

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 13

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 23 MAY 2013

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Deputy Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Police on Operation Unification, a national campaign targeting illicit firearms.

The Minister for Community Services on the country hostels ex-gratia payments scheme.

The Minister for Sport and Recreation on the participation by Indigenous children in the KidSport Program.

3. Grievances

The Deputy Speaker called for grievances which were then made.

4. Joint Standing Committee on Delegated Legislation

The Order of the Day for the consideration in detail of Legislative Council Message No. 1 was read.

The Message was as follows –

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.

EXTRACT FROM LEGISLATIVE COUNCIL STANDING ORDERS

SCHEDULE

6. Joint Delegated Legislation Committee

- 6.1 A *Joint Delegated Legislation Committee* is established.
- 6.2 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.
- 6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 6.4
 - (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.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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*.

CONSIDERATION IN DETAIL

The Leader of the House moved,

That —

- 1. the terms contained in Legislative Council Message No. 1 for the establishment of the Joint Standing Committee on Delegated Legislation be agreed to;
- 2. the Members for Albany, Bunbury, Fremantle and Southern River be appointed as members of the Committee; and

3. the Legislative Council be acquainted accordingly.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

5. Variation to the Order of Business

The Leader of the House moved, That Business of the Assembly Order of the Day No. 2 be postponed to a later stage of the sitting.

Debate ensued.

Question put and passed.

6. Queen Elizabeth II Medical Centre Amendment Bill 2013

The Order of the Day for the resumption of the debate upon the motion moved by the Minister for Health, That the bill be declared an urgent bill was read.

Debate resumed.

Question put and passed.

On the question, That the bill be read a second time,

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 7 agreed to.

Clause 8.

Mr R.H. Cook moved,

Page 4, lines 13 to 15 – To delete the lines.

Amendment put and negatived.

Clause agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Health moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

7. Hospitals and Health Services Amendment Bill 2013

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Urgent Bill

The Minister for Health moved, That the Hospitals and Health Services Amendment Bill 2013 be considered an urgent bill.

Debate ensued.

Question put and passed.

Debate resumed.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

8. Members' Statements

The Acting Speaker called for members' statements which were then made.

9. Distinguished Visitors

The Speaker noted the presence in the Speaker's Gallery a delegation from Abruzzo, Italy including Mr Antonio Prospero, member of the Regional Parliament of Abruzzo, head of the Abruzzo Agricultural Commission, and previously Mayor of Vasto (Perth's sister-city).

10. Questions

Questions without Notice were taken.

Suspension of Member

The Speaker, having called Mr D.A. Templeman to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

Questions on Notice Nos 269 to 282 were asked.

Question on Notice No. 184 was answered.

11. Economics and Industry Standing Committee – Terms of Reference

The Speaker advised members that he had received a letter dated 23 May 2013 from Mr I.C. Blayney, MLA, Chairman of the Economics and Industry Standing Committee, advising that the Committee had determined for itself the following terms of reference:.

The Committee will identify the manner in which the use of floating liquefied natural gas operations will impact upon the following sectors of the Western Australian economy:

- engineering and design;
- fabrication and manufacturing;
- construction and ancillary services; and
- domestic gas supply and industrial gas users.

The Committee will also identify the extent to which the use of floating liquefied natural gas operations will impact upon state revenue in Western Australia, and will report by 29 May 2014.

12. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

13. Hospitals and Health Services Amendment Bill 2013

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Health moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

14. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 11 June 2013 at 2.00 p.m.

Question put and passed.

15. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 3.23 p.m. until Tuesday, 11 June 2013 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr C.J. Barnett and Ms J. Farrer.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly