

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 26

WEDNESDAY, 13 SEPTEMBER 2017, 1.00PM

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Questions, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

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MOTIONS

1. Select Committee on Elder Abuse (*Notice given 23 May 2017*)

Continuation of introductory remarks Hon Nick Goiran — 40 mins (Wednesday, 6 September 2017)
in moving the following motion —

- (1) A Select Committee into Elder Abuse in Western Australia is established;
- (2) The Select Committee is to inquire into elder abuse with particular reference to —
 - (a) determine an appropriate definition of elder abuse;
 - (b) identify its prevalence;
 - (c) identify the forms of elder abuse, including but not limited to neglect;
 - (d) identify the risk factors;
 - (e) assess and review the legislative and policy frameworks;
 - (f) assess and review service delivery and agency responses;
 - (g) the capacity of the Western Australia Police to identify and respond to allegations of elder abuse;
 - (h) identify initiatives to empower older persons to better protect themselves from risks of elder abuse as they age;
 - (i) consider new proposals or initiatives which may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse; and
 - (j) consider any other relevant matter.
- (3) The Select Committee is to report by no later than 12 months after the motion is agreed to.

- (4) The Select Committee shall comprise of the following members —
- (a) Hon Nick Goiran, Chair;
 - (b) Hon Alison Xamon, Deputy Chair;
 - (c) Hon Matthew Swinbourn; and
 - (d) Hon Tjorn Sibma.

Total time remaining on motion – 3hrs 55mins.

2. National Disability Insurance Scheme (*Notice given 23 May 2017*)

Hon Alison Xamon: To move —

That this House notes the significant impacts on people with disability and their families of ongoing uncertainty about which form of NDIS will be adopted in Western Australia.

Whether the Government decides to adopt the NDIS or the NDIS My Way model, it is imperative that those whose lives will be most affected by the decision are kept informed in an ongoing and meaningful way.

Furthermore, it is essential that a co-design model for engagement that involves people with disability and their families in the design of governance, policy and operational aspects is developed to inform the delivery of whichever scheme is agreed to.

Noting the significant uncertainty in the funding of disability services in Western Australia, this House calls upon the Government to ensure that there are mechanisms in place to —

- (a) ensure people with disability and their representative organisations are included in governance structures and inform service delivery design; and
- (b) that the decision making process is fully transparent.

3. Metronet (*Notice given 23 May 2017*)

Hon Alanna Clohesy: To move —

That this House congratulates the McGowan Government on its Metronet policy and notes the benefits Western Australia will derive, including the jobs to be created, from this transport and planning initiative.

4. Building and Construction Industry Training Fund (*Notice given 23 May 2017*)

Hon Martin Aldridge: To move —

That this House:

- (a) notes that the introduction of the Building and Construction Industry Training Fund has supported the training and employment of more than 48,000 apprentices and trainees and has helped over 340,000 industry workers to upgrade their skills;
- (b) notes the *Review of the Operation and Effectiveness of the Building and Construction Industry Training Fund and Levy Collection Act 1990* of June 2014 that recommended the amendment to regulations to withdraw the current exemption from the payment of the levy applying to engineering construction projects in the resources industry;
- (c) supports the amendment of regulation 3AA of the *Building and Construction Industry Training Fund and Levy Collection Regulations 1991* therefore requiring construction projects in the mining and petroleum industry to contribute to the training and skills development in the building and construction industry; and
- (d) calls on the Government to immediately amend the regulation to support local job creation and skills development across the building and construction industry.

5. Genetically Modified Crops Free Areas Repeal Act (*Notice given 24 May 2017*)

Hon Diane Evers: To move —

That given the Government spoke so vigorously against the *Genetically Modified Crops Free Areas Repeal Bill 2015* when in opposition, that the Government now reinstate the *Genetically Modified Crops Free Areas Act 2003*.

6. Independent Rural Fire Service (*Notice given 24 May 2017*)

Hon Rick Mazza: To move —

That this House supports:

- (a) the creation of an independent Rural Fire Service (RFS) consistent with the recommendations of the Euan Fergusson Report;
- (b) the new RFS be funded by a proportion of the Emergency Services Levy (ESL);
- (c) the ESL be treated the same as other sources of State revenue and collected by the Department of Finance;
- (d) the Department of Finance to then remit funding to the DFES and the RFS as per operational and budgetary requirements; and
- (e) that the House directs the Public Administration Committee to inquire into the implementation of an independent Rural Fire Service and report to the Legislative Council within 12 months of the referral.

