

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

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# MINUTES OF PROCEEDINGS

No. 167

THURSDAY, 3 DECEMBER 2015

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### 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. Statement by President — Non-Government Business Time Limits

The President made the following Statement —

On Thursday, 26 November 2015, at the conclusion of Non-Government Business, Hon Sue Ellery raised a Point of Order noting that the timer did not stop while the House was considering the procedural motions moved by the Leader of the House. The Member queried whether the consideration and determination of procedural motions formed part of the debate time within a time-limited debate such as a Non-Government Business motion. I subsequently undertook to consider the matter and provide my ruling.

Standing Order 15(4) states —

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

The Standing Order is clear insofar as the debate time provided for Non-Government Business on each Thursday shall be a period of 80 minutes. The Point of Order raised by the Member questioned whether the debate timer should be frozen while the House contemplates the question on procedural motions. I have consulted with the Clerks and I confirm that the timer was stopped during the sitting suspension, which occurred between 11.03am and 11.13am while I was out of the Chair seeking advice. In this instance, the total debate time of 80 minutes was not reduced during the 10-minute sitting suspension. The timer for Members' speaking time is routinely stopped or held by the Clerks in instances in which the President or Chair is calling the House to order, or when one Member interrupts the Member on their feet by calling a Point of Order. Likewise, if a Member's speaking time is interrupted by the presiding Member leaving the Chair to seek advice, the timer is also frozen.

On Thursday, 26 November, the opposition elected to deal with a private Member's Bill during their Non-Government Business time. The 80 minutes total debate time for Non-Government Business remains unaffected regardless of whether the House is dealing with a Bill or a Non-Government Business motion. During the course of his contribution on the Bill, the Leader of the House moved a procedural motion, as he, or any other Member, is entitled to do. The custom and practice of this House is that procedural motions moved during the course of a related debate are considered to form a part of that debate, whether time limited or otherwise. This practice is evident, for example, in the consideration of a motion to refer a Bill to a Committee, the debate on those motions occurs within the debate on the Bill, following which, once the question has been decided, the debate returns to the substantive matter. In fact, the matter before the House during the 80 minutes of Non-Government Business last

Thursday was a procedural motion to refer the *Asbestos Diseases Compensation Bill 2013* to the Standing Committee on Legislation.

In relation to time-limited debates, I note that debate on a motion to amend a motion on notice occurs within the total four hours limited to debating the substantive motion. Similarly, during Members' Statements, for which the total debate time is limited to 40 minutes, the only possible extension beyond 40 minutes is by way of Standing Order 5(5)(a). That Standing Order provides that, at the discretion of the President, a further 10 minutes of Members' Statements is permitted, during which a Member who has not made a Members' Statement may respond to a matter raised by another Member during Members' Statements. Accordingly, I rule that it was correct that the timer continued to run whilst the House considered procedural motions during last Thursday's Non-Government Business.

### **3. Petitions**

Hon Stephen Dawson presented a petition from seven petitioners requesting the Legislative Council to stop discrimination in religious schools by amending the *Equal Opportunity Act 1984* to remove the loophole that allows religious schools to discriminate on the basis of sexuality and gender. (Tabled Paper 3715).

Hon Robin Chapple presented a petition from 743 petitioners requesting the Legislative Council to oppose bauxite mining exploration tenements being converted into mining licenses/leases in Morangup, Wooroloo, Wundowie, the Perth Hills and the Avon Valley. (Tabled Paper 3716).

### **4. Ministerial Statement — Launch of the Connected Living Initiative**

The Minister for Housing made a Ministerial Statement with respect to the launch of the Housing Authority's Connected Living Initiative.

### **5. Ministerial Statement — Sale of the Perth Market Authority — Conflict of Interest**

The Minister for Agriculture and Food made a Ministerial Statement with respect to further information in relation to a conflict of interest regarding the sale of the Perth Market Authority.

The Minister for Agriculture and Food tabled a letter from the Minister for Agriculture and Food to Peter Conran, the Director General of the Department of Premier and Cabinet. (Tabled Paper 3717).

