a reference to a person to or in whom the Governor has determined an amount is to be paid or property is to be transferred or vested.

**No. 45**

Clause 40, page 36, lines 6 and 7 — To delete “under section 38”.

**No. 46**

Clause 40, page 36, line 8 — To delete the line and insert —

- (b) the end of the period of 6 months beginning on the day on which the Governor makes the determination under section 37(2).

**No. 47**

Clause 43, page 37, lines 18 to 24 — To delete the clause.

**No. 48**

New Clause 43, page 37, line 18 — To insert —

**43. Reports on Authority’s functions**

- (1) The Administrator must —
  - (a) within 3 months after each anniversary of the commencement of Part 2 — prepare a report on how the Administrator carried out the Authority’s functions as outlined in section 9 in the year prior to the anniversary; and
  - (b) within 3 months after each anniversary of the commencement of Part 2 — prepare a report on how the Administrator carried out the Authority’s functions as outlined in section 9 in the year prior to the anniversary; and

- (2) The final report under subsection (1)(b) must —
  - (a) set out each recommendation of the Authority under sections 35 and 36; and
  - (b) set out each determination of the Governor under Part 4 Division 3; and
  - (c) state whether a determination of the Governor under Part 4 Division 3 of an amount to be paid to, or property to be transferred to or vested in, a person differed from a recommendation in a report of the Authority under section 34 in relation to the person.
- (3) A report under subsection (1) need not contain reasons in relation to the matters referred to in subsection (2).
- (4) The Minister is to cause to be laid before each House of Parliament —
  - (a) a report under subsection (1)(a) within 6 sitting days after the preparation of the report; and
  - (b) the final report under subsection (1)(b) within 6 sitting days after the day on which the Authority is abolished.

**No. 49**

Clause 45, page 38, line 27 — To delete “by” and insert —

under

**No. 50**

Clause 45, page 38, line 29 — To delete “by” and insert —

under

**No. 51**

Clause 45, page 38, after line 31 — To insert —

- (c) the registration of a WA Bell Company to be reinstated, and (without limiting that) the functions in the Corporations Act section 601AH to be performed and the matters provided for in that section to occur.

**No. 52**

Clause 48, page 42, lines 4 and 5 — To delete “to proceedings in a court to challenge the constitutional validity of this Act.” and insert —

to —

- (a) proceedings in a court to challenge the constitutional validity of this Act; or
- (b) proceedings in a court contemplated by this Act.

Examples for this subsection:

For the purposes of subsection (6)(b), proceedings referred to in sections 67 and 68 are examples of proceedings contemplated by this Act.

**No. 53**

Clause 49, page 42, lines 6 to 11 — To delete the clause.

**No. 54**

New Clause 49, page 42, line 6 — To insert —

**49. Certain deregistered companies not to be reinstated by certain persons**

- (1) A person (other than the Authority) must not take any step for achieving the reinstatement of the registration of a deregistered company listed in Schedule 1.

Penalty: a fine of \$10 000.

- (2) Before the day on which section 7 comes into operation, subsection (1) does not apply to a WA Bell Company, a liquidator of a WA Bell Company or a former liquidator of a deregistered company.
- (3) On and after the day on which section 7 comes into operation, subsection (1) does not apply to a person if the person has the written approval of the Authority to take the step referred to in subsection (1).

**No. 55**

Clause 67, page 54, after line 31 — To insert —

- (2) To the extent to which a right to make a taxation objection, or a right or capacity to seek the review of, or to appeal against, a decision of the Commissioner in relation to a taxation objection, is property of the company, subsection (1) does not apply to the right or capacity.
- (3) Words and expressions used in subsection (2) and also in the *Taxation Administration Act 1953* (Commonwealth) Part IVC have the same meanings in that subsection as they have in that Part.

**No. 56**

Clause 68, page 55, line 10 — To delete “certiorari” and insert —

certiorari, or a remedy having the same effect as a remedy that could be provided by means of such a writ,

**No. 57**

Clause 78, page 58, lines 2 and 3 — To delete the lines and insert —

This Act expires at the end of the 6 years beginning on the day on which the Governor makes the determination under section 37(2).

