

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 12

THURSDAY, 12 MARCH 2009, 11.00am

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

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

Continuation of remarks Hon Ken Travers - mins 40 (Wednesday, 11 March 2009) on the motion of Hon Anthony Fels as follows -

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.

MOTIONS FOR DISALLOWANCE

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).

BILLS FOR INTRODUCTION

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.

ORDERS OF THE DAY

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 8 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 Minister for Energy (Wednesday, 11 March 2009) on the motion of Hon Helen Morton.

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

Committee (Wednesday, 11 March 2009). *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).*

24. Prisoners (Interstate Transfer) Amendment Bill 2009 [LC 026-1] Minister for Transport representing the Minister for Corrective Services

Second reading adjourned (Wednesday, 11 March 2009).

25. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2009 [LC 031-1] Minister for Training

Second reading adjourned (Wednesday, 11 March 2009).

26. Local Government Amendment Bill 2009 [LC 028-1] Minister for Energy representing the Minister for Local Government

Second reading adjourned (Wednesday, 11 March 2009).

27. Occupational Safety and Health Amendment Bill 2009 [LC 027-1] Parliamentary Secretary representing the Minister for Commerce

Second reading adjourned (Wednesday, 11 March 2009).

28. Water Services Licensing (Water Conservation Target) Amendment Bill 2008 [LC 025-1] Hon Paul Llewellyn

Second reading adjourned (Wednesday, 11 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. Baldvis 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.*

CONSIDERATION COMMITTEE REPORTS

- 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.*

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

Consideration. *See Tabled paper No. 437.*

MATTERS REFERRED TO COMMITTEES

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.

27. Petition - Ewen Street, Woodlands - Showrooms Development (*Tabled 11 March 2009*)
Hon George Cash (1 signature)

Requesting the Legislative Council oppose the construction of showrooms on Lots 1, 2, 3, 4, 13, and 15 Ewen Street, Woodlands, Western Australia. *See Tabled paper No. 530.*

28. Petition - Daylight Saving Bill 2006 (*Tabled 11 March 2009*) *Hon Barry House (164 signatures)*

Requesting the Legislative Council support the rejection of daylight saving at the referendum. *See Tabled paper No. 531.*

* 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