#### *Point of Order*

Hon Ken Travers raised the following Point of Order —

Mr President, I seek your guidance on whether we can move that the Minister for Agriculture and Food's Ministerial Statement be made an order of the day. I know it does not come up on the Notice Paper in the way it used to, but is there anything to prevent me from moving that the Ministerial Statement be made an order of the day?

#### *President's Ruling*

The President ruled as follows —

In reviewing the whole of the Standing Orders a few years ago, a conscious decision was taken not to make Ministerial Statements, unlike Committee Reports, an item of discussion during a session, but that was on the understanding that Ministerial Statements would not contain controversial or political content. This has not arisen since those times. In consultation with the Clerks, my initial interpretation is that if the Member wishes this matter to be made an order of the day, there are two ways he can do it. One is with a notice of motion for the next day's sitting; the other one is to move to suspend Standing Orders to move that motion immediately.

### **6. Suspension of Standing Orders**

Hon Ken Travers moved, without notice —

That so much of Standing Orders be suspended to allow me to move —

That consideration of the Ministerial Statement be made an Order of the Day for a later stage of this day's sitting.

*The President left the Chair at 10.25am*  
*The President resumed the Chair at 10.43am*

*President's Ruling*

The President ruled as follows —

Hon Ken Travers sought to move —

That so much of Standing Orders be suspended as to allow me to move —

That consideration of the Ministerial Statement be made an order of the day for a later stage of this day's sitting.

First, I will make a couple of observations. Standing Order 19 states—

Any motion connected with the conduct of the business of the Council may be moved by a Minister or Parliamentary Secretary at any time without notice.

The only way a Member can ordinarily move to affect the business of the day is via a notice on motion. Ministers and Parliamentary Secretaries can move to change the sequence of the Orders of the Day, that is according to Standing Order 17(3). A suspension of Standing Orders to consider a matter can be decided only by the House itself. In summary, my ruling is that I will allow the motion to suspend Standing Orders that has been moved by Hon Ken Travers.

Debate ensued.

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.

**7. Ministerial Statement to be made an Order of the Day**

Hon Ken Travers moved, without notice —

That the consideration of the Ministerial Statement be made be made an Order of the Day for a later stage of this day's sitting.

Debate ensued.

Question — put and passed.

**8. Paper**

The following Paper was laid on the Table by —

**Attorney General**

*Annual Reports* —

Australian Crime Commission — Criminal Investigation (Covert Powers) Act 2012

(WA) Australian Crime Commission Assumed Identities (2014-2015)

(Date received 2/12/2015)..... 3714

**9. Standing Committee on Estimates and Financial Operations — Report No. 57 — Budget Estimates Hearings 2013–14**

Hon Ken Travers presented Report No. 57 of the Standing Committee on Estimates and Financial Operations, *Budget Estimates Hearings 2013-14*. (Tabled Paper 3718).

**10. Standing Committee on Estimates and Financial Operations — Report No. 58 — Agency Annual Report Hearings 2012–13**

Hon Ken Travers presented Report No. 58 of the Standing Committee on Estimates and Financial Operations, *Agency Annual Report Hearings 2012-13*. (Tabled Paper 3719).

**11. Standing Committee on Estimates and Financial Operations — Report No. 59 — Budget Estimates Hearings 2014–15**

Hon Ken Travers presented Report No. 59 of the Standing Committee on Estimates and Financial Operations, *Budget Estimates Hearings 2014-15*. (Tabled Paper 3720).

**12. Standing Committee on Estimates and Financial Operations — Report No. 60 — Agency Annual Report Hearings 2013–14**

Hon Ken Travers presented Report No. 60 of the Standing Committee on Estimates and Financial Operations, *Agency Annual Report Hearings 2013-14*. (Tabled Paper 3721).

**13. Temporary Orders — Extension**

The Leader of the House moved, without notice —

That the operation of the 2015 Temporary Orders of the Legislative Council be extended to apply until (and including) 31 December 2016.

Debate ensued.

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.

**14. WorkSafe**

Non-Government Business No. 1 having been called, Hon Kate Doust moved, without notice —

That this House condemns the Government for its cuts to WorkSafe resources, resulting in reduced safety of work sites in Western Australia.

