

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

## MINUTES OF PROCEEDINGS

No. 1

THURSDAY, 11 MAY 2017

### 1. Meeting of Council

The Council assembled at 2.45pm pursuant to proclamation.

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

### 2. Statement by President — Welcome to Visitors

The President welcomed all visitors attending the Legislative Council to witness the Opening of Parliament by Her Excellency the Governor.

### 3. Parliament Summoned to Meet

The following Proclamation of Her Excellency the Governor, dated 11 April 2017, was read by the Clerk of the Parliaments —

Western Australia  
K Sanderson  
Governor

By Her Excellency, The Honourable Kerry Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia, Australia

By this proclamation, I, the Governor, acting under the *Constitution Act 1889* section 3 —

- (a) fix Parliament House in the City of Perth as the place for holding the first session of the Legislative Council and the Legislative Assembly in the Fortieth Parliament; and
- (b) fix Thursday, 11 May 2017 at 11.00am as the time for holding the first sitting of the first session of the Legislative Assembly in the Fortieth Parliament; and
- (c) fix Thursday, 11 May 2017 at 2.45pm as the time for holding the first sitting of the first session of the Legislative Council in the Fortieth Parliament.

GIVEN under my hand and the Public Seal of the State on 11 April 2017.

By Command of the Governor,  
Hon M. McGowan  
Premier

GOD SAVE THE QUEEN!

### 4. Presence of Her Excellency the Governor

Her Excellency, The Honourable Kerry Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia, having been announced by the Usher of the Black Rod, and having taken the President's Chair, directed the Usher of the Black Rod to acquaint the Members of the Legislative Assembly that it was Her Excellency's pleasure that they attend in this House.

The Members of the Legislative Assembly, with their Speaker and other officers of the House being in attendance accordingly, Her Excellency was pleased to speak as follows —

*Mr President and Honourable Members of the Legislative Council.*

*Mr Speaker and Honourable Members of the Legislative Assembly.*

May I begin by acknowledging the traditional owners of the land on which this Parliament stands, the Noongar people, and pay my respects to their elders, past and present.

I also acknowledge the Members who have passed since these Houses last sat

- The Honourable Bob Thomas, who served as MLC for the South West for twelve years from 1989 until 2001.
- The Honourable Peter Vernon Jones, who served as the Member for Narrogin for twelve years from 1974 until 1986, six of those as a Minister in the Court and O'Connor Governments.
- The Honourable Lyla Elliot, who served as MLC for the North-East Metropolitan Region for fifteen years from 1971 until 1986.
- The Honourable Kim Maurice Chance, MLC for the Agricultural region, serving for seventeen years from 1992 to 2009, seven of those as Minister and Leader of the Government in the Legislative Council for the Gallop and Carpenter Governments.
- The Honourable Winifred Margaret Piesse, who served as MLC for the Lower Central Province for six years from 1977 until 1983, and
- Matthew Ernest Stephens, MLA for Stirling who served for 18 years from 1971 to 1989.

We offer our condolences to their families and friends.

### **1967 Referendum**

I thought it appropriate to begin by reflecting on the past and to note that 27 May 2017 marks the 50th anniversary of a pivotal point in Australian history. The 1967 Referendum saw more than 90 per cent of Australian voters support the removal of two references in the Australian Constitution which discriminated against Aboriginal people.

Prior to the amendments the sections of the *Constitution* under scrutiny were section 51 which stated that:

*The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:*

*...(xxvi) The people of any race, other than the aboriginal people in any State, for whom it is necessary to make special laws, and*

Section 127 which stated that:

*In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives should not be counted.*

The 1967 referendum removed the words '*... other than the aboriginal people in any State...*' in section 51(xxvi) and the whole of section 127. Aboriginal people had the ability to vote prior to 1967, however the overwhelming support for the 1967 amendment is an important and symbolic recognition that this inequality should not exist. So too, the overwhelming endorsement of these constitutional changes pointed to a strong desire within the Australian community to work to redress inequality and disadvantage.