7. Select Committee into alternate approaches to reducing illicit drug use and its effects on the community (*Notice given 13 June 2017*)

Hon Alison Xamon: To move —

- (1) A Select Committee examining alternate approaches to reducing illicit drug use and its effects on the community is established.
- (2) The Select Committee is to inquire into and report on —
 - (a) other Australian state jurisdictions and international approaches (including Portugal) to reducing harm from illicit drug use, including the relative weighting given to enforcement, health and social interventions;
 - (b) a comparison of effectiveness and cost to the community of drug related laws between Western Australia and other jurisdictions;
 - (c) the applicability of alternate approaches to minimising harms from illicit drug use from other jurisdictions to the Western Australian context; and
 - (d) consider any other relevant matter.
- (3) The Select Committee shall consist of five Members.
- (4) The Select Committee is to report no later than four months after the motion is agreed to.

8. Local Project, Local Jobs Initiative (*Notice given 13 June 2017*)

Hon Darren West: To move —

That this House congratulates the McGowan Labor Government for its Local Projects, Local Jobs initiative and for the positive impact this will have on local communities.

9. Select Committee on Personal Choice and Community Safety (*Notice given 15 August 2017*)

Hon Aaron Stonehouse: To move —

- (1) A Select Committee, to be known as the Personal Choice and Community Safety Committee, is established.
- (2) The Select Committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice ‘for the individual’s own good’, with particular reference to —
 - (a) the sale and supply of alcohol, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (b) risk-reduction products such as e-cigarettes and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (c) skirmish games such as airsoft, paintball and laser tag as well as projectile-based toys such as Nerf-guns and gel-blasters, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (d) outdoor recreations such as cycling, fishing and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users; and
 - (e) any other measures introduced to restrict personal choice.
- (3) The Select Committee shall consist of five members.
- (4) The Select Committee is to report by no later than 12 months after the Committee has been established.

10. Tax Incentives for Regional Businesses (*Notice given 6 September 2017*)

Hon Robin Scott: To move —

That as an incentive for Western Australians to start and operate businesses in the Mining and Pastoral Region, the Agricultural Region and the South West Region, this House calls upon the Government of Western Australia to —

- (a) halve payroll taxes from 5.5% to 2.25% for businesses with less than 100 employees 100km from Perth; and
- (b) eliminate payroll tax for businesses with less than 100 employees 1,000km from Perth.

MOTIONS FOR DISALLOWANCE

1. Shire of Donnybrook-Balingup Waste Local Law 2017 (*Notice given 7 September 2017 moves pro forma on 14 September 2017*)

Hon Robin Chapple: To move —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Donnybrook-Balingup Waste Local Law 2017* published in the *Gazette* on 14 June 2017 and tabled in the Legislative Council on 20 June 2017 under the *Local Government Act 1995* and *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 282).

2. Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017
(Notice given 7 September 2017 moves pro forma on 14 September 2017)

Hon Robin Chapple: To move —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017* published in the *Gazette* on 14 June 2017 and tabled in the Legislative Council on 20 June 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 282).

3. City of Nedlands Waste Local Law 2016 (Notice given 7 September 2017 moves pro forma on 14 September 2017)

Hon Robin Chapple: To move —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Nedlands Waste Local Law 2016* published in the *Gazette* on 7 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 246).

BILLS FOR INTRODUCTION

1. Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2017 (Notice given 21 June 2017)

Hon Robin Chapple: To move —

That a Bill for “An Act to amend the *Environmental Protection Act 1986* to —

- restrict the supply of plastic bags, balloons, plastic drinking straws and polyethylene and polystyrene packaging; and
- prohibit the supply of products containing plastic microbeads and, for incidental and related purposes.” be introduced and read a first time.

ORDERS OF THE DAY

1. Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 15 August 2017 on the motion of Hon Robin Chapple (Days remaining 7 after today (Indicative date — 2 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016* published in the *Gazette* on 15 November 2016 and tabled in the Legislative Council on 22 November 2016 under the *Road Traffic (Administration) Act 2008* and the *Road Traffic (Vehicles) Act 2012*, be and is hereby disallowed. (Tabled paper No. 4926).

2. Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Cambridge Local Government and Public Property Local Law 2016* published in the *Gazette* on 24 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 76).