**No. 58**

Schedule 1, page 59, after line 5 — To insert —

3A. Belcap Nominees Pty Ltd. ACN 009 265 178 (Deregistered)

**No. 59**

Schedule 1, page 59, after line 12 — To insert —

10A. B. P. T. Pty Ltd ACN 009 190 292 (Deregistered)

**No. 60**

Schedule 1, page 59, after line 26 — To insert —

24A. TBGL Securities Pty Ltd ACN 008 713 513 (Deregistered)

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***Joint Standing Committee on Delegated Legislation – Application of Standing Orders***

Legislative Council Message No. 67.

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to agree to same –

In relation to the constitution, powers and procedure of the Joint Standing Committee on Delegated Legislation –

- (1) The Standing Orders applicable to committees of the Legislative Council will apply to the Committee's proceedings except to the extent that they impinge upon the functioning of the Committee.
  - (2) Legislative Assembly Standing Orders 249(1), (2) and (3), 252, 254, 262, 263 and 264 will apply to the Legislative Assembly Members of the Committee.
  - (3) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee, its deliberations and proceedings but may not vote, move any motion, or be counted for the purpose of a quorum.
  - (4) Leave under (3) may be given only for a specific inquiry, but any Member of the Legislative Council or Legislative Assembly may be given leave in relation to more than one inquiry.
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***Local Government Amendment Legislation Bill 2014 (No. 108–1)***

Clause 16.

The Minister for Local Government: To move –  
Page 13, line 13 – To insert after “frivolous,”:

“ trivial, ”.

Clause 26.

The Minister for Local Government: To oppose the Clause.

Clause 27.

The Minister for Local Government: To oppose the Clause.

Clause 28.

The Minister for Local Government: To oppose the Clause.

Clause 36.

The Minister for Local Government: To move –  
Page 25, line 19 – To insert after “section 125(2)”:

“ in the definition of ***public body*** ”.

Clause 53.

The Minister for Local Government: To move –  
Page 29, lines 20 to 24 – To delete the lines.

Part 4 Division 11.

The Minister for Local Government: To move –

Page 29, line 25 to page 30, line 6 – To delete the lines and substitute:

“

**Division 11 — *Corruption, Crime and Misconduct Act 2003* amended**

**54. Act amended**

This Division amends the *Corruption, Crime and Misconduct Act 2003*.

**55. Section 3 amended**

- (1) In section 3(1) in the definition of *minor misconduct* delete paragraph (c) and insert:

- (c) conduct engaged in by —
- (i) a member of a local government or council of a local government; or
  - (ii) a member of a council of a regional local government;

- (2) In section 3(1) in the definition of *public authority* paragraph (c) delete “regional local government” and insert:

regional local government, regional subsidiary

”.

New Part 4 Division 21A.

The Minister for Local Government: To move –

Page 34, after line 16 – To insert:

“

**Division 21A — *Medicines and Poisons Act 2014* amended**

**75A. Act amended**

This Division amends the *Medicines and Poisons Act 2014*.

**75B. Section 95 amended**

Delete section 95(1)(c) and insert:

- (c) a person employed by —
- (i) a local government or regional local government under the *Local Government Act 1995* section 5.36; or
  - (ii) a regional subsidiary.

”.

New Part 4 Division 21B.

The Minister for Local Government: To move –

Page 34, after line 16 – To insert:

“

**Division 21B — *Mental Health Act 2014* amended**

**75C. Act amended**

This Division amends the *Mental Health Act 2014*.

**75D. Section 572 amended**

In section 572(1) in the definition of *State authority* delete paragraph (d) and insert:

- (d) a local government, regional local government or regional subsidiary;

”.

Long title.

The Minister for Local Government: To move –

Page 1, in the 3<sup>rd</sup> bullet point – To delete “**the *Botanic Gardens and Parks Authority Act 1998***”.

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**KIRSTEN M. ROBINSON**

Clerk of the Legislative Assembly