There have been many developments since that time, although fifty years on, many would agree that there are still many challenges that we face as a community, and we need to continue to work together to overcome disadvantage and to build on respectful relationships.

### **Introduction**

Members, turning now to look forward, since my appointment in October of 2014 this is my first opportunity to preside over the opening of Parliament and it is an honour and a privilege to do so. The Governor has a unique role in our civic life, possessing a responsibility to be consulted and act as a trusted advisor.

I take the opportunity now to also thank the Member for Cottesloe, the Hon Colin Barnett MLA, for his service to the Parliament and particularly for eight-and-a-half years as Premier of Western Australia.

And I now welcome and congratulate the new WA Labor Government led by Premier Mark McGowan MLA.

As a result of the March 11 election, there are many new faces here in the Chamber. In the 40<sup>th</sup> Parliament there are 24 new Members of the Legislative Assembly, and as of the 22<sup>nd</sup> there will be 15 new Members of the Legislative Council. Institutions such as Parliament are only as good as their Members and its institutional memory. On this basis, I call upon the longer serving Members amongst you to share the lessons you have learnt as Members of Parliament and representatives of the community and to mentor the newer Members, helping them to perform to their potential.

The number of new Members reflects the strong desire for change from the Western Australian public, and the Government understands it has been given a clear mandate to pursue the agenda it promised to the electorate.

The new Government has some early and significant challenges in the face of global instability and economic uncertainty.

While these are challenging times, Western Australians have proven more than capable of meeting them in the past. The new Government will also be meeting these challenges head on. The people of Western Australia can be confident that they have elected a Government that is committed to the principles of fairness, opportunity and equality.

Since being sworn in seven weeks ago, the Government has:

- redrafted the Skilled Migration List;
- halted the sale of Western Power;
- frozen TAFE fees
- embarked on a renewal of the public sector
- negotiated a \$2.3b deal to reallocate Perth Freight Link funds to other infrastructure projects across Perth, including Metronet;
- taken control of the Children's Hospital Project;
- ensured local fabrication of the stadium footbridge project;
- reviewed and updated the electorate on the position of the State's finances;
- appointed the State's first female Director of Public Prosecutions;
- created the State's first Minister for the Prevention of Domestic Violence; and
- introduced reforms for liquor licensing to benefit the State's tourism sector.

### **Jobs, Economy and Finances**

The Government has advised me of its agenda for the 40<sup>th</sup> Parliament, and the clear priority will be to promote Western Australian jobs. The Government has a plan for jobs which will be implemented and involves diversifying the State's economy, including supporting tourism, science and technology, manufacturing, agriculture, international education, defence and creative industries, whilst maintaining a strong mining industry.

The Government will create Infrastructure WA, an independent body to advise on Western Australia's key infrastructure needs and drive job creation across the State.

To complement this, the Government will develop a State Infrastructure Strategy to guide the planning for those needs for the next twenty years.

Changes will be made to strengthen the Government's procurement and purchasing practices, to ensure that Western Australian companies and workers see greater benefit from Government spending, by legislating for Western Australian Industry Participation Plans. The Industry Capability Network will be re-invigorated to assist local business to compete for government contracts.

The Government intends to exhibit its commitment to local content in the way it progresses Metronet.

Beyond being a comprehensive transport plan to deliver connections to Perth and to Perth's outer suburbs, Metronet will deliver jobs and training opportunities for Western Australia. The Government

will develop the Rolling Stock Strategy to mirror the approach of other states in being able to manufacture its own rail carriages and return manufacturing capacity to the State.

The Government advises me that Metronet is expected to create more than 10,000 jobs and apprenticeships, and the Government has a suite of priority projects to ensure it is a continuous build. The \$2.3 billion deal negotiated with the Federal Government will ensure that Metronet can progress while the Government pursues other road projects to reduce congestion across the city and the regions.

The Government will first complete the Forrestfield-Airport line, while progressing the other priority measures, including:

- extending the Joondalup line to Yanchep;
- the new Thornlie to Cockburn line;
- extending the Armadale line to Byford;
- the new Morley to Ellenbrook line; and
- new and improved services on the Australind line to Bunbury.

