

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**DAILY NOTICE PAPER**  
**No. 11**

**WEDNESDAY, 11 MARCH 2009, 4.00pm**

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**

**2. Select Committee into Public Sector Expenditure - Establishment** (*Notice given 6 November 2008*)

Continuation of remarks Hon Peter Collier mins 2 (Wednesday, 3 December 2008) on the amendment of Hon Ray Halligan as follows -

- (1) To delete paragraph 3(a) and insert instead -  
“
  - (a) the impact of the current financial crisis on the State's economy and finances;
  - (b) the sustainability of the rate of growth in general government expenditure detailed in the 2008-09 Budget;
  - (c) the sustainability of the forecast decrease in operating surplus detailed in the 2008-09 Budget;
  - (d) the sustainability of the forecast increase in net debt detailed in the 2008-09 Budget;
  - (e) the impacts of the 3% efficiency dividend introduced by the former Treasurer, Hon Eric Ripper MLA, and announced in the Pre-Election Financial Projections Statement in August 2008 on the general level of service delivery across all agencies, in particular any impacts on service delivery to regional areas;”

- (f) the impact of failing to fully implement the 3% efficiency dividend on the operating surplus and net debt;

”

- (2) In paragraph 3(e) — To insert after “function” -

“

, and if so specific advice on which agencies or functions should contribute a disproportionate share of the \$1,449 million in savings over the forward estimates identified by the former Treasurer, Hon Eric Ripper MLA in August 2008

”

to the motion of Hon Sue Ellery as follows -

- (1) That a select committee of three members is appointed, any two of whom constitute a quorum.
- (2) The committee and the proceedings of the committee are subject to Chapter XXII of Standing Orders and it is to be regarded for all purposes as a committee appointed under that chapter.
- (3) The committee is to inquire into and report on Government measures to audit the operational and financial performance of the Western Australian public sector, and any other means by which efficiencies in public sector expenditure can be gained and all the circumstances surrounding the implementations of the 3% efficiency dividend including -
  - (a) the impacts of the 3 percent efficiency dividend on the general level of service delivery across all agencies; in particular any impacts on service delivery to regional areas,
  - (b) consider alternative methods for achieving a 3 percent reduction in government expenditure;
  - (c) whether the efficiency dividend has a disproportionate impact on smaller agencies, including whether or not smaller agencies are disadvantaged by poorer economies of scale or a relative inability to obtain funding for new policy proposals;
  - (d) what measures agencies are taking to implement the efficiency dividend, and the effect on their functions, performance and staffing arrangements;
  - (e) alternatives to an across-the-board efficiency dividend to encourage efficiency in the public sector, including consideration of whether certain agencies or functions of agencies should be exempt from the efficiency dividend, or whether the rate of the dividend should vary according to agency size or function.
- (4) The Committee may present interim reports without a requirement for leave and is to present its final report to the House not later than Tuesday, 12 May 2009.

#### **4. Transcripts of Evidence from Former Select Committee** *(Notice given 6 November 2008)*

Hon Anthony Fels: To move -

That the Clerk of the Legislative Council Table in the House, within three sitting days of the order of the House, all transcripts of evidence given by the Hon Anthony Fels to the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations.

**7. Renewable Energy Technologies - Gross Feed-in Tariff** (*Notice given 11 November 2008*)

Hon Paul Llewellyn: To move -

That this House calls on the Western Australian Government to introduce a State-based comprehensive gross feed in tariff for renewable energy technologies.

**8. Standing Committee on Estimates and Financial Operations - Office of Shared Services** (*Notice given 11 November 2008*)

Hon Anthony Fels: To move -

That the Standing Committee on Estimates and Financial Operations table in the Legislative Council any documents and transcripts of proceedings of the briefing from the Office of Shared Services provided to them on 21 August 2006, as referred to at 2.34 in the 2006 Annual Report.

