

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 164

THURSDAY, 26 NOVEMBER 2015

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 136

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015* and has agreed to amendment Nos 1 to 47 and 49 to 60; and agreed to amendment No. 48 subject to an amendment, as set forth in the Schedule annexed.

Ms W.M. Duncan

Deputy Speaker

Legislative Assembly Chamber

Perth, 25 November 2015

Schedule indicating the amendment made to Legislative Council amendment No. 48 by the Legislative Assembly in the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015.

Amendment No. 48

Amendment agreed to, subject to the following amendment —

New Clause 43(1) is amended by deleting paragraph (b) and inserting:

“

- (b) prior to the abolition of the Authority — prepare a final report on how the Administrator carried out the Authority’s functions as outlined in section 9.

”

Ordered — That consideration of Message No. 136 be made an Order of the Day for a later stage of this day’s sitting.

3. Petition

Hon Darren West presented a petition from 25 petitioners requesting the Legislative Council to support Western Australia’s rail freight network. (Tabled Paper 3666).

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Reports —

Ministerial Office Staffing Report (as at 22 October 2015)..... 3660

Overseas Travel Undertaken by Members of Parliament funded by the Parliamentary
Travel Allowance (for the three months ended 30 September 2015)..... 3661

Minister for Agriculture and Food

Reports —

Forest Products Commission — Statement of Corporate Intent (2015–2016)..... 3662

Parliamentary Secretary representing the Minister for Science on behalf of the Parliamentary Secretary representing the Minister for Health

Annual Reports —

Administrator National Health Funding Pool (2014–2015) (Date received 25/11/2015) 3663

Australian Health Practitioner Regulation Agency (2014–2015) (Date received 25/11/2015).. 3664

National Health Practitioner Ombudsman and Privacy Commissioner (2014–2015)
(Date received 25/11/2015)..... 3665

5. **Standing Committee on Environment and Public Affairs — Report No. 43 — Overview of Petitions 1 July 2014 to 30 June 2015**

Hon Simon O'Brien presented Report No. 43 of the Standing Committee on Environment and Public Affairs, *Overview of Petitions 1 July 2014 to 30 June 2015*. (Tabled Paper 3667).

6. **Joint Standing Committee on the Corruption and Crime Commission — Report No. 25 — Parliamentary Inspector's Report on Allegations of Misconduct Made Against Officers in the Corruption and Crime Commission's Electronic Collection Unit**

Hon Nick Goiran presented Report No. 25 of the Joint Standing Committee on the Corruption and Crime Commission, *Parliamentary Inspector's Report on Allegations of Misconduct Made Against Officers in the Corruption and Crime Commission's Electronic Collection Unit*. (Tabled Paper 3668).

7. **Joint Standing Committee on the Commissioner for Children and Young People — Report No. 6 — Listen To This: A review of *Listen To Us: a report by the Commissioner for Children and Young People***

Hon Robyn McSweeney presented Report No. 6 of the Joint Standing Committee on the Commissioner for Children and Young People, *Listen To This: A review of Listen To Us: a report by the Commissioner for Children and Young People*. (Tabled Paper 3669).

8. **Asbestos Diseases Compensation Bill 2013**

Non-Government Business No. 1 having been called for the adjourned debate on the second reading of this Bill, debate resumed on the motion of Hon Sue Ellery, as follows —

That the Order of the Day for the *Asbestos Diseases Compensation Bill 2013* be discharged and the Bill be referred to the Standing Committee on Environment and Public Affairs for consideration and report no later than 25 February 2016.

The Leader of the House moved, without notice —

That the debate be adjourned to the next sitting.

Debate ensued.

*The President left the Chair at 11.03am
The President resumed the Chair at 11.13am.*

Ruling by President

The President made the following Statement —

A non-government business motion cannot be adjourned, but because the non-government parties have used their time to debate a Bill, it is considered as a Bill. With respect to a Bill it is possible to move an adjournment motion without seeking suspension of Standing Orders.

The Leader of the House, by leave, withdrew his motion.

Debate resumed on the motion of Hon Sue Ellery.

Question — put.

The Council divided.

Ayes (10)

Hon Alanna Clohesy
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Martin Pritchard
Hon Sally Talbot
Hon Ken Travers
Hon Darren West
Hon Samantha Rowe (*Teller*)

Noes (19)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Jim Chown
Hon Peter Collier
Hon Brian Ellis
Hon Donna Faragher
Hon Nick Goiran
Hon Dave Grills

Hon Nigel Hallett
Hon Col Holt
Hon Peter Katsambanis
Hon Rick Mazza
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Motion thus negatived.

Debate resumed.