Debate ensued.

The Minister for Commerce tabled documents setting out the frequency rates of serious injury and disease claims by jurisdiction. (Tabled Paper 3722).

Debate resumed.

*Motion lapsed.*

**15. Public Health Bill 2014**

The President reported the receipt of Message No. 134 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Health moved, That the Bill be read a second time.

The Parliamentary Secretary representing the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3723).

Debate stands adjourned.

**16. Public Health (Consequential Provisions) Bill 2014**

The President reported the receipt of Message No. 135 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Health moved, That the Bill be read a second time.

The Parliamentary Secretary representing the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3724).

Debate stands adjourned.

**17. Order of Business**

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

**18. Mining (Community Protection) Amendment Bill 2015**

Hon Robin Chapple, pursuant to notice, moved —

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.

Question — put and passed.

Bill read a first time.

Hon Robin Chapple moved, That the Bill be read a second time.

Hon Robin Chapple tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3725).

Debate stands adjourned.

**19. 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).

**20. Standing Committee on Uniform Legislation and Statutes Review — Report No. 95 — Co-operatives Amendment Bill 2015 — Extension of Time**

The Order of the Day having been read, debate resumed on the motion of Hon Kate Doust as follows —

That the reporting date for the Standing Committee on Uniform Legislation and Statutes Review’s inquiry into the *Co-operatives Amendment Bill 2015* be extended from 16 February 2016 to 25 February 2016.

Question — put and passed.

Motion agreed to.

**21. Standing Committee on Procedure and Privileges — Report No. 35 — Legislative Council Prayer**

The Order of the Day having been read, debate resumed on the motion of Hon Adele Farina as follows —

That Recommendation 1 contained in Report No. 35 of the Standing Committee on Procedure and Privileges, *Legislative Council Prayer*, be agreed to.

Question — put and passed.

Motion agreed to.

**22. Perth Market (Disposal) Bill 2015**

The Order of the Day for the consideration of this Bill, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

The Minister for Mental Health representing the Treasurer tabled a document in relation to a request for a detailed proposal — Perth Market Authority Asset Sale — Market City. (Tabled Paper 3726).

Debate resumed.

**23. Questions Without Notice**

Questions without notice were taken.

The Attorney General representing the Minister for Police tabled maps of police stations by subdistrict boundaries, in response to a question without notice asked by Hon Martin Pritchard. (Tabled Paper 3727).

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to the number of students at certain Western Australian public primary and secondary schools and related departmental policy, in response to a question without notice asked by Hon Sue Ellery.

The Parliamentary Secretary representing the Minister for Health, by leave incorporated into *Hansard*, documents in relation to wait times for children to access various allied health services, in response to a question without notice asked by Hon Stephen Dawson.

The Leader of the House representing the Premier, by leave incorporated into *Hansard*, documents in relation to the BigPic 360 Promotional Bus Agreement, in response to question on notice No. 3740 asked by Hon Martin Pritchard. (Tabled Paper 3728).

**24. Perth Market (Disposal) Bill 2015**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 22 above*).

The President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate resumed.

The Minister for Mental Health representing the Treasurer moved, That the Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

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The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

**25. Paper**

The following Paper was laid on the Table by —

**Minister for Agriculture and Food**

*Question without Notice* —

Perth Market Authority Assets (pre-divestment) Direction 2015 (Hon Ken Travers) ..... 3729

**26. Order of Business**

Ordered — That the Order of the Day for the consideration of the Ministerial Statement — Sale of the Perth Market Authority — Conflict of Interest, be taken forthwith. (Leader of the House).

**27. Consideration of Ministerial Statement — Sale of the Perth Market Authority — Conflict of Interest**

Pursuant to order for the consideration of the Ministerial Statement.

Hon Ken Travers moved, That the statement be noted.

Debate ensued.

Question — put and passed.

**28. Order of Business**

Ordered — That Order of the Day No. 14, *Perth Market (Disposal) Bill 2015*, be taken forthwith. (Leader of the House).