At the same time, the Government will progress other measures, such as the removal of level crossings, upgrading the capacity of the existing lines, new and upgraded train stations, while also expanding Western Australia's cycling network. The Government believes that Western Australia needs to expand its rail and transport network to ensure that Western Australians in the outer suburbs receive the same access to services and work opportunities as those who live closer to the city.

As already mentioned, the Government is committed to diversifying the State's economy, to grow employment, and ensure that the State's fortunes are not solely dependent on commodity prices.

Tourism will be a main focus of job creation, with certainty given to the industry in the form of a guaranteed spend from Government on destination marketing and events. This will be complemented by infrastructure upgrades for tourists to access the State and reduced red tape for operators.

The Government has committed to supporting the defence industry and will establish Defence West, a high powered advisory body drawing on the best expertise of the State to advocate, with the newly established Minister for Defence Issues, for expansion of the State's defence fabrication industry.

Agriculture will also be a major driver of jobs and opportunities in Western Australia.

The Government recognises that the role of Government in agriculture goes beyond just marketing: it must invest in and drive the research capabilities needed to ensure a competitive edge for the industry in the 21st century.

### **Financial Management Challenges**

The State cannot spend its way out of every problem and in any event the Government's capacity to respond to the economic challenges facing our State is hampered by the strained state of the finances.

The Government is facing deteriorating and highly volatile revenue streams, at the same time as the Commonwealth Grants Commission's recommendations have resulted in a return to this State of only 34 cents in the dollar of GST raised in Western Australia. The State with the next lowest return is New South Wales with a return of 88 cents in the dollar, some two and one half times our 34 cents, and then Victoria with a return of 93 cents in the dollar, around two and three quarter times our return.

This is patently unfair. There is bipartisan support in this State for the need to redress this inequity.

If this is not quickly redressed as a result of the current Inquiry by the Productivity Commission of the distribution of GST recently announced by the Federal Treasurer, a change in approach is needed at the Federal level to overcome this patently unfair treatment of Western Australia. Just to illustrate the effect, if Western Australia even received the same return in the dollar as NSW it would receive an extra \$3.3 billion in the current assessment year. It is truly difficult to understand how this inequitable treatment of our State can be justified.

This year will be an extremely difficult year but the Government is committed to responsible financial management and clever, considered and compassionate approaches will be needed to meet the challenges.

As part of its responsible and prudent approach to financial management of the State, the Government has announced a major renewal of the Western Australian Public Sector. There will be a 40% reduction in the number of departments, from 41 to 25, and reduction in the State's senior executive service commensurate with that. The Government is committed to driving a change in public service culture, and hopes to encourage greater collaboration between departments to tackle problems and issues facing our State. It will implement a Service Priority review, to examine the role of Government and find areas of inefficiencies and duplication with a view to creating a more effective public service.

## **Regions**

Regional Western Australia is a key focus for the Government's plan for diversification of the economy. The Government has advised me that Royalties for Regions will remain a core component of the Government's approach and that the funds, sourced from the economic activity occurring in the regions, will be reinvested in the regions, to deliver employment and opportunity for the people who live there.

In addition, reforms will be made to ensure that local regional businesses remain competitive on government tenders and contracts, delivering jobs and local content to the regions.

From Albany to Kununurra, the Government is determined to progress projects to deliver employment and improvements to regional Western Australia. This includes the completion of the Albany Ring Road project, stages 1 and 2 of the Bunbury Waterfront project, the new classroom block at Collie Senior High School, \$45m to begin the redevelopment of Geraldton Hospital, an expansion of the Indigenous Ranger program, the Peel Youth Medical Service Health Hub, mental health services in Kalgoorlie and the upgrade to the Karratha to Tom Price road.

## **Community Safety and Services**

The Government is highly concerned for the welfare of the community. The alarming methamphetamine crisis in Western Australia today is a matter of huge concern to all. This is an issue spanning the length and breadth of the State; the inner city, the outer suburbs, the regions.