**9. Native Forests** (*Notice given 11 November 2008*)

Hon Giz Watson: To move -

That in light of the Forest Product Commission's poor financial performance in the native forest sector; the failure of regulation and compliance of native forest logging; the impact of logging on the habitat of vulnerable species; the compelling evidence of native forest ecosystems at risk of irreparable damage; and the compounding impact of climate change, this House calls on the Government to -

- (1) Set in place a full transition to plantation and farm forestry for the production of commodity timber products currently derived from native forests.
- (2) Immediately develop an exit strategy for the native forest commodity timber industry.
- (3) Put in place an independently refereed, scientifically based program to restore the ecological integrity of native forests which underpins the delivery of clean air, clean water, carbon sequestration, biodiversity and natural heritage values of the South West region.

**10. Select Committee into the Iron Ore Industry of Western Australia - Establishment** (*Notice given 11 November 2008*)

Hon Anthony Fels: To move -

That -

- (1) A select committee of three members is appointed, any two of whom constitute a quorum.
- (2) The committee is to inquire into and report on -
  - (a) the content and terms of the iron ore policy including and in relation to -
    - (i) the allocation and grant of iron ore tenure;
    - (ii) the grant of certificates of exemption under section 102A of the *Mining Act 1978 (WA)*;
    - (iii) the grant of extensions of term under section 61(2) of the *Mining Act 1978 (WA)* in respect of exploration licences which are authorised for iron ore under section 111 of the *Mining Act 1978 (WA)*; and
    - (iv) the basis upon which exploration licences authorised for iron ore under section 111 of the *Mining Act 1978 (WA)* have been permitted to be utilised as holding titles;
  - (b) the relationship between the iron ore policy and the use of state agreements to facilitate the development of iron ore projects;

- (c) the extent to which the iron ore policy has been the subject of review and variation including by the Department of Industry and Resources;
  - (d) whether the existence and terms of the iron ore policy have been adequately disclosed, including to new entrants and potential new entrants into the iron ore industry;
  - (e) the current operation of the iron ore policy including -
    - (i) the impact of the iron ore policy upon -
      - (A) investment in iron ore exploration in the State; and
      - (B) iron ore royalties and other revenues received by the State (in relation to both quantum and time of receipt);
    - (ii) whether the iron ore policy is anti-competitive in the current market in that it prevents the turn-over of ground and thereby -
      - (A) preserves the market power of existing members of the iron ore industry; and
      - (B) operates as a barrier to entry to new entrants into the market;
  - (f) whether the original rationale for the iron ore policy remains applicable today;
  - (g) whether there is still any need to treat iron ore differently to other mineral commodities under the *Mining Act 1978 (WA)*; and
  - (h) whether it is still necessary and appropriate to use government agreements to facilitate the development of iron ore resources or whether the *Mining Act 1978 (WA)* provides an adequate and appropriate vehicle.
- (3) The committee is to report to the House no later than 12 March 2009.

**11. Water Catchments - South West Recovery Program** (*Notice given 11 November 2008*)

Hon Paul Llewellyn: To move -

That in the light of the declining rainfall and catastrophic decline in surface water inflow to our dams, and the impact of salinity on our South West water catchments this House calls on the government to implement as a matter of priority a comprehensive upper catchment recovery program based on farm forestry that aims to restore water and salt balance in the six key water catchments in the region.

**12. Nineteenth Report of the Standing Committee on Uniform Legislation and Statutes Review** (*Notice given 13 November 2008*)

Hon Sheila Mills: To move -

That Recommendation 3 of the Nineteenth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Administrative Practices and Procedures and Parliamentary Processes involving Treaties entered into, or proposed to be entered into, by the Commonwealth*, be adopted and agreed to.

**13. Standing Committee on Public Administration - Report No. 7 - Annual Report 2007** (*Notice given 25 November 2008*)

Hon Barry House: To move -

That the Seventh Report of the Standing Committee on Public Administration titled *Annual Report 2007*, tabled in this House on 13 May 2008, be reinstated as an Order of the Day for the next sitting.