**29. Perth Market (Disposal) Bill 2015**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 24 above*).

The Deputy President left the Chair.

—————  
**In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate resumed.

*Point of Order*

Hon Sue Ellery raised the following Point of Order —

I have a question that goes to the scope of the Bill. The short title, of course, is the Perth Market (Disposal) Act 2015. That is the central purpose of the Act. Clause 17 deals with the functions and powers of the Minister, who we now understand is the Treasurer. The clause reads—

The Minister has all of the functions and powers that are necessary or convenient for the purposes of this Act, including the power to acquire land.

It is not clear to me how that clause sits within the scope of the Bill. To that end I ask you, Madam Chair, to provide me with a ruling on whether clause 17 is within the scope of the Bill.

*Chair's Ruling*

The Chair ruled as follows —

The Leader of the Opposition has raised an issue that is covered by Standing Order 122, "Contents of a Bill". I will read out that Standing Order for the information of all Members —

- (1) No clause shall be included in any Bill that does not come within its title.
- (2) If any clause is amended after the Bill is introduced, the title may be altered accordingly.
- (3) Any Bill that the President determines —
  - (a) does not conform to the Standing Orders; or
  - (b) in the case of a Council Bill, cannot be introduced in the Council in accordance with any constitutional or statutory provision,
 shall be withdrawn by order of the President.

In view of the provisions of that Standing Order, and the fact that that determination needs to be made by the President, I shall leave the Chair until the ringing of the bells to allow the President to consider the matter.

*The Chair of Committees left the Chair at 7.46pm*  
*The Chair of Committees resumed the Chair at 7.50pm*

The Minister for Mental Health representing the Treasurer moved, That the Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

### **30. President's Ruling — Perth Market (Disposal) Bill 2015**

The President ruled as follows —

The Leader of the Opposition has raised a Point of Order as to whether clause 17 of the *Perth Market (Disposal) Bill 2015* is beyond the scope and purpose of the Bill as set out in its long title. Standing Order 122(1) states, in part —

#### 122. Contents of a Bill

(1) No clause shall be included in any Bill that does not come within its title.

Clause 17 of the *Perth Market (Disposal) Bill 2015* reads—

#### 17. Functions and powers of Minister

The Minister has all of the functions and powers that are necessary or convenient for the purposes of this Act, including the power to acquire land.

The Leader of the Opposition is particularly concerned that the power to acquire land is not contemplated by the long title of the Bill. The long title of a Bill sets out the Bill's scope and purpose, which in this case is —

... 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 by or managed on behalf of the State by, the Perth Market Authority, and for related purposes.

Clause 17 is an enabling provision that facilitates the Minister utilising the widest range of contractual vehicles and arrangements to give effect to the Act. I note that, practically speaking, the disposal of businesses and assets may be undertaken through a variety of mechanisms, including via the use of long-term leases, buyback arrangements or asset swaps. I note that simply because the acquisition of land may seem on its face to be an unusual by-product of an asset disposal, it does not mean that it cannot be one of many possible options or outcomes during the course of a major asset disposal. I am therefore of the view that clause 17 is within the long title of the Bill.

### **31. Order of Business**

Ordered — That Order of the Day No. 14, *Perth Market (Disposal) Bill 2015*, be taken forthwith. (Leader of the House).

### **32. Perth Market (Disposal) Bill 2015**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 29 above*).

The President left the Chair.

#### **In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate resumed.

Hon Adele Farina, by leave, tabled a Landgate publication entitled *Lodging a Caveat – A Guide to Preparing the Documents*. (Tabled Paper 3730).

Debate resumed.



Question — put.

The Committee divided.

**Ayes (20)**

Hon Martin Aldridge  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Donna Faragher  
 Hon Nick Goiran  
 Hon Dave Grills  
 Hon Nigel Hallett

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

**Noes (11)**

Hon Robin Chapple  
 Hon Stephen Dawson  
 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 Alanna Clohesy (*Teller*)

Question thus passed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

*Point of Order*

Hon Ken Travers raised the following Point of Order —

I wonder if we need another ruling about whether the parts of the clauses that refer to leasing are actually within the scope of the Bill, and the long title of the Bill, or whether we need to get the authority of the House to expand the scope of the Bill. Madam Deputy Chair, I am not sure whether you or the President would need to give us that ruling about whether the provisions in clause 3 that provide for leasing actually come within the scope of the Bill.