3. Town of Cambridge Private Property Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Cambridge Private Property Local Law 2016* published in the *Gazette* on 24 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 76).

4. Town of Cambridge Waste Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Cambridge Waste Local Law 2016* published in the *Gazette* on 24 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 112).

5. Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

6. Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kulin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

7. Shire of Gingin — Waste Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Gingin — Waste Local Law 2016* published in the *Gazette* on 2 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 113).

8. Shire of Narrogin — Public Places and Local Government Property Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Narrogin — Public Places and Local Government Property Local Law 2016* published in the *Gazette* on 6 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 75).

9. Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 20 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, *Health Act 1911* and the *Cat Act 2011*, be and is hereby disallowed. (Tabled paper No. 75).

10. City of Busselton Waste Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Busselton Waste Local Law 2016* published in the *Gazette* on 3 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 112).

11. Legal Profession (Law Library Fees) Rules 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Legal Profession (Law Library Fees) Rules 2017* published in the *Gazette* on 13 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Legal Profession Act 2008*, be and are hereby disallowed. (Tabled paper No. 104).

12. Shire of Narambeen Animals, Environment and Nuisance Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Narambeen Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Health Act 1911* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 165).

13. Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 10 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Health Act 1911* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 167).

14. Shire of Capel Waste Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Capel Waste Local Law 2016* published in the *Gazette* on 13 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 114).

15. Shire of Murray Waste Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Murray Waste Local Law 2016* published in the *Gazette* on 16 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

16. Shire of Chittering Waste Local Law 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Chittering Waste Local Law 2017* published in the *Gazette* on 23 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

17. Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 4 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

18. City of Gosnells Waste Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Gosnells Waste Local Law 2016* published in the *Gazette* on 1 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 113).

19. Shire of Moora Dogs Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Moora Dogs Local Law 2016* published in the *Gazette* on 22 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Dog Act 1976* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 73).

20. Shire of Moora Waste Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Moora Waste Local Law 2016* published in the *Gazette* on 22 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

21. Town of East Fremantle Waste Local Law 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 10 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of East Fremantle Waste Local Law 2017* published in the *Gazette* on 31 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

22. City of Joondalup Animals Amendment Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Martin Pritchard (Days remaining 10 after today (Indicative date — 9 November 2017))

That the *City of Joondalup Animals Amendment Local Law 2016* published in the *Gazette* on 10 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 76).

23. Bunbury-Harvey Regional Council Standing Orders Local Law 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 23 August 2017 on the motion of Hon Robin Chapple (Days remaining 11 after today (Indicative date — 28 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Bunbury-Harvey Regional Council Standing Orders Local Law 2017* published in the *Gazette* on 10 May 2017 and tabled in the Legislative Council on 18 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 186).

24. City of South Perth Waste Local Law 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 23 August 2017 on the motion of Hon Robin Chapple (Days remaining 11 after today (Indicative date — 28 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of South Perth Waste Local Law 2017* published in the *Gazette* on 5 May 2017 and tabled in the Legislative Council on 18 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 197).

25. Electricity (Licensing) Amendment Regulations 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 23 August 2017 on the motion of Hon Robin Chapple (Days remaining 11 after today (Indicative date — 28 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Electricity (Licensing) Amendment Regulations 2017* published in the *Gazette* on 22 March 2017 and tabled in the Legislative Council on 18 May 2017 under the *Electricity Act 1945*, be and are hereby disallowed. (Tabled paper No. 200).

26. Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 24 August 2017 on the motion of Hon Aaron Stonehouse (Days remaining 12 after today (Indicative date — 29 November 2017))

That the *Police Regulations Amendment (Fees and Charges) Regulations 2017* published in the *Gazette* on 27 June 2017 and tabled in the Legislative Council on 16 August 2017 under the *Firearms Act 1973*, be and are hereby disallowed. (Tabled paper No. 376).

27. City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 7 September 2017 on the motion of Hon Robin Chapple (Days remaining 15 after today (Indicative date — 6 December 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Kalgoorlie-Boulder Cat Amendment Local Law 2017* published in the *Gazette* on 2 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Local Government Act 1995* and the *Cat Act 2011*, be and is hereby disallowed. (Tabled paper No. 240).

28. Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 7 September 2017 on the motion of Hon Robin Chapple (Days remaining 15 after today (Indicative date — 6 December 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of East Fremantle Plastic Bag Reduction Local Law 2017* published in the *Gazette* on 2 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 240).