**14. Standing Committee on Public Administration - Report No. 8 - Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools**  
(Notice given 25 November 2008)

Hon Barry House: To move -

That the Eighth Report of the Standing Committee on Public Administration titled *Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools*, tabled in this House on 18 June 2008, be reinstated as an Order of the Day for the next sitting.

**15. Standing Committee on Estimates and Financial Operations - Report No. 12 - Balga Works Program** (Notice given 25 November 2008)

Hon Giz Watson: To move -

That the Twelfth Report of the Standing Committee on Estimates and Financial Operations titled *Balga Works Program*, tabled in this House on 29 May 2008, be reinstated as an Order of the Day for the next sitting.

**16. Standing Committee on Environment and Public Affairs - Report No. 11 - Annual Report 2007** (Notice given 27 November 2008)

Hon Sheila Mills: To move -

That the Eleventh Report of the Standing Committee on Environment and Public Affairs titled *Annual Report 2007*, tabled in this House on 27 February 2008, be reinstated as an Order of the Day for the next sitting.

**17. Standing Committee on Environment and Public Affairs - Report No. 12 Overview of Petitions** (Notice given 27 November 2008)

Hon Sheila Mills: To move -

That the Twelfth Report of the Standing Committee on Environment and Public Affairs titled *Overview of Petitions*, tabled in this House on 20 March 2008, be reinstated as an Order of the Day for the next sitting.

**18. Appropriate Resourcing for Western Australian Not-for-Profit Sector** (Notice given 3 December 2008)

Hon Sue Ellery: To move -

That this House notes the changing demands for assistance on the Western Australian not-for-profit sector and calls on the Barnett Government to ensure the sector has appropriate resources and capacity to meet demand.

**19. Child Death Review Committee - Recommendations** (Notice given 3 December 2008)

Hon Sue Ellery: To move -

That this House notes the recommendations of the *Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present* report of the Child Death Review Committee and calls on the Minister for Child Protection to provide quarterly reports to the House on the implementation of those recommendations.

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## MOTIONS FOR DISALLOWANCE

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- 2. City of Armadale - Signs Amendment Local Law 2008** (*Notice given 10 March 2009 moves pro forma on Tuesday, 17 March 2009*)

Hon Kim Chance: To move -

That the *City of Armadale - Signs Amendment Local Law 2008* published in the *Gazette* on 3 June 2008 and tabled in the Legislative Council on 19 June 2008 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4098).

- 3. Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008** (*Notice given 10 March 2009 moves pro forma on Tuesday, 17 March 2009*)

Hon Paul Llewellyn: To move -

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008* published in the *Gazette* on 28 November 2008 and tabled in the Legislative Council on 9 December 2008 under the *Genetically Modified Crops Free Areas Act 2003*, be and is hereby disallowed. (Tabled paper 418).

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## BILLS FOR INTRODUCTION

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- 1. Water Services Licensing (Water Conservation Target) Amendment Bill 2008** (*Notice given 6 November 2008*)

Hon Paul Llewellyn: To move -

That a Bill for “An Act to amend the *Water Services Licensing Act 1995*.” be introduced and read a first time.

- 6. Daylight Savings Amendment Bill 2008** (*Notice given 11 November 2008*)

Hon Anthony Fels: To move -

That a Bill for “An Act to amend the *Daylight Savings Act 2006* to provide for the holding of a referendum in conjunction with a general election and for the abridgement of the daylight savings trial period.” be introduced and read a first time.

- 7. Referendums (Implementation of Result) Amendment Bill 2008** (*Notice given 11 November 2008*)

Hon Anthony Fels: To move -

That a Bill for “An Act to amend the *Referendums Act 1983* to provide for the compulsory introduction of legislation and policies designed to implement the result of a referendum.” be introduced and read a first time.

**9. Prisoners (Interstate Transfer) Amendment Bill 2009** (*Notice given 10 March 2009*)

Minister for Transport: To move -

That a Bill for “An Act to amend the *Prisoners (Interstate Transfer) Act 1983*.” be introduced and read a first time.