It touches all aspects of society and presents challenges for families and our healthcare system, as well as the potential for increased crime and violence. Parents can't understand what is happening to their child and what to do about it, others are affected by home invasions or threats to their safety, and hospital staff as well as police officers experience previously unknown levels of violence.

The Government advises me that it will pursue an across Government approach, while focusing on enforcement, early intervention and rehabilitation. Two prisons will be re-purposed to become specialty rehabilitation prisons. Specialist drug services will be expanded in the regions, with the opening of two rehabilitation centres, one in the South-West, one in the Kimberley. The police will be resourced to double the number of roadside drug tests, and for the establishment of the Methamphetamine Border Force, to stop the flow of the drug and its components through Western Australia's borders.

Prevention of domestic violence will also be a major focus. For too long domestic violence has been hidden, and not talked about, and many of those affected have not felt able to discuss their situation or to find help. The Government will expand women's refuge services, as well as establishing "One Stop Hubs" to simplify access to support services.

The Government intends placing victims of crime at the centre of our judicial system. The Government will legislate its law reform priorities, introducing measures such as tougher penalties for methamphetamine traffickers, "no-body, no parole" laws, increased restrictions on dangerous sex offenders, measures against the practise of "revenge porn" and reforms for the mentally impaired in our justice system.

Legislation for "no body, no parole" and methamphetamine trafficking will be some of the first pieces of legislation this Parliament will consider.

The Government believes that these reforms will lead to a more just, fair and compassionate legal system for the victims of crime.

## **Health**

The Government is committed to delivering a health care system which puts patients first, and will be progressing a number of innovative measures to provide better services for patients. Urgent Care Clinics will provide a better option for patients who do not need an emergency room level of care to see a practitioner in a quicker and more cost effective way.

Medihotels attached to major hospitals will provide care for regional patients to recover in the city under medical supervision, in a warm, homely environment where they can be visited by loved ones.

The Government is committed to responding to the growing demand for mental health services with the expansion of acute and sub-acute mental health beds in the city and regions. New services will also be provided in the form of Recovery Colleges and observation areas around the metropolitan area.

The Government is committed to pursuing innovation and excellence in medical research. As such, the interest earned on the Future Fund will be redirected towards medical research in Western Australia. The Government advises me that when the original fund was introduced it was described as “a financial gift, a transfer of wealth generated from finite resources, from present Western Australians to their children.”

As such, the Government believes that discovering cures for the diseases that take our loved ones from us, while creating research jobs and capacity in Western Australia, fulfils that purpose.

## **Education**

In this Government’s aim for a State that is fair, equitable and full of opportunity, no area is more crucial in the long term than education and training.

To provide our primary and secondary students with the best chance of success, the Government will return 300 additional education assistants, 50 Aboriginal Islander Education Officers, and 120 teachers back into classrooms.

The Government’s program includes providing quality educational facilities for our students. Over \$381 million will be invested in public school infrastructure between new primary and secondary schools, redevelopments, new facilities, early learning centres and minor capital works.

The Government will build Education Central in the heart of Perth City Link. This state-of-the-art facility will house an academically select school, which will be home to 1,500 gifted students by 2020, centrally located above the city busport and train station, and accessible for students from across Perth. The building will also be the new home to Scitech, providing it with an excellent new facility, an outdoor area, a larger space, with links to Education Central and the Perth Cultural Centre.

The Government will also resolve the long standing need for another high school in the western suburbs by making the current Perth Modern School campus a local intake high school. By opening up this notable school to local students, the education choices for families in the area will expand, and the needs of students in the area will be better catered for.

The Government will lift education standards for Western Australian students with a plan to expand science in classrooms. The program includes converting existing classrooms into dedicated science laboratories as well as ensuring coding, which will become part of the national curriculum, and can be rolled out in Western Australia through the provision of professional development for teaching staff.

In the training sector, this Government has already frozen TAFE fees at current levels, to ensure affordable training for those seeking skilled employment. The Government is committed to quality training, including a strong commitment to the employment of apprentices and trainees on government projects and major government contracts.

