

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 6

FIRST SESSION OF THE FORTIETH PARLIAMENT

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WEDNESDAY, 24 MAY 2017

### 1. Meeting of Assembly

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Petition

Perth Modern School – Mr W.R. Marmion presented a petition from 107 people asking the Legislative Assembly to call upon the Premier and Education Minister to abandon their plans to relocate Western Australia's only academically selective school from its current and original site into the Perth CBD (P. 2).

### 3. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Clerk –

Australian Children's Education and Care Quality Authority – Annual Reports 2015–2016 (278).

Carers Advisory Council – Annual Compliance Report 2015–2016 (279).

Education and Care Services Ombudsman, National Education and Care Services and Freedom of Information and Privacy Commissioners – Annual Report 2015–2016 (280).

Government of Western Australia – Mid-Year Financial Projections Statement 2016–2017 – December 2016 (281).

### 4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the 50<sup>th</sup> anniversary of the Western Australian Opera.

The Minister for Child Protection on the Education and Care Regulatory Unit assessment and rating process.

## **5. Loan Bill 2017**

The Order of the Day for the consideration in detail of the bill was read.

### *CONSIDERATION IN DETAIL*

Clauses 1 and 2 agreed to.

Clause 3.

Dr M.D. Nahan moved,

Page 2, line 11 – To delete “11 000 000 000” and substitute:

“5 000 000 000”.

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

## **6. Speaker's Statement – Appointment of Acting Speaker**

The Speaker advised members that he had appointed the member for Moore as an additional Acting Speaker for the present session.

## **7. Questions**

Questions without Notice were taken.

Questions on Notice Nos 336 to 512 were asked.

Questions on Notice Nos 132, 190, 241, 258, 265, 275, and 309 were answered.

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### *Paper*

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Transport –

Australian Government – The National Rail Program: Investing in rail networks for our cities and regions (282).

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## **8. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

## **9. Loan Bill 2017**

The Order of the Day for the further consideration in detail of the bill was read.

### *CONSIDERATION IN DETAIL*

Clause 3.

Dr M.D. Nahan had moved,

Page 2, line 11 – To delete “11 000 000 000” and substitute:

“5 000 000 000”.

Amendment put.

The Assembly divided.

## Ayes (18)

Mr C.J. Barnett  
Mr I.C. Blayney  
Mr V.A. Catania  
Ms M.J. Davies  
Mrs L.M. Harvey  
Mr P. Katsambanis

Mr Z. R. F. Kirkup  
Mr A. Krsticevic  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Mr J.E. McGrath

Dr M.D. Nahan  
Mr D.C. Nalder  
Mr K. O'Donnell  
Mr D.T. Redman  
Mr P.J. Rundle  
Ms L. Mettam (*Teller*)

## Noes (38)

Ms L.L. Baker  
Dr A.D. Buti  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
Mr R.H. Cook  
Mr M.J. Folkard  
Ms J.M. Freeman  
Ms E. Hamilton  
Mr T.J. Healy  
Mr M. Hughes  
Mr W.J. Johnston  
Mr D.J. Kelly  
Mr F.M. Logan

Mr M. McGowan  
Ms S.F. McGurk  
Mr K.J.J. Michel  
Mr S.A. Millman  
Mr Y. Mubarakai  
Mr M.P. Murray  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Mr J.R. Quigley  
Mrs M.H. Roberts  
Ms C.M. Rowe

Ms R. Saffioti  
Ms A. Sanderson  
Ms J.J. Shaw  
Mrs J.M.C. Stojkovski  
Mr C.J. Tallentire  
Mr D.A. Templeman  
Mr P.C. Tinley  
Mr B. Urban  
Mr R.R. Whitby  
Ms S.E. Winton  
Mr B.S. Wyatt  
Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Clause 3 agreed to.

Clauses 4 and 5 agreed to.

Title agreed to.

Consideration in detail concluded.

The Treasurer moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

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

## 10. Address in Reply

The Order of the Day for the resumption of debate upon the Address in Reply to Her Excellency the Governor's speech was read.

Debate resumed.

The Leader of the House moved, That the debated be adjourned.

Question put and passed.

## 11. Message from the Legislative Council

Message No. 1 dated 24 May 2017 from the Legislative Council was reported 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.

## 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*.

Ordered, That consideration in detail of Legislative Council Message No. 1 be made an Order of the Day for the next sitting of the Assembly.

## **12. Message from the Legislative Council**

Message No. 2 dated 24 May 2017 from the Legislative Council was reported 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 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.

Ordered, That consideration in detail of Legislative Council Message No. 2 be made an Order of the Day for the next sitting of the Assembly.

## **13. Message from the Legislative Council**

Message No. 3 dated 24 May 2017 from the Legislative Council was reported as follows –

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

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 2, the Legislative Council agrees to the Legislative Assembly’s resolution and appoints the following Members to the Joint Standing Committee on the Corruption and Crime Commission —

- Hon Jim Chown; and
- Hon Alison Xamon.

Ordered, That consideration in detail of Legislative Council Message No. 3 be made an Order of the Day for the next sitting of the Assembly.

#### **14. Message from the Legislative Council**

Message No. 4 dated 24 May 2017 from the Legislative Council was reported as follows –

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

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 3, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Commissioner for Children and Young People —

- Hon Dr Sally Talbot; and
- Hon Donna Faragher.

Ordered, That consideration in detail of Legislative Council Message No. 4 be made an Order of the Day for the next sitting of the Assembly.

#### **15. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 7.11 pm until Thursday, 25 May 2017 at 9.00 am.

*Members present during any part of the day's proceedings – All members present.*

**KIRSTEN M. ROBINSON**  
Clerk of the Legislative Assembly

**HON. PETER WATSON**  
Speaker of the Legislative Assembly