**10. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2009** (*Notice given 10 March 2009*)

Minister for Training: To move -

That a Bill for “An Act to amend the -

- *Building and Construction Industry Training Fund and Levy Collection Act 1990*; and
- *Building and Construction Industry Training Fund and Levy Collection Regulations 1991*.”

be introduced and read a first time.

**11. Local Government Amendment Bill 2009** (*Notice given 10 March 2009*)

Minister for Energy representing the Minister for Local Government: To move -

That a Bill for “An Act to amend the *Local Government Act 1995*.” be introduced and read a first time.

**12. Occupational Safety and Health Amendment Bill 2009** (*Notice given 10 March 2009*)

Parliamentary Secretary representing the Minister for Commerce: To move -

That a Bill for “An Act to amend the *Occupational Safety and Health Act 1984* and to make related amendments to the *Industrial Relations Act 1979*.” be introduced and read a first time.

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**ORDERS OF THE DAY**

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**21. Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 10 March 2009) on the motion of Hon Ray Halligan (Days remaining 9 after today)

That the *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 30 May 2008 and tabled in the Legislative Council on 5 June 2008 under the *Road Traffic Act 1974*, be and are hereby disallowed. (Tabled paper 4059).

**1. Address-in-Reply**

Resumption of debate adjourned Hon Bruce Donaldson (Tuesday, 10 March 2009) on the motion of Hon Helen Morton.

**\*2. Electoral Amendment (Miscellaneous) Bill 2008** [*LC 004-1*] *Leader of the House*

Second reading adjourned (Tuesday, 11 November 2008). *cf SNP 4 Issue 1 - 26 November 2008*.

**6. Statutes (Repeals and Miscellaneous Amendments) Bill 2008** [*LC 013-1*] *Minister for Transport representing the Attorney General*

Second reading adjourned (Wednesday, 12 November 2008).

**\*23. National Gas Access (WA) Bill 2008 [LA 009-1] Minister for Energy**

Second reading adjourned (Tuesday, 10 March 2009). See *Standing Committee on Uniform Legislation and Statutes Review Report No. 35 (Tabled 10 March 2009)*.

**18. Procedure and Privileges Committee - Report No. 19 - Petition for Relief - Noel Crichton-Browne (Moved 3 December 2008)**

Resumption of debate adjourned Hon Bruce Donaldson (Wednesday, 3 December 2008), on the motion of Hon George Cash as follows -

That the Report do lie upon the Table and be printed and adopted and agreed to.

See *Standing Committee on Procedure and Privileges Report No. 19 (Tabled 3 December 2008)*.

**22. Standing Committee on Estimates and Financial Operations - Special Report - Inquiry into Public Sector Expenditure (Moved 9 December 2008)**

Consideration. See *Tabled paper No. 430*.

**13. Australian Training Awards - Ministerial Statement Minister for Training (Given 27 November 2008)**

Consideration.

**16. Esperance - Lead Contamination Clean-Up - Ministerial Statement and Tabled Paper Minister for Transport (Given 3 December 2008)**

Consideration. See *Tabled paper No. 405*.

**19. Baldivis Urban Area - Metropolitan Regional Scheme 1127/41 to 1130/41 - Ministerial Statement Minister for Child Protection representing the Minister for Planning (Given 9 December 2008)**

Consideration. See *Tabled papers Nos. 411A-D and 412A-E*.

**20. Department of Planning and Infrastructure - Licensing Information provided to Wilson Parking and Westralia Airports Corporation - Ministerial Statement Minister for Transport (Given 9 December 2008)**

Consideration. See *Tabled paper No. 423*.

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## CONSIDERATION COMMITTEE REPORTS

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**11. Standing Committee on Uniform Legislation and Statutes Review - Report No. 32 - Annual Report 2007 - Committee Report (Tabled 2 December 2008)**

Consideration. See *Tabled paper No. 394*.

