

LEGISLATIVE COUNCIL
THURSDAY, 15 JUNE 2017

10.00am

Prayers

ORDER OF BUSINESS

Condolence Motions

Petitions

Hon Colin de Grussa

Statements by Ministers and Parliamentary Secretaries

Papers for Tabling

Leader of the House

Minister for Environment

Notice of Questions

Notices of Motions to Introduce Bills

Notices of Motions for Disallowance

Notices of Motions

Motions without Notice

Non-Government Business

Orders of the Day

4.30pm Questions without Notice

5.00pm Orders of the Day (continued)

5.20pm Members' Statements

6.00pm House adjourns

NON-GOVERNMENT BUSINESS

1. Pilbara Port Assets (Disposal) Repeal Bill 2017 (*Notice given 23 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. 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.

3. 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.

4. Health care of people in custody

Hon Alison Xamon to move —

That this Council —

- (a) recognises the health needs of men, women and children in Western Australian prisons and in Banksia Hill Detention Centre;
- (b) acknowledges that people in custody are entitled to receive the same level of access and quality of health care as the general population;
- (c) notes that prisoners and young people in detention are excluded from Medicare; and
- (d) calls on the State Labor Government to call on the federal Minister for Health to end prisoners’ exclusion from Medicare.

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 14 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 14 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 Ken Baston — 26 mins^ (Wednesday, 14 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*))

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, which 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, 24 May 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*.

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

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

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).

* For amendments see Supplementary Notice Paper and/or Committee Report

NIGEL PRATT

Clerk of the Legislative Council