



WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 5

TUESDAY, 23 MAY 2017

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.
The Clerk, Mr Nigel Pratt, took the Chair.

2. Election of the President

The Clerk announced that in accordance with the provisions of the *Constitution Acts Amendment Act 1899* the Office of the President was vacant, whereupon the Leader of the House, addressing the Clerk, moved, without notice —

That Hon Kate Doust do take the Chair in the Council as President.

Hon Peter Collier seconded the motion.

No other Member being proposed and Hon Kate Doust having accepted the nomination, Hon Kate Doust was conducted to the Chair by her proposer and seconder and having made acknowledgement, received the congratulations of the Council.

The President made the following Statement —

I would like firstly to acknowledge the traditional owners of the land upon which we meet. I thank all Members in the Chamber for putting their faith and trust in me to take on this role, and I commit to conducting myself in a fair and impartial way by way of engagement with each and every one of you over the next four years. I acknowledge the significance of being elected as the first female President of this Parliament. This is our fortieth Parliament, so it has taken us a while to get there, but I think it certainly opens up the doors to demonstrate that women have the opportunity to participate in this place at all levels. I also acknowledge the Leader of the House in her role, which is also a significant change for this place. I acknowledge my predecessor, Hon Barry House, who operated this place in an exemplary manner; he is a particularly fine role model. He certainly conducted himself in an impartial way and I hope that over the next few years we are able to continue some of the work that he put in place, making sure that this very important place in our democracy is able to continue and be sustainable. Given my own experience as a working mother, I am very keen to make sure that we look at ways to make Parliament much more family friendly. I am also very keen, given my passion for all things tech, to investigate ways in which we can incorporate technology into this place in a range of areas, to not only make us more productive, but also open up opportunities for better engagement with our community. I am very excited about this opportunity and I look forward to working with Members in this place and the very excellent staff we have in this Chamber. I wish all Members well for the fortieth Parliament.

3. Presentation of President

The Leader of the House moved, without notice —

That Her Excellency the Governor will be pleased to receive the President at the suspension of the sitting today at Government House, together with such Members as desire to accompany her.

Question — put and passed.

The President left the Chair at 2.05pm

The President resumed the Chair at 4.00pm, and read Prayers.

4. Statement by President — Presentation to Her Excellency the Governor

The President made the following Statement —

I advise the House that I have presented myself to Her Excellency the Governor, and Her Excellency has been pleased to express satisfaction with the choice of the Council in the following terms —

Dear Madam President

It is with much pleasure that I learn that you have been elected by the Members of the Legislative Council to the high and honourable office of President of the House.

I congratulate you upon your election and have every confidence you will fill the office in a worthy and dignified manner.

Your election as the first female President of the Legislative Council is an historic occasion, and I congratulate you on being the inaugural female President of the Council for the 40th Parliament of Western Australia.

I recognise and I shall respect the Legislative Council's undoubted rights and privileges.

Yours sincerely

Her Excellency the Honourable Kerry Sanderson AC
Governor

5. President's Commission to Administer Oath or Affirmation

The President announced that she had received a Commission from Her Excellency the Governor which was read by the Clerk, as follows —

Commission

authorising

The Honourable Catherine Esther Doust MLC
President of the Legislative Council
to administer the oath or affirmation of office
to Members of the Legislative Council

To: The Honourable Catherine Esther Doust,
President of the Legislative Council

I, the Governor, acting under the *Constitution Act 1889* section 22, authorise you, while you are the President of the Legislative Council, to administer the oath or affirmation of office in a form set out in Schedule E to that Act to Members of the Legislative Council.

Issued under the Public Seal of the State at Perth on 23 May 2017.

Her Excellency the Honourable Kerry Sanderson AC
Governor

6. Chair of Committees — Election

The President announced that the Office of Chair of Committees was vacant.

Hon Peter Collier moved, without notice —

That Hon Simon O'Brien be elected Chair of Committees.

The Leader of the House seconded the motion.

No other Member being proposed and Hon Simon O'Brien having accepted the nomination, Hon Simon O'Brien was duly elected and having made acknowledgement, received the congratulations of the Council.

The Chair of Committees made the following Statement —

Madam President, may I be among the first to offer my congratulations to you upon your election as President of the Legislative Council. May I also express my appreciation and sense of humility to all Members of this House for the great honour that they have done to me. I hope that the position of Deputy President and Chair of Committees provides a vehicle by which, and through which, I can put something back into the institution that has been in effect my home for some little while and whose position in our society I respect very, very deeply. Madam President, I will have a bit more to say about matters relating to the privileges of the House, its traditions and how we conduct ourselves, and it seems that the debate on the Address-in-Reply will be the suitable time to do that. For now, can I simply restate my willingness to serve and my optimism in working with you, Madam President, to make sure that the rights, privileges and dignities of the Legislative Council are well looked after during the fortieth Parliament.

7. Parliamentary Services Committee — Membership

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 1

The Legislative Assembly acquaints the Legislative Council that for the present Session the Parliamentary Services Committee shall consist of the Speaker, and the Members for Belmont, Central Wheatbelt, Geraldton, Girrawheen and Vasse.

Ms J.M. Freeman

Acting Speaker

Legislative Assembly Chamber

Perth, 23 May 2017

8. Joint Standing Committee on the Corruption and Crime Commission — Establishment

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 2

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.

Ms J.M. Freeman

Acting Speaker

Legislative Assembly Chamber

Perth, 23 May 2017

Ordered — That consideration of Message No. 2 be made an Order of the Day for the next sitting. (Leader of the House).

9. Joint Standing Committee on the Commissioner for Children and Young People — Establishment

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 3

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.