*The Deputy Chair left the Chair at 10.28pm*

*The Deputy Chair resumed the Chair at 10.55pm*

The Minister for Mental Health representing the Treasurer moved, That the Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

**33. President's Ruling — Perth Market (Disposal) Bill 2015**

The President ruled as follows —

Hon Ken Travers has raised a point of order at clause 3 of the *Perth Market (Disposal) Bill 2015* as to whether proposed leasing arrangements are beyond the scope and purpose of the Bill as set out in its long title. Standing Order 122(1) states—

## 122. Contents of a Bill

(1) No clause shall be included in any Bill that does not come within its title.

Clause 3 of the *Perth Market (Disposal) Bill 2015* reads in part, relevantly—

*dispose of*, in relation to a market asset, includes —

- (a) to sell or lease the market asset; and
- (b) to create and assign an interest in the market asset;

Hon Ken Travers is concerned that the leasing of a market asset is not contemplated by the long title of the Bill. The long title of a Bill sets out the Bill's scope and purpose, which in this case is—

... 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 by or managed on behalf of the State by, the Perth Market Authority, and for related purposes.

The definition of “dispose of” is an enabling provision that facilitates the Minister utilising the widest possible range of contractual vehicles and arrangements to give effect to the Act. As I have previously ruled, the disposal of businesses and assets may be undertaken through a wide variety of mechanisms, including but not limited to, the use of leases. I am therefore of the view that the matters contained in clause 3 are within the long title of the Bill.

On the secondary issue as to whether the Chair of Committees is competent to provide an initial ruling on a Point of Order raised under Standing Order 122, I rule that the Chair is so competent. In making such rulings, I would expect the Chair to allow the Minister in question to respond to the Point of Order.

**34. Perth Market (Disposal) Bill 2015**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 32 above*).

The President left the Chair.

—————  
**In Committee**

(Hon Adele Farina in the Chair)

Clause 3.

Debate resumed.

Hon Kate Doust moved —

Page 3, line 9 — To delete “or lease”.

Debate ensued.

Question — put.

The Committee divided.

**Ayes (11)**

Hon Robin Chapple  
Hon Stephen Dawson  
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 Alanna Clohesy (*Teller*)

**Noes (19)**

Hon Martin Aldridge  
 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 Dave Grills

Hon Nigel Hallett  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Mark Lewis  
 Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Phil Edman (*Teller*)

Amendment thus negatived.

Question, That the clause stand as printed — put and passed.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8.

Debate ensued.

*The Council having continued to sit until 12 midnight*

Friday, 4 December 2015

Debate continued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clause 15.

Debate ensued.

*The Deputy Chair left the Chair at 1.44am*  
*The Deputy Chair resumed the Chair at 1.57am*

Debate resumed.

Hon Martin Aldridge moved —

Page 10, lines 12 to 15 — To delete the lines and insert —

- (2) The central trading lot can only be disposed of under this Act on the following conditions —
- (a) that, for 20 years after the disposal, a part of the central trading lot is used as a public market in accordance with subsections (3) to (5); and
  - (b) that no single wholesaler, the definition of which may be prescribed by regulations, shall control more than 20 per cent of the floor space of the public market area; and
  - (c) that no later than 15 years after the disposal any transferee involved in the disposal shall advise the Minister in writing of their intended use of the site following the expiry of 20 years after the disposal.
- (2A) On receipt of the written advice referred to in subsection (2)(c) —
- (a) the Minister shall cause a copy of the written advice to be tabled in each House of Parliament within 21 days of the Minister receiving it, or at the next sitting day if one or both Houses are not sitting within the 21 days;
  - (b) if Parliament is not in session and sitting in the period of 21 days after receipt of the written advice the Minister is to transmit a copy of the written advice to the Clerk of the Legislative Council and the Clerk of the Legislative Assembly;
  - (c) a copy of the written advice transmitted to the Clerk of the House of Parliament under paragraph (b) is taken to have been laid before the House;
  - (d) the laying of a copy of the written advice before a House that is taken to have occurred under paragraph (c) is to be recorded in the Minutes of Proceedings or Votes and Proceedings, on the first sitting day of the House after receipt of the copy.