## Environment

Western Australia is blessed with some of the world's most beautiful and unique landscapes and biodiversity. A key priority for the Government is to balance the need to provide economically sustainable growth into the future for the next generation, while ensuring future generations will enjoy the same natural wonders as we do today.

The Government has halted the Perth Freight Link project and has begun the process for the recovery and revegetation of the Beeliar Wetlands.

The Government is committed to expansion of the State's parks including the new Fitzroy River National Park in the Kimberley, and the Preston River to Ocean Regional Park in Greater Bunbury.

As part of its commitment to the environment the Government will commence consultation on the continued use of plastic bags in supermarkets and legislate for a container deposit scheme for Western Australia.

The Government will investigate and introduce innovative and sustainable energy projects to diversify the power mix of the State. The Government will support technologies such as wave energy in Albany and solar in Collie with a view to creating more jobs in our regions, diversifying our power mix, and reducing the intensity of the State's emissions.

## Conclusion

While the State faces major challenges, the new Government is absolutely committed to the task of taking Western Australia forward.

We are very privileged to live and serve in a democracy like Western Australia and we need to remember that democracies are neither perfect nor self-perpetuating: they take work. They require everyone, from Government, to Members, to the media and the citizenry to deal with each other with respect and act in the public interest. If we are to best the challenges this great State faces, we all must do so by working together; fairly and equitably.

While even the healthiest of democracies can be messy, frustrating and unsatisfying, as we look around at the unrest and incivility in the world today, we can all agree what we have is preferable to the alternative. We do live in a wonderful State, and my hope is that the Parliament will work together to continue to improve our State.

Mr President, Mr Speaker and Members, it is now my duty and pleasure to declare the 40th Parliament open and extend my best wishes to you all.

Her Excellency, the Governor then retired and the Members and officers of the Legislative Assembly also retired.

## 5. Messages from Her Excellency the Governor — Assent to Bills

The President reported the receipt of Messages from Her Excellency the Governor assenting to the following Bills —

<b>22 November 2016 — Message No. 33</b>	<b>Act No.</b>
Sale of Land Amendment Bill 2016	38 of 2016
Biological Control Amendment Bill 2016	39 of 2016
<b>28 November 2016 — Message No. 34</b>	<b>Act No.</b>
School Boarding Facilities Legislation Amendment and Repeal Bill 2016	41 of 2016
Misuse of Drugs Amendment (Search Powers) Bill 2016	47 of 2016
Oil Refinery (Kwinana) Agreement Amendment Bill 2016	48 of 2016
Statutes (Repeals) Bill 2016	50 of 2016
Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016	51 of 2016
<b>29 November 2016 — Message No. 35</b>	<b>Act No.</b>
Aquatic Resources Legislation Amendment Bill 2015	40 of 2016
Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016	49 of 2016

Aquatic Resources Management Bill 2015	53 of 2016
Limited Partnerships Bill 2016	54 of 2016
Construction Contracts Amendment Bill 2016	55 of 2016
<b>1 December 2016 — Message No. 36</b>	<b>Act No.</b>
Residential Tenancies Amendment Bill 2015	42 of 2016
Disposal of Uncollected Goods Amendment Bill 2015	43 of 2016
Licensing Provisions Amendment Bill 2015	44 of 2016
<b>7 December 2016 — Message No. 37</b>	<b>Act No.</b>
Sentencing Legislation Amendment Bill 2016	45 of 2016
Executive Officer Remuneration (Government Entities) Legislation Amendment Bill 2016	46 of 2016
<b>13 December 2016 — Message No. 38</b>	<b>Act No.</b>
Pilbara Port Assets (Disposal) Bill 2015	52 of 2016

