

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 8

WEDNESDAY, 14 JUNE 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*)

Continuation of remarks Hon Alison Xamon — 33 mins (Wednesday, 24 May 2017) on the motion of Hon Donna Faragher as follows —

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.

Total time remaining on motion — 2hrs.

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.

9. 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*.

10. 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.

11. 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.

12. 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.

BILLS FOR INTRODUCTION

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.

3. Petroleum Legislation Amendment Bill 2017 (*Notice given 13 June 2017*)

Minister for Regional Development representing the Minister for Mines and Petroleum: To move —

That a Bill for “An Act to amend the *Petroleum and Geothermal Energy Resources Act 1967* and the *Petroleum (Submerged Lands) Act 1982*” be introduced and read a first time.

4. Criminal Code Amendment (Industrial Manslaughter) Bill 2017 (*Notice given 13 June 2017*)

Hon Alison Xamon: To move —

That a Bill for “An Act to amend *The Criminal Code*” be introduced and read a first time.

ORDERS OF THE DAY

1. Firearms Amendment Regulations 2017 — Disallowance

Moved *pro forma* (SO 67(3)) 25 May 2017 on the motion of Hon Rick Mazza (Days remaining 15 after today (Indicative date — 6 September 2017))

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 — Disallowance

Moved *pro forma* (SO 67(3)) 25 May 2017 on the motion of Hon Rick Mazza (Days remaining 15 after today (Indicative date — 6 September 2017))

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).

3. Address-in-Reply

Continuation of remarks Hon Colin Holt — 44 mins[^] (Tuesday, 13 June 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.

[^](Hon Darren West — 37 mins (*by leave*)) (Hon Adele Farina — 28 mins (*by leave*))

4. 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).

5. Loan Bill 2017 [LA 1–1] Minister for Environment representing the Treasurer

Second reading adjourned. (Wednesday, 24 May 2017).

6. Joint Standing Committee on Delegated Legislation — Establishment (13 June 2017)

Consideration of Legislative Assembly Message No. 5 as follows —

Madam President

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

That the House agrees to the resolution of the Legislative Council referred to in Legislative Council Message No. 1, subject to the following amendment to which the Legislative Assembly requests the concurrence of the Legislative Council:

No. 1

Delete paragraph 10.8.

Acting Speaker

Mr I.C. Blayney

Legislative Assembly Chamber

Perth, 13 June 2017

Which amends Legislative Council Message No. 1 as follows —

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to concur with the resolution —

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.

A copy of the proposed Standing Orders Clause 10 of Schedule 1 is attached.

Hon Kate Doust
President of the Legislative Council
Legislative Council Chamber
Perth, 14-Jun-2017

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*.

BILLS REFERRED TO COMMITTEES

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