**12. Standing Committee on Uniform Legislation and Statutes Review - Report No. 33 - Annual Report 2008 (Tabled 2 December 2008)**

Consideration. See *Tabled paper No. 395*.



- 13. Standing Committee on Legislation - Report No. 13 - Annual Report 2008** (*Tabled 9 December 2008*)

Consideration. *See Tabled paper No. 426.*

- 14. Standing Committee on Environment and Public Affairs - Report No. 14 - Overview of Petitions** (*Tabled 9 December 2008*)

Consideration. *See Tabled paper No. 427.*

- 15. Standing Committee on Uniform Legislation and Statutes Review - Report No. 34 - Interim Report - The Statutes Review Inquiry** (*Tabled 9 December 2008*)

Consideration. *See Tabled paper No. 428.*

- 16. Standing Committee on Estimates and Financial Operations - Report No. 14 - Annual Hearings in Relation to the Budget Estimates 2008/09** (*Tabled 9 December 2008*)

Consideration. *See Tabled paper No. 429.*

- 17. Standing Committee on Uniform Legislation and Statutes Review - Report No. 35 - National Gas Access (WA) Bill 2008 - Committee** (*Tabled 10 March 2009*)

Consideration. *See Tabled paper No. 487.*

- 18. Standing Committee on Public Administration - Report No. 9 - Annual Report - Committee** (*Tabled 10 March 2009*)

Consideration. *See Tabled paper No. 437.*

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## MATTERS REFERRED TO COMMITTEES

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- 1. Standing Committee on Legislation - State Administrative Tribunal** (*Referred 11 November 2008*)

On the motion of Leader of the House as follows -

That under the *State Administrative Tribunal Act 2004*, section 173(b), the function of conducting an inquiry into the jurisdiction and operation of the State Administrative Tribunal be conferred upon the Standing Committee on Legislation.

Now stands referred to the Standing Committee on Legislation. Hon George Cash is substitute for the Hon Helen Morton.

- 13. Select Committee into the Police Raid on *The Sunday Times* - Establishment** (*Established 12 November 2008*)

On the motion of Leader of the House as follows -

- (1) That a select committee of three members is appointed, any two of whom constitute a quorum.
- (2) The committee and the proceedings of the committee are subject to Chapter XXII of Standing Orders and it is to be regarded for all purposes as a committee appointed under that chapter.

- (3) The committee is to inquire into and report on all circumstances surrounding the police raid on *The Sunday Times* on 30 April 2008.
- (4) The Select Committee have access to all documents, evidence and other material possessed, obtained, or controlled by the previous Select Committee.
- (5) The committee is to report by 10 March 2009.

Extension of reporting date granted to Thursday, 9 April 2009 (10 March 2009).

**14. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament - Establishment** (*Established 12 November 2008*)

On the motion of Leader of the House as follows -

That a select committee of 6 members be appointed to -

- (1) Inquire into and report on the appropriateness of the powers and penalties provided for in the *Parliamentary Privileges Act 1891* and *The Criminal Code* in respect to breaches of parliamentary privilege and contempts of Parliament.
- (2) The Select Committee have access to all documents, evidence and other material possessed, obtained, or controlled by the previous Select Committee.
- (3) The committee is to report to the House no later than 5 May 2009.

**25. Petition - Maroon Bush - Licences** (*Tabled 10 March 2009 - By delivery*) *Hon Brian Ellis (378 signatures)*

Requesting the Legislative Council support of Commercial Producer's and Commercial Purposes Licences being granted for picking *Scaevola Spinescens* (Maroon Bush). *See Tabled paper No. 485.*

**26. Petition - Genetically Modified Free Zone** (*Tabled 10 March 2009*) *Hon Giz Watson (537 signatures)*

Requesting the Legislative Council maintain Western Australia's status as a Genetically Modified Free Zone. *See Tabled paper No. 486.*

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

For a list of all Petitions tabled see cumulative Tabled Paper list.

**MALCOLM PEACOCK**

Clerk of the Legislative Council