## 6. Ministerial Statement — Reconstitution of the Ministry

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

## 7. Papers

The following Papers were laid on the Table by —

### President

*Auditor General's Papers —*

Accuracy of WA Health's Activity Based Funding Data (Report No. 5) (April 2017) (Deemed tabled 11/04/2017) .....	1
Assessment of Progress to Improve Payment Security for Government Construction Subcontractors (Report No.31) (December 2016) (Deemed tabled 22/12/2016) .....	2
Audit Results Report — Annual 2016 Financial Audits — Universities and TAFEs — Other Audits Completed since 1 November 2016 (Report No. 7) (May 2017) (Deemed tabled 11/05/2017) .....	3
Controls over Purchasing Cards (Report No. 4) (April 2017) (Deemed tabled 11/04/2017) .....	4
Improving Immunisation Rates of Children in WA (Report No. 29) (December 2016) (Deemed tabled 21/12/2016) .....	5
Malware in the WA State Government (Report No. 28) (December 2016) (Deemed tabled 7/12/2016) .....	6
Measuring Tax Collection Performance (Report No. 30) (December 2016) (Deemed tabled 22/12/2016) .....	7
Opinion on Ministerial Notification (Report No. 1) (March 2017) (Deemed tabled 30/03/2017) .....	8
Opinion on Ministerial Notification (Report No. 2) (April 2017) (Deemed tabled 6/04/2017) .....	9
Opinion on Ministerial Notification (Report No. 26) (November 2016) (Deemed tabled 23/11/2016) .....	10
Opinions on Ministerial Notifications (Report No. 27) (December 2016) (Deemed tabled 7/12/2016) .....	11
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Tender Processes and Contract Extensions (Report No. 3) (April 2017) (Deemed tabled 11/04/2017) .....	13
Vocational Education and Training for Year 11 and 12 Students in Public Schools (Report No. 32) (December 2016) (Deemed tabled 22/12/2016) .....	14

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Inspector of Custodial Services, Office of the — Western Australia's Prison Capacity (December 2016) (Deemed tabled 19/12/2016) .....	23
Inspector of Custodial Services, Office of the — 2016 Inspection of Wandoo Reintegration Facility (Report No. 109) (January 2017) (Deemed tabled 10/04/2017) .....	24
Parliamentary Inspector of the Corruption and Crime Commission — Misconduct by a Corruption and Crime Commission Officer: Mathew John Lynch (14 December 2016) (Deemed tabled 14/12/2016) .....	25
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**8. Pilbara Ports Assets (Disposal) Bill 2017**

Hon Robin Chapple: To move on the next day of sitting —

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

**9. Joint Standing Committee on Delegated Legislation — Establishment**

Leader of the House: To move on the next day of sitting —

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative  
Council contained in the schedule to this motion 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*.

## 10. Joint Standing Committee on Audit — Establishment

Leader of the House: To move on the next day of sitting —

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.

## 11. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended so that:

- (1) Non-Government Business and Private Members’ Business shall not be taken today; and
- (2) Questions without Notice shall be taken at a time today to be ordered by the House.

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.

## 12. Statutes (Minor Amendments) Bill 2017

The Leader of the House representing the Attorney General, in order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, moved without notice —

That leave be given to introduce a Bill for “*An Act to amend the statute law by making minor amendments to various enactments*”.

Leave granted.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

Ordered — That the second reading of the Bill be made an Order of the Day for the next sitting.

**13. Governor's Speech — Distribution**

The President announced —

That for the sake of accuracy he had obtained copies of His Excellency's Speech which were then distributed to Members.

**14. Address-In-Reply**

Hon Sally Talbot moved —

That the following address be presented to Her Excellency —

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 to thank Your Excellency for the speech you have been pleased to deliver to Parliament.

On the motion of Hon Alyssa Hayden the debate was adjourned to the next sitting.

**15. Order of Business**

Ordered — That *Questions Without Notice* be taken forthwith. (Leader of the House).

**16. Questions Without Notice**

Questions without notice were taken.

**17. Order of Business**

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

**18. Adjournment**

There being no Members' Statements the Council adjourned at 4.13pm until Tuesday, 16 May 2017 at 2.00pm.

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

Attendance: Present all Members except Hon Phil Edman, Hon Brian Ellis, Hon Nigel Hallett, Hon Dr Bill Leadbetter and Hon Laine McDonald.

**NIGEL PRATT**  
Clerk of the Legislative Council

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