

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 6**  
**WEDNESDAY, 24 MAY 2017**

**1. Meeting of Council**

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

**2. Petitions**

Hon Samantha Rowe presented a petition from 16 petitioners requesting the Legislative Council to oppose the reclamation of the lake and wetlands at lots 2, 3 and 6 Helena Valley Rd, Helena Valley for housing. (Tabled Paper 227).

Hon Donna Faragher presented a petition from 6,479 petitioners requesting the Council to oppose the government's *Education Central* plan for Perth Modern School. (Tabled Paper 228).

Hon Alanna Clohesy presented a petition from 1,557 petitioners requesting the Council to oppose the Metropolitan Region Scheme Proposed Amendment 1310/41 Guildford Road from East Parade to Tonkin Highway. (Tabled Paper 229).

**3. Papers**

The following Papers were laid on the Table by —

**Leader of the House**

*Annual Reports —*

Australian Children's Education and Care Quality Authority (2015-2016)  
(Date received 23/05/2017) ..... 223

Education and Care Services Ombudsman — National Education and Care Services  
Privacy and Freedom of Information Commissioners (2015-2016)  
(Date received 23/05/2017) ..... 224

**Leader of the House on behalf of the Minister for Environment**

*Annual Reports —*

Carers Advisory Council (2015-2016) (Date received 23/05/2017) ..... 225

*Reports —*

Government Mid-Year Financial Projections Statement (2016-2017) (December 2016).... 226

**4. Genetically Modified Crops Free Areas Repeal Act**

Hon Diane Evers: To move on the next day of sitting —

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*.

## 5. Independent Rural Fire Service

Hon Rick Mazza: To move on the next day of sitting —

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 Department of Fire and Emergency Services 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 RFS and report to the Legislative Council within 12 months of the referral.

## 6. Education Central

Motion No. 1 having been called, Hon Donna Faragher, pursuant to notice, moved —

That this House notes both the significant concerns being raised across the community and the lack of consultation undertaken by the McGowan Government on its “Education Central” policy, particularly the proposed re-location of the State’s only fully academically selective senior high school currently at Perth Modern School to a high-rise inner city school within Perth City Link and calls on the Government to:

- (a) reverse its “Education Central” policy and maintain Perth Modern School as a fully academically selective school; and
- (b) revert to the comprehensive Western Suburbs Secondary Schooling Strategy announced in September 2016.

Debate ensued.

*Interruption pursuant to order.*

## 7. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to a later stage of this day’s sitting.

## 8. Joint Standing Committee on Delegated Legislation — Establishment

The Order of the Day having been read, the Leader of the House, pursuant to notice, moved —

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Delegated Legislation.

### SCHEDULE

#### 10. Joint Delegated Legislation Committee

- 10.1 *A Joint Delegated Legislation Committee* is established.
- 10.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 10.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.

- 10.4 (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
- (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 10.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 10.6 In its consideration of an instrument, the Committee is to inquire whether the instrument —
- (a) is within power;
- (b) has no unintended effect on any person's existing rights or interests;
- (c) provides an effective mechanism for the review of administrative decisions; and
- (d) contains only matter that is appropriate for subsidiary legislation.
- 10.7 It is also a function of the Committee to inquire into and report on —
- (a) any proposed or existing template, *pro forma* or model local law;
- (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
- (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 10.8 In relation to the constitution, powers and procedure of the Joint Standing Committee on Delegated Legislation —
- (a) The Standing Orders applicable to committees of the Legislative Council will apply to the Committee's proceedings except to the extent that they impinge upon the functioning of the Committee;
- (b) Legislative Assembly Standing Orders 249(1), (2) and (3), 252, 254, 262, 263 and 264 will apply to the Legislative Assembly Members of the Committee;
- (c) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee, its deliberations and proceedings but may not vote, move any motion, or be counted for the purpose of a quorum;
- (d) Leave under (c) may be given only for a specific inquiry, but any Member of the Legislative Council or Legislative Assembly may be given leave in relation to more than one inquiry.
- 10.9 In this order —
- “instrument” means —
- (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
- (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
- “subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

Question — put and passed.

## **9. Joint Standing Committee on Audit — Establishment**

The Order of the Day having been read, the Leader of the House, pursuant to notice, moved —

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Audit.

### **SCHEDULE**

#### **7. Joint Audit Committee**

7.1 A Joint Audit Committee is established.

7.2 The Committee consists of the Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Members of the Legislative Assembly Public Accounts Committee.

7.3 The Chair of the Standing Committee on Estimates and Financial Operations will be the Chair of the Joint Audit Committee.

7.4 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

Question — put and passed.

## **10. Joint Standing Committee on the Corruption and Crime Commission — Establishment**

The Order of the Day having been read for the consideration of Message No. 2 from the Legislative Assembly as follows —

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

“That for the present Parliament, in accordance with Legislative Assembly Standing Orders 288 to 292, a Joint Standing Committee on the Corruption and Crime Commission be appointed by the Legislative Assembly and the Legislative Council”,

and requests the Legislative Council to agree to a similar resolution.

The Leader of the House moved, without notice —

That in response to Legislative Assembly Message No. 2, the Legislative Council agrees to the Legislative Assembly’s resolution and appoints the following Members to the Joint Standing Committee on Corruption and Crime Commission —

Hon Jim Chown; and

Hon Alison Xamon.

Question — put and passed.

Legislative Assembly acquainted accordingly.

## **11. Joint Standing Committee on the Commissioner for Children and Young People — Establishment**

The Order of the Day having been read for the consideration of Message No. 3 from the Legislative Assembly as follows —

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That for the present Parliament —

- (a) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council;
- (b) the Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council;

- (c) it is the function of the Joint Standing Committee to —
  - (i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
  - (ii) to examine Annual and other Reports of the Commissioner; and
  - (iii) to consult regularly with the Commissioner;
- (d) a report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose; and
- (e) the Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied;

and requests the Legislative Council to agree to a similar resolution.

The Leader of the House moved, without notice —

That in response to Legislative Assembly Message No. 3, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Commissioner for Children and Young People —

Hon Dr Sally Talbot; and

Hon Donna Faragher.

Question — put and passed.

Legislative Assembly acquainted accordingly.

## **12. Order of Business**

Ordered — That Order of the Day No. 1, *Address-in-Reply*, be taken forthwith. (Leader of the House).

## **13. Address-In-Reply**

Debate resumed on the Address-in-Reply (*see item 7 above*).

## **14. Questions Without Notice**

Questions without notice were taken.

The Minister for Regional Development tabled media statements made since the Minister's time of appointment, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 230).

## **15. Address-In-Reply**

Debate resumed on the Address-in-Reply (*see item 13 above*).

Hon Darren West sought leave to continue his remarks at the next sitting.

Leave granted.

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

## **16. Loan Bill 2017**

The President reported the receipt of Message No. 4 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Treasurer moved, That the Bill be read a second time.

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 231).

Debate stands adjourned.

**17. Adjournment**

There being no Members' Statements the Council adjourned at 6.31pm until Thursday, 25 May 2017 at 10.00am.

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

Attendance: Present all Members except Hon Jacqui Boydell.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON HATE DOUST**

President of the Legislative Council