29. City of Nedlands Waste Local Law 2016 — Disallowance

Moved *pro forma* (SO 67(3)) 7 September 2017 on the motion of Hon Robin Chapple (Days remaining 15 after today (Indicative date — 6 December 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Nedlands Waste Local Law 2016* published in the *Gazette* on 7 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 246).

30. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018
(Notice given 7 September 2017) Minister for Environment representing the Treasurer

Debate adjourned Hon Ken Baston (Tuesday, 12 September 2017) on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order No. 69(1) the Legislative Council take note of Tabled Paper No. 469A–D (2017–2018 Budget Statements), laid upon the Table of the House on Thursday, 7 September 2017.

(Days remaining 8 after today – SO 69(2))

31. First Home Owner Grant Amendment Bill 2017 [LA 16–1B] Minister for Environment representing the Treasurer

Committee progress clause 14 (Thursday, 7 September 2017).

32. *Coroners Amendment Bill 2017 [LA 15–1] Leader of the House representing the Attorney General

Second reading continuation of remarks Hon Michael Mischin (Tuesday, 12 September 2017).
cf SNP 15 Issue 1 – 6 September 2017.

33. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017 [LC 29–1] Minister for Education and Training

Second reading adjourned (Wednesday, 6 September 2017).

34. Courts Legislation Amendment Bill 2017 [LC 23–1] Leader of the House representing the Attorney General

Second reading adjourned (Wednesday, 6 September 2017).

35. Health Practitioner Regulation National Law (WA) Amendment Bill 2017 [LA 20–2] Parliamentary Secretary to the Minister for Health

Second reading adjourned (Wednesday, 6 September 2017).

36. Temporary Orders (Moved 22 August 2017)

Hon Sue Ellery: To move —

That the Temporary Orders set out in the attached Schedule, and as previously adopted by the House in the last Parliament on the recommendation of the Procedure and Privileges Committee, be adopted and agreed to and shall remain in operation for 12 months from the date on which they are adopted.

Schedule

The Legislative Council makes the following Temporary Orders —

1. Duration of Temporary Orders

These Temporary Orders apply for a period of 12 months from the day of adoption.

2. Time Limits on Speeches

Standing Order 21, debate times for “Consideration of Committee Reports” is suspended and replaced by the following Temporary Order —

Consideration of Committee Reports

All Members unlimited periods of 10 minutes per report

3. Maximum Time Limits for Certain Business Items

Standing Order 23, paragraph (1)(b) is suspended.

4. **Consideration of Committee Reports**

Standing Order 110 is amended by inserting the following Temporary Order —

- (2A) Where the debate on an order of the day listed under (2) has reached one hour of consideration and further orders of the day are listed on the Notice Paper, the debate on the order of the day shall be postponed.
- (2B) An order of the day postponed under (2A) shall be listed for further consideration after the orders of the day for the consideration of committee reports listed on that day's Notice Paper and not disposed of.

37. ***Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39th Parliament** (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 1 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper No. 435.

Recommendation 1 states —

Temporary Orders

The Legislative Council makes the following Temporary Orders —

1. **Duration of Temporary Orders**

These Temporary Orders apply until (and including) 31 December 2018.

2. **Time Limits on Speeches**

Standing Order 21, debate times for “Consideration of Committee Reports” is suspended and replaced by the following Temporary Order —

Consideration of Committee Reports

All Members unlimited periods of 10 minutes per report

3. **Maximum Time Limits for Certain Business Items**

Standing Order 23, paragraph (1)(b) is suspended.

4. **Consideration of Committee Reports**

Standing Order 110 is amended by inserting the following Temporary Order —

(2A) Where the debate on an order of the day listed under (2) has reached one hour of consideration and further orders of the day are listed on the Notice Paper, the debate on the order of the day shall be postponed.

(2B) An order of the day postponed under (2A) shall be listed for further consideration after the orders of the day for the consideration of committee reports listed on that day's Notice Paper and not disposed of.

38. ***Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39th Parliament** (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 2 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435 and 3650 (Tabled 25 November 2015).

Recommendation 2 states —

That Recommendation 3 contained in Report No. 37 of the Standing Committee on Procedure and Privileges, *Temporary Orders – 2016*, be adopted and agreed to.