Ms J.M. Freeman

Acting Speaker

Legislative Assembly Chamber

Perth, 23 May 2017

Ordered — That consideration of Message No. 3 be made an Order of the Day for the next sitting. (Leader of the House).

10. Papers

The following Papers were laid on the Table by —

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Regulations —

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11. Prevention of Forced Closure of Remote Aboriginal Communities Bill 2017

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

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.

12. Select Committee into Elder Abuse in Western Australia — Establishment

Hon Nick Goiran: To move on the next day of sitting —

- (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.

13. National Disability Insurance Scheme

Hon Alison Xamon: To move on the next day of sitting —

That this House notes the significant impacts on people with disability and their families of ongoing uncertainty about which form of National Disability Insurance Scheme will be adopted in Western Australia.

Whether the Government decides to adopt the National Disability Insurance Scheme or the National Disability Insurance Scheme *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 ensure —

- (a) 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.

14. Metronet

Hon Alanna Clohesy: To move on the next day of sitting —

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.

15. Building and Construction Industry Training Fund

Hon Martin Aldridge: To move on the next day of sitting —

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.

16. Deputy Chairs of Committees — Appointment

The Leader of the House moved, without notice —

That the following Members be appointed Deputy Chairs of Committees —

- Hon Matthew Swinbourn;
- Hon Laurie Graham;
- Hon Robin Chapple;
- Hon Dr Steve Thomas; and
- Hon Martin Aldridge.

Question — put and passed.

17. Standing Committee on Legislation — Appointment of Members

The Leader of the House moved, without notice —

(1) That the following Members be appointed as Members to the Standing Committee on Legislation —

- Hon Dr Sally Talbot;
- Hon Nick Goiran;
- Hon Pierre Yang;
- Hon Simon O'Brien; and
- Hon Colin de Grussa.

(2) That the Chair is to be Hon Dr Sally Talbot.

(3) That the Deputy Chair is to be Hon Nick Goiran.

Question — put and passed.

18. Standing Committee on Public Administration — Appointment of Members

The Leader of the House moved, without notice —

(1) That the following Members be appointed as Members to the Standing Committee on Public Administration —

- Hon Adele Farina;
- Hon Jacqui Boydell;
- Hon Darren West;
- Hon Kyle McGinn; and
- Hon Ken Baston.

(2) That the Chair is to be Hon Adele Farina.

(3) That the Deputy Chair is to be Hon Jacqui Boydell.

Question — put and passed.

19. Standing Committee on Procedure and Privileges — Appointment of Members

The Leader of the House moved, without notice —

That the following Members be appointed as Members to the Standing Committee on Procedure and Privileges, in addition to the President and Chair of Committees —

- Hon Adele Farina;
- Hon Martin Aldridge; and
- Hon Rick Mazza.

Question — put and passed.

20. Standing Committee on Environment and Public Affairs — Appointment of Members

The Leader of the House moved, without notice —

- (1) That the following Members be appointed as Members to the Standing Committee on Environment and Public Affairs —
- Hon Matthew Swinbourn;
 - Hon Colin Holt;
 - Hon Samantha Rowe;
 - Hon Tim Clifford; and
 - Hon Dr Steve Thomas.
- (2) That the Chair is to be Hon Matthew Swinbourn.
- (3) That the Deputy Chair is to be Hon Colin Holt.

Question — put and passed.

21. Standing Committee on Estimates and Financial Operations — Appointment of Members

The Leader of the House moved, without notice —

- (1) That the following Members be appointed as Members to the Standing Committee on Estimates and Financial Operations —
- Hon Alanna Clohesy;
 - Hon Tjorn Sibma;
 - Hon Diane Evers;
 - Hon Colin Tincknell; and
 - Hon Aaron Stonehouse.
- (2) That the Chair is to be Hon Alanna Clohesy.
- (3) That the Deputy Chair is to be Hon Tjorn Sibma.

Question — put and passed.

22. Standing Committee on Uniform Legislation and Statutes Review — Appointment of Members

The Leader of the House moved, without notice —

- (1) That the following Members be appointed as Members to the Standing Committee on Uniform Legislation and Statutes Review —
- Hon Michael Mischin;
 - Hon Pierre Yang;
 - Hon Laurie Graham; and
 - Hon Robin Scott.
- (2) That the Chair is to be Hon Michael Mischin.
- (3) That the Deputy Chair is to be Hon Pierre Yang.

Question — put and passed.

23. Parliamentary Services Committee — Appointment

The Leader of the House moved, without notice —

That the following Members be appointed to the Parliamentary Services Committee —

- Hon Dr Sally Talbot;
- Hon Pierre Yang;
- Hon Simon O'Brien;
- Hon Martin Aldridge; and
- Hon Robin Scott.

Question — put and passed.

24. Access to Evidence of Prior Committees

The Leader of the House moved, without notice —

That each standing and joint committee of the 40th Parliament shall have access to the committee evidence and material of the committee of the 39th Parliament with a like function.

Question — put and passed.

25. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended so as to enable the House to sit this week beyond 6.20pm on Wednesday and 5.20pm on Thursday, and so that Members' Statements on both of those days are taken at a time to be determined by order of the House.

Debate ensued.

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.

26. Address-In-Reply

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

Debate resumed.

Hon Martin Pritchard sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

27. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled the Ministerial Code of Conduct (March 2017), in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 221).

The Minister for Environment tabled the Cane Toad Strategy in Western Australia for 2014-19, in response to a question without notice asked by Hon Jim Chown. (Tabled Paper 222).

28. Address-In-Reply

Debate resumed on the Address-in-Reply (*see item 26 above*).

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

29. Order of Business

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

30. Members' Statements

Statements were taken.

31. Adjournment

The Council adjourned at 9.12pm until Wednesday, 24 May 2017 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST
President of the Legislative Council