

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 180

TUESDAY, 5 APRIL 2016

1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

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

2. Ministerial Statement — Barnett Ministry — Reconstitution

The Leader of the House made a Ministerial Statement with respect the reconstitution of the Barnett Ministry.

The Leader of the House tabled the list of Ministerial Representation in the Legislative Assembly. (Tabled Paper 3991).

3. Papers

The following Papers were laid on the Table by —

President

Documents —

Amended Non-Government Business and Private Members' Business allocated sessions for 2016 3981

Attorney General

Documents —

Deed of indemnity between Perth Market Board members and the State Treasurer of Western Australia 3982

Notices —

Energy Safety Act 2006 (Energy Safety Levy Notice 2016 G.G. 1/04/2016) 3983

Regulations —

Anzac Day Act 1960 (Anzac Day Regulations 2016 G.G. 22/03/2016) 3984

Retirement Villages Act 1992 (Retirement Villages Amendment Regulations 2016 G.G. 23/03/2016) 3985

Schemes —

Professional Standards Act 1997 (Law Institute of Victoria Limited Scheme (2016) G.G. 1/04/2016) 3986

Minister for Planning

Local Laws —

Local Government Act 1995 (Sandstone Public Cemetery Amendment Local Law 2016 G.G. 1/04/2016 and Shire of Murray Meeting Procedures Local Law 2015 G.G. 24/03/2016) 3987

Minister for Housing*Proposals —*

Land Administration Act 1997 — Proposal No. 3/2016 — Excision of land from
Class A Reserve 46919 and Class A Reserve 46920 3988

Regulations —

Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2016 G.G. 22/03/2016) 3989

Rules —

Racing and Wagering Western Australia Act 2003 (Rules of Wagering Amendment
Rules 2016 G.G. 22/03/2016) 3990

4. Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2016

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

That a Bill for “An Act to amend the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*.” be introduced and read a first time.

5. Highways (Liability for Straying Animals) Amendment Bill 2016

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

That a Bill for “An Act to amend the *Highways (Liability for Straying Animals) Act 1983*.” be introduced and read a first time.

6. Non-Government Business — Schedule

The Leader of the House moved, without notice —

That, pursuant to Standing Order 111(4), the schedule for Non-Government Business tabled by the President be adopted.

Question — put and passed.

7. Private Members’ Business — Schedule

The Leader of the House moved, without notice —

That, pursuant to Standing Order 112(4), the schedule for Private Members’ Business tabled by the President be adopted.

Question — put and passed.

8. Order of Business

Ordered — That Order of the Day No. 1, *Mental Health Regulations 2015 – Disallowance*, be taken after Order of the Day No. 16, *Public Health (Consequential Provisions) Bill 2014*. (Leader of the House).

9. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016

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

Debate resumed.

Hon Kate Doust tabled an opinion by W.A. Glendinning and Associates Pty Ltd on the effect of the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016*. (Tabled Paper 3992).

Debate resumed.

Statement by President — Distinguished Visitors — Gauteng Legislature — Republic of South Africa

The President made the following Statement —

It gives me great pleasure to acknowledge in the President's gallery members of the Committee on the Scrutiny of Subordinate Legislation from the Gauteng Legislature of the Republic of South Africa. The delegation's four-day visit is being hosted by the Parliament of Western Australia. The delegation is here to gather information on Western Australia's approach to the scrutiny of delegated legislation. The delegation is meeting with the Joint Standing Committee on Delegated Legislation, the Department of Finance, the Department of Transport, the Western Australian Local Government Association, and later today with me and Mr Speaker. The nine-member delegation is led by the Committee's Chair, Hon Jaqueline Mofokeng, and includes Hon Maggie Tlou; Hon Mike Madlala; Hon Daisy Hana Mashego; Hon Mervyn Cirota; Hon Janho Engelbrecht; Hon Hoffinel Ntobeng; Mr Lesiba Lamola, Committee administrator; and Mr Siyabonga Buthelezi, the Committee researcher. On behalf of all Members of the Legislative Council, I welcome the South African delegation to Western Australia and to our Parliament.

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Amber-Jade Sanderson in the Chair)

Clause 1.

Debate ensued.

Interruption pursuant to order.

The President resumed the Chair.

The Deputy 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.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Housing representing the Minister for Sport and Recreation, by leave incorporated into *Hansard*, information in relation to small grant applications to the Community Sporting and Recreational Facilities Fund, in response to a question without notice asked by Hon Martin Pritchard.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to air conditioning upgrades at Morley Senior High School, in response to a question without notice asked by Hon Amber-Jade Sanderson.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to employment vacancies in schools, in response to a question without notice asked by Hon Sue Ellery.

The Parliamentary Secretary to the Minister for Transport, by leave incorporated into *Hansard*, information in relation to the Port Enhancement Project Levy for Geraldton Port, in response to a question without notice asked by Hon Darren West.

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to Avonlink patronage in 2013–2014, 2014–2015 and 2015–2016 to date, in response to question on notice No. 3821 asked by Hon Darren West. (Tabled Paper 3993).

11. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016

Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10 agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clause 12 agreed to.

Clause 13 agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Attorney General moved, That the Bill be read a third time.

The Acting President announced that the 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 and passed.

Bill read a third time and passed.

12. Order of Business

Ordered — That Order of the Day No. 19, *Motor Vehicle (Catastrophic Injuries) Bill 2016*, be taken forthwith. (Leader of the House).

13. Motor Vehicle (Catastrophic Injuries) Bill 2016

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

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clause 1 agreed to.

Clauses 2 to 16 agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clauses 18 to 35 agreed to.

New Clause 35A.

The Minister for Planning on behalf of the Attorney General representing the Treasurer moved —

Page 26, after line 7 — To insert —

35A. Review of Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after the fifth anniversary of the day on which this section comes into operation.
- (2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Debate ensued.

Amendment — put and passed.

New Clause agreed to.

Clauses 36 to 53 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendment.

The Minister for Planning on behalf Attorney General representing the Treasurer, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Planning on behalf of the Attorney General representing the Treasurer moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Motor Vehicle (Catastrophic Injuries) Bill 2016* to be read a third time.

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.

The Minister for Planning on behalf of the Attorney General 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.

Question — put and passed.

Bill read a third time and passed.

14. Co-operatives Amendment Bill 2015

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 146

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Co-operatives Amendment Bill 2015* without amendment.

Mr P. Abetz

Acting Speaker

Legislative Assembly Chamber

Perth, 5 April 2016

15. Adjournment

There being no Members' Statements, the Council adjourned at 9.46pm until Wednesday, 6 April 2016 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alanna Clohesy and Hon Nigel Hallett.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council