Recommendation 3 of Report No. 37, *Temporary Orders – 2016*, as follows —

That this be a Temporary Order —

Standing Order 190(2) is suspended and replaced by the following Temporary Order –

(2) When a motion is moved under (1), before putting the question the President shall ask whether any Member wishes to speak to the motion and —

- (a) if no Member indicates that they wish to speak to the motion, the President shall put the question immediately;
- (b) if any Member indicates that they wish to speak to the motion, then no debate shall ensue at that time and the debate shall be adjourned until a later stage of the sitting;
- (c) an adjournment under (b) does not affect the movers right to speak to the motion.

39. *Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39th Parliament (*Tabled 24 August 2017*)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 3 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435, 4240 (tabled 28 June 2016) and 1476 (tabled 15 May 2014).

Recommendation 3 states —

That Recommendations 1 to 3 contained in Report No. 39 of the Standing Committee on Procedure and Privileges, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, be adopted and agreed to.

Recommendation 1 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That the House does not proceed with the Recommendations 2(a) and 2(c) contained in the Standing Committee on Procedure and Privileges — Report No. 29 — Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.

Recommendation 2(a) of Report No. 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (a) amend the *Criminal Code* so as to clarify that the proceedings of Parliament may be used as evidence in the prosecution of an offence under sections 55 to 59 of the *Criminal Code*;

Recommendation 2(c) of Report No. 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (c) amend the constitutional and/or electoral legislation to abolish the ability of a House of the Parliament of Western Australia to expel one of its Members; and

Recommendation 2 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That Standing Order 97(2) be deleted and the following inserted —

- (2) When a division is called strangers shall withdraw unless otherwise ordered by the President.

Recommendation 3 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That **Standing Order 181** be amended as follows —

To delete “Any” and insert —

Subject to order, any

40. *Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39th Parliament (*Tabled 24 August 2017*)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 4 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435 and 4241 (tabled 28 June 2016).

Recommendation 4 states —

That Recommendation 1 contained in Report No. 40 of the Standing Committee on Procedure and Privileges, *E-Petitions*, be adopted and agreed to.

Recommendation 1 of Report No. 40, *E-Petitions*, as follows —

That new **Temporary Order 6**, as outlined below, be adopted by the Council to apply until (and including) 31 December 2017 —

6. E-Petitions

- (1) An E-Petition is a petition —
 - (a) in the correct form prescribed by Standing Order 101;
 - (b) facilitated by a Member and lodged with the Clerk for publication on the Parliament’s Internet Website for a nominated period (“posted period”);

- (c) persons must indicate their support of (“join the petition”) by electronically providing their name, address (including postcode) and email address, and signifying their intention to join the petition.
- (2) The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament’s Internet Website.
 - (3) The Member facilitating the E-Petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to facilitate the E-Petition.
 - (4) Once published on the Parliament’s Internet Website an E-Petition cannot be altered.
 - (5) Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament’s Internet Website at the same time.
 - (6) Once the posted period for an E-Petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Council by the Member that facilitated the E-Petition.
 - (7) An E-Petition published on the Parliament’s Internet Website, but not presented to the Council prior to the prorogation of the Parliament or the dissolution of the Legislative Assembly, shall be presented to the subsequent Parliament and become a petition of the subsequent Parliament.
 - (8) An E-Petition may be facilitated during any adjournment of the Legislative Council and during any period of prorogation.
 - (9) Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in the case of incapacity from sickness.
 - (10) A person cannot sign or join an E-Petition more than once.
 - (11) Only the name and address of the Principal Petitioner shall be made public on the Legislative Council’s website.
 - (12) The Clerk may decline to publish an E-Petition on the website not in conformity with these Orders and shall advise the facilitating Member accordingly.
 - (13) The Clerk shall ensure that all Government responses to E-Petitions are posted on the website.
 - (14) The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any E-Petition with these Orders.
 - (15) The Clerk is authorised to create and maintain an appropriate internet website on which to publish E-Petitions, responses to E-Petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
 - (16) The Clerk must dispose of all electronic personal data relating to the posting and joining of an E-Petition within six months after an E-Petition is printed and presented to the Legislative Council.
 - (17) The Standing Orders for petitions have application to E-Petitions insofar as they can be applied.

41. *Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39th Parliament (*Tabled 24 August 2017*)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 5 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435 and 4772 (tabled 13 October 2016).