Debate ensued.

Hon Kate Doust moved to amend the amendment as follows —

Subclause (2)(a) delete “20” and insert —

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Subclause (2)(c) delete “20” and insert —

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Debate ensued.

Amendment to the Amendment — put.

The Committee divided.

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**Ayes (11)**

Hon Robin Chapple  
Hon Stephen Dawson  
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 Alanna Clohesy (*Teller*)

**Noes (19)**

Hon Martin Aldridge  
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 Dave Grills

Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Robyn McSweeney  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

Amendment to the Amendment thus negatived.

Debate resumed.

Amendment — put.

The Committee divided.

**Ayes (14)**

Hon Martin Aldridge  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Robin Chapple  
Hon Stephen Dawson  
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 Alanna Clohesy (*Teller*)

**Noes (16)**

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills  
Hon Alyssa Hayden

Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

Amendment thus negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clause 16 agreed to.

Clauses 17 to 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clauses 24 to 27 agreed to.

Clause 28.

Debate ensued.

Clause agreed to.

New Clause 28A.

Hon Martin Aldridge moved —

Page 19, after line 25 — To insert —

**28A. Tabling Information in Parliament Relating to a Disposal**

(1) For the purposes of this section —

*contract of sale* means a contract of sale or other agreement for the disposal of a market asset and any variation to that contract or agreement.

(2) The Minister is to cause to be tabled in each House of Parliament within 21 days of execution a copy of any contract of sale.

(3) If parliament is not in session and sitting in the period of 21 days after the execution of a contract of sale under subsection (2), the Minister is to transmit a copy of the contract of sale to the Clerk of the Legislative Council and the Clerk of the Legislative Assembly.

(4) A copy of a contract of sale transmitted to the Clerk of a House of Parliament under subsection (3) is taken to have been laid before the House.

(5) The laying of a copy of a contract of sale before a House that is taken to have occurred under subsection (4) is to be recorded in the Minutes of Proceedings or Votes and Proceedings, on the first sitting day of the House after receipt of the copy.

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (14)**

Hon Martin Aldridge  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Robin Chapple  
Hon Stephen Dawson  
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 Alanna Clohesy (*Teller*)

**Noes (16)**

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills  
Hon Alyssa Hayden

Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

Amendment thus negatived.  
 Clauses 29 to 36 agreed to.  
 Clause 37.  
 Debate ensued.  
 Clause agreed to.  
 Clauses 38 and 39 agreed to.  
 Clause 40.  
 Debate ensued.  
 Clause agreed to.  
 Clauses 41 to 51 agreed to.  
 Clause 52.  
 Debate ensued.  
 Clause agreed to.  
 Clauses 53 to 56 agreed to.  
 Schedule 1 agreed to.  
 Title agreed to.

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The President resumed the Chair.  
 Bill reported without amendment.  
 Report adopted.

The Minister for Mental Health representing the Treasurer moved, That the Bill be read a third time.  
 The President announced that the Deputy 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.  
 Debate ensued.  
 Question — put.  
 The Council divided.

#### Ayes (19)

Hon Martin Aldridge  
 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 Dave Grills

Hon Nigel Hallett  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Phil Edman (*Teller*)

#### Noes (11)

Hon Robin Chapple  
 Hon Stephen Dawson  
 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 Alanna Clohesy (*Teller*)

Question thus passed.  
 Bill read a third time and passed.

**35. Order of Business**

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

**36. Members' Statements**

Statements were taken.

**37. Adjournment**

The Council adjourned at 4.15am until Tuesday, 16 February 2016 at 2.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Samantha Rowe and Hon Amber-Jade Sanderson (*leave of absence*).

**PAUL GRANT**  
Acting Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council