Point of Order

Hon Sue Ellery raised the following Point of Order —

During the course of that 80-minute Non-Government Business, two procedural motions were raised by the Leader of the House. The clock did not stop while the House was considering the procedural matters. The clock was stopped once you left the chair until the ringing of the bells, but Standing Order 15(4), “Non-Government Business”, is quite clear that —

After the conclusion of formal business each Thursday, Non-Government Business shall be taken for a period of 80 minutes.

Indeed, there is another time-limited matter of Private Members’ Business that we are about to enter that is, again, for a time-limited period of 60 minutes. It was not contemplated when we created this set of Standing Orders that it might be possible to use procedural motions to effectively chew up part of a time-limited debate. I would not want the events of this morning to set some kind of precedent by which, for example, the Government could use a series of procedural matters to chew into those 80 minutes. On the other hand, the opposition could stand during Private Members’ Business to chew up part of that time in procedural debate. I ask you, Mr President, to take that on notice and give some consideration to what advice you might offer the House about how to ensure we have not this morning set a precedent that we do not want.

Interruption pursuant to order.

9. Freedom of Speech

Private Members' Business No. 1 having been called, Hon Simon O'Brien moved, without notice —

That this House supports the principle "We may disagree with what you say, but will defend your right to say it".

Debate ensued.

Motion lapsed.

10. Order of Business

Ordered — That Order of the Day No. 1, *Planning and Development Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 5, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House).

11. Order of Business

Ordered — That the Order of the Day for the Consideration of Legislative Assembly Message No. 136, *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015*, be taken forthwith. (Leader of the House).

12. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015

The Order of the Day having been read for the consideration of Message No. 136 from the Legislative Assembly as follows —

Mr President

Message No. 136

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015* and has agreed to amendment Nos 1 to 47 and 49 to 60; and agreed to amendment No. 48 subject to an amendment, as set forth in the Schedule annexed.

Ms W.M. Duncan

Deputy Speaker

Legislative Assembly Chamber

Perth, 25 November 2015

Schedule indicating the amendment made to Legislative Council amendment No. 48 by the Legislative Assembly in the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015.

Amendment No. 48

Amendment agreed to, subject to the following amendment —

New Clause 43(1) is amended by deleting paragraph (b) and inserting:

“

(c) prior to the abolition of the Authority —
prepare a final report on how the
Administrator carried out the Authority's
functions as outlined in section 9.

”

The Attorney General moved, without notice —

That the Legislative Council agrees to the Legislative Assembly's amendment to the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015* contained in Legislative Assembly Message No. 136.

Debate ensued.

Question — put and passed.

13. Perth Market (Disposal) Bill 2015

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

Debate resumed.

Hon Ken Travers sought leave to extend his speaking time.

Leave denied.

Debate resumed.

Want of Quorum

There not being a quorum present, the Acting President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Hon Alanna Clohesy moved, without notice —

That —

- (1) Order of the Day No. 14, *Perth Market (Disposal) Bill 2015*, be discharged and referred to the Standing Committee on Legislation for consideration and report no later than 25 February 2016.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health, by leave incorporated into *Hansard*, information in relation to waiting times for mental health patients presenting at Fiona Stanley Hospital and subsequently being transferred to Fremantle Hospital's Alma Street Clinic, in response to a question without notice asked by Hon Alanna Clohesy.

The Minister for Education tabled documents in relation to school psychologist allocations at Western Australia's public schools, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 3670).

The Minister for Aboriginal Affairs tabled documents in relation to the Aboriginal Cultural Materials Committee recommendation and Aboriginal Heritage Application for the Roe 8 extension, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 3671).

The Minister for Aboriginal Affairs tabled documents in relation to meetings of the Aboriginal Cultural Materials Committee held on 13 February 2013 to 10 June 2015, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 3672).

The Minister for Child Protection, by leave incorporated into *Hansard*, information in relation to funding to Family and Domestic Violence Services, in response to a question without notice asked by Hon Alanna Clohesy.

15. 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 —

26 November 2015 — Message No. 45

Act No.

Bell Group Companies (Finalisation of Matters and Distribution of Proceeds)

Bill 2015

38 of 2015

16. Paper

The following Paper was laid on the Table by —

President

Reports —

Attendance at the 2015 Annual Australasian Study of Parliament Group Conference, September and October 2015 and Seminar for Members of Parliament of the Cook Islands, October 2015..... 3673

17. Perth Market (Disposal) Bill 2015

Debate resumed on the motion of Hon Alanna Clohesy as follows (*see item 13 above*) —

That —

- (1) Order of the Day No. 14, *Perth Market (Disposal) Bill 2015*, be discharged and referred to the Standing Committee on Legislation for consideration and report no later than 25 February 2016.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Interruption pursuant to order.

18. Members' Statements

Statements were taken.

19. Adjournment

The Council adjourned at 5.31pm until Tuesday, 26 November 2015 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple, Hon Alyssa Hayden and Hon Amber-Jade Sanderson (*leave of absence*).

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council