

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**

**DAILY NOTICE PAPER**

**No. 5**

**WEDNESDAY, 24 MAY 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. Education Central** (*Notice given 17 May 2017*)

Hon Donna Faragher: To move –

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.

**2. Climate change and measures for amelioration** (*Notice given 17 May 2017*)

Hon Robin Chapple: To move –

That the House note the impact of climate change and give consideration to measures that may be introduced to ameliorate its damaging and long term effects on Western Australia’s social, economic and environmental prosperity.

**3. Western Australia’s Finances** (*Notice given 17 May 2017*)

Hon Sally Talbot: To move –

That this House condemns the former Liberal-National Government for its reckless mismanagement of the State’s finances.

**4. Sale of the Western Australian TAB** (*Notice given 17 May 2017*)

Hon Colin Holt: To move –

That this House calls on the McGowan government to immediately ‘test the market’ for the sale of the WA TAB, and if favourable to the industry proceed with the sale and ensure all proceeds of the sale are returned to the racing industry.

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

Hon Nick Goiran: To move –

- (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 WA 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 shall consist of four members.
- (4) The Select Committee is to report by no later than 30 June 2018.

**6. 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.

**7. 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.

## 8. **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.

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## MOTIONS FOR DISALLOWANCE

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### 1. **Firearms Amendment Regulations 2017** (*Notice given 18 May 2017 moves pro forma on 25 May 2017*)

Hon Rick Mazza: To move –

That the *Firearms Amendment Regulations 2017* published in the *Gazette* on 3 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Firearms Act 1973*, be and are hereby disallowed. (Tabled paper No. 133).

### 2. **Road Traffic (Vehicles) Amendment Regulations (No. 2) 2017** (*Notice given 18 May 2017 moves pro forma on 25 May 2017*)

Hon Rick Mazza: To move –

That the *Road Traffic (Vehicles) Amendment Regulations (No. 2) 2017* published in the *Gazette* on 7 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Road Traffic (Vehicles) Act 2012*, be and are hereby disallowed. (Tabled paper No. 151).

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## BILLS FOR INTRODUCTION

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### 1. **Pilbara Port Assets (Disposal) Repeal Bill 2017** (*Notice given 11 May 2017*)

Hon Robin Chapple: To move –

That a Bill for “An Act to repeal the *Pilbara Port Assets (Disposal) Act 2016*” be introduced and read a first time.

**2. Prevention of Forced Closure of Remote Aboriginal Communities Bill 2017** (*Notice given 23 May 2017*)

Hon Robin Chapple: To move –

That a Bill for “An Act to provide for the prevention of the forced closure of remote Aboriginal communities” be introduced and read a first time.

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**ORDERS OF THE DAY**

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**1. Address-in-Reply**

Resumption of debate adjourned Hon Ken Baston (Tuesday, 23 May 2017), on the motion of Hon Sally Talbot as follows —

To Her Excellency, The Honourable Kerry Sanderson, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency: We, the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our most gracious Sovereign and thank Your Excellency for the speech you have been pleased to deliver to Parliament.

**2. Constitution Amendment (Demise of the Crown) Bill 2017** [LC 4–1] Leader of the House representing the Attorney General

Second reading adjourned. (Wednesday, 17 May 2017).

**3. Joint Standing Committee on Delegated Legislation — Establishment** (*Notice given 11 May 2017*)

Leader of the House: To move –

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*.

#### **4. Joint Standing Committee on Audit — Establishment** (*Notice given 11 May 2017*)

Leader of the House: To move –

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.

**5. Joint Standing Committee on the Corruption and Crime Commission — Establishment (23 May 2017)**

Consideration of Legislative Assembly Message No. 2 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.

**6. Joint Standing Committee on the Commissioner for Children and Young People (23 May 2017)**

Consideration of Legislative Assembly Message No. 3 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.

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**BILLS REFERRED TO COMMITTEES**

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**1. Statutes (Minor Amendments) Bill 2017 [LC 5–1] *Leader of the House***

Discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review (Tuesday, 16 May 2017).

Second reading adjourned (Tuesday, 16 May 2017).

\* 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