Recommendation 5 states —

That Recommendation 1 contained in Report No. 42 of the Standing Committee on Procedure and Privileges, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, be adopted and agreed to.

Recommendation 1 of Report No. 42, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, as follows —

- (1) That **Schedule 1: Committees, Item 9.2(a)** be deleted and the following substituted —
 - (a) monitor and report to Parliament on the exercise of the functions of the —
 - (i) Corruption and Crime Commission;
 - (ii) Parliamentary Inspector of the Corruption and Crime Commission; and
 - (iii) Public Sector Commissioner in relation to functions under the *Corruption, Crime and Misconduct Act 2003*;
- (2) That the Legislative Assembly be acquainted accordingly and be invited to pass a similar resolution.

42. Pilbara Port Assets (Disposal) Repeal Bill 2017 [*LC 7–1*] *Hon Robin Chapple*

Second reading continuation of remarks Hon Jacqui Boydell (Thursday, 7 September 2017).

43. Criminal Code Amendment (Industrial Manslaughter) Bill 2017 [*LC 11–1*] *Hon Alison Xamon*

Second reading adjourned. (Thursday, 15 June 2017).

44. Prevention of Forced Closure of Remote Aboriginal Communities Bill 2017 [*LC 9–1*] *Hon Robin Chapple*

Second reading adjourned. (Thursday, 15 June 2017).

45. Electoral Amendment (Access to Ministers) Bill 2017 [*LC 27–1*] *Hon Alison Xamon*

Second reading adjourned (Thursday, 7 September 2017).

BILLS REFERRED TO COMMITTEES

1. Sentence Administration Amendment Bill 2017 [*LA 8–1*] *Leader of the House representing the Attorney General*

Discharged and referred to the Standing Committee on Legislation (Tuesday, 15 August 2017) and to report by 28 November 2017.

Second reading adjourned (Tuesday, 15 August 2017).

2. Domestic Violence Orders (National Recognition) Bill 2017 [LA 19–1] *Leader of the House representing the Attorney General*

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review (Thursday, 17 August 2017) and to report by Tuesday, 10 October 2017 (SO 126 applies).

Second reading adjourned (Thursday, 17 August 2017).

3. Tobacco Products Control Amendment Bill 2017 [LA 28–1] *Parliamentary Secretary to the Minister for Health*

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review (Wednesday, 6 September 2017) and to report by Tuesday, 31 October 2017 (SO 126 applies).

Second reading adjourned (Wednesday, 6 September 2017).

SELECT COMMITTEES

1. Joint Select Committee on End of Life Choices *(Established 22 August 2017)*

Agreed to by resolution of the Houses as follows –

- (1) That a Joint Select Committee of the Legislative Assembly and Legislative Council on End of Life Choices be established.
- (2) That the Committee inquire into and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices and, in particular, the Committee should –
 - (a) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses, including the role of palliative care;
 - (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian States and Territories and overseas jurisdictions;
 - (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation; and
 - (d) examine the role of Advanced Health Directives, Enduring Power of Attorney and Enduring Power of Guardianship laws and the implications for individuals covered by these instruments in any proposed legislation.
- (3) That the Joint Select Committee consist of eight members, of whom –
 - (a) four will be members of the Assembly; and
 - (b) four will be members of the Council.
- (4) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.
- (5) That the Joint Select Committee report to both Houses no later than twelve months after the Committee has been established.

COMMITTEE INITIATED INQUIRIES

1. Standing Committee on Public Administration — Inquiry into WorkSafe (*Notice given 27 June 2017*)

Resolution of the Committee on 21 June 2017 to commence an inquiry into and report on WorkSafe, with the following terms of reference —

- (a) WorkSafe's performance against the objects of the *Occupational Health and Safety Act 1984*;
- (b) funding and resourcing of WorkSafe;
- (c) adequacy of WorkSafe's training, oversight and accountability processes;
- (d) adequacy of administrative processes, including complaints, investigations and prosecution processes;
- (e) adequacy of WorkSafe's audits of training providers delivering occupational health and safety training;
- (f) timely implementation and public education of coronial inquest recommendations arising from a workplace death;
- (g) legislative and jurisdictional issues; and
- (h) any other relevant matter.

* For amendments see Supplementary Notice Paper and/or Committee Report
For a list of all Petitions tabled see cumulative Tabled Paper list.

NIGEL PRATT

Clerk of the Legislative Council