WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 15

THURSDAY, 19 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

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

Continuation of introductory remarks Hon Paul Llewellyn (Wednesday, 18 March 2009) in moving the following motion -

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.

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-forprofit 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.

20. Kimberley Liquefied Natural Gas Precinct (Notice given 18 March 2009)

Hon Jon Ford: To move -

- (1) That this House expresses its concern at the comments made by the Premier to the Committee for Economic Development Australia Conference on Tuesday, 3 March 2009 in which he referred to a proposed LNG precinct to the north of Broome and stated -
 - "...we are proceeding in developing an LNG precinct to the north of Broome. That's not the spectacular part of the Kimberley coast, it's flat tableland, no people living within probably 30 or 40 kilometres of the area.That's important, we're trying to do that by negotiation, the timetable is the end of this month. If we can't do it by negotiation, the State will resume the land. I'll do that reluctantly, but we will do it. We will not hold up economic development and we will not deny the people of the Kimberley and particularly the Aboriginal people the opportunity from some economic independence and some economic security."

- (2) This House calls on the Premier to -
 - (a) explain how he can claim to be negotiating in good faith when he put on public record that if he doesn't get a negotiated outcome he will resume the land to develop an LNG precinct to the north of Broome; and
 - (b) explain why he is presenting a veiled threat to indigenous people in respect of this matter and whether this is a sign of things to come.

21. Freedom of Information Process (Notice given 18 March 2009)

Hon Ljiljanna Ravlich: To move -

That this House condemns the Premier for failing to honour his election commitment to review the manner in which Departments are administering the Freedom of Information (FOI) process, to ensure that the Government is accountable and open in accordance with the spirit of the FOI Act and calls on the Premier to explain why he has allowed a culture of arrogance, secrecy and of deliberately keeping information from the public to develop among his Cabinet Ministers when dealing with FOI requests.

22. Fremantle Port - Lead Export (Notice given 18 March 2009)

Hon Sally Talbot: To move -

- (1) That this House condemns the Minister for Environment and the Minister for Mines for their lack of openness and accountability in relation to their decision to allow lead to be transported through 22 suburbs in the metropolitan area on its way to Fremantle and calls on both Ministers to explain why they have not made all details in relation to lead shipments public.
- (2) That this House also calls on the Minister for Environment to explain why, since environmental approval was given by her for Magellan Metals to transport containerised lead carbonate through suburbs to the Fremantle Port, so little has been revealed to the thousands of families living in and around suburbs along the proposed transport route.

23. Lobbyists Register (Notice given 18 March 2009)

Hon Ljiljanna Ravlich: To move -

That this House condemns the Premier for breaking a key election commitment on accountability by not introducing legislation to create a public register for lobbyists in his first 100 days of government, and calls on the Premier to explain –

- (a) why he has not met this commitment and when will he introduce legislation to create a public register for lobbyists;
- (b) how the proposed legislation will be applied to different classes of lobbyists, consultants, consultant-lobbyists, in-house corporate consultants and in-house lobbyists employed by organizations;
- (c) what are the registration requirements for lobbyists before being permitted to be on the register -
 - (i) business registration details;
 - (ii) names of owners;
 - (iii) partner and major shareholders; and
 - (iv) names and positions of those employed and the names of their clients;
- (d) what is the set of principles of ethical conduct relating to a lobbyist before being placed on the register;

- (e) what will be the reporting requirements of lobbyists, including but not limited to -
 - (i) what has to be reported;
 - (ii) when it has to be reported;
 - (iii) who will lobbyists be required to report to; and
 - (iv) whether or not any lobbyists will be banned from being placed on the register and who they might be;
- (f) the means by which a lobbyist can be removed from the Register;
- (g) the appeal mechanisms for a lobbyist who is removed from the register; and
- (h) the frequency that the code will be reviewed and who will have the responsibility for such a function.

24. Public Sector Expenditure - New Government Agencies (Notice given 18 March 2009)

Hon Ljiljanna Ravlich: To move -

- (1) That this House condemns the Premier as Minister for Public Sector Management for wasting taxpayers' money in creating new government agencies, boards, committees and taskforces, at the same time as asking agencies to find savings of three percent resulting in the cuts to front-line services in health, education and law and order.
- (2) That this House calls on the Premier to explain why a three percent savings target is not a "big ask" for government agencies, as he stated to the recent Committee for Economic Development Australia conference, given that the 2009-2010 mid-year review projected no savings and an expense growth of 13%.

25. Ministerial Offices - Staffing (Notice given 18 March 2009)

Hon Ljiljanna Ravlich: To move -

This House condemns the Premier and his Ministers for breaking the Premier's promise on the staffing cap in ministerial offices and calls on the Premier to explain how he can expect government agencies to cap their staff numbers while at the same time he condones the growth in staff numbers in ministerial offices, and calls on the Premier to -

- (a) reaffirm his commitment to the promise he made during the election campaign to cap the number of staff in ministerial offices at 150 full time equivalent; and
- (b) explain why he is amongst the worst offenders with his current staffing level of 17 employees and a driver rather than the 8.8 FTEs that he is entitled to under his own election promise.

26. Media Consultant Appointments (Notice given 18 March 2009)

Hon Ljiljanna Ravlich: To move -

That this House condemns the Premier as the Minister for Public Sector Management for using tender arrangements as a way of hiring a media consultant for more than a year on a six figure salary, while avoiding the scrutiny of the public sector staffing cap, thereby making a mockery of his promise to cut public spending on both media and consultants; and calls on the Premier to explain -

- (a) why he is hiring consultants to promote the Liberal Party at a time when he is cutting staff in crucial areas such as health, education, and law and order;
- (b) why he is hiring consultants at the same time as the Treasurer announced cuts to Government spending on both marketing and media and the use of consultants in the Mid-Year Review in December;

- (c) why Coulter Consulting has been engaged using a tender on a three month \$25,344 contract, with the Government having an option to keep extending the contract until April 2010, given that the Government recently appointed, as Head of the Government Media Office (GMO), Mr Paul Plowman; and
- (d) whether or not he has lost confidence in Mr Plowman, who was hired to run the GMO on a six figure salary on the basis that he is a highly qualified media professional.

MOTIONS FOR DISALLOWANCE

5. Credit (Administration) Amendment Regulations 2008 (Notice given 17 March 2009 moves pro forma on Tuesday, 31 March 2009)

Hon Kim Chance: To move -

That the *Credit (Administration) Amendment Regulations 2008* published in the *Gazette* on 17 June 2008 and tabled in the Legislative Council on 26 June 2008 under the *Credit (Administration) Act 1984*, be and are hereby disallowed. (Tabled paper 4151).

6. Finance Brokers Control (General) Amendment Regulations 2008 (No. 2) 2008 (Notice given 17 March 2009 moves pro forma on Tuesday, 31 March 2009)

Hon Kim Chance: To move -

That the *Finance Brokers Control (General) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 17 June 2008 and tabled in the Legislative Council on 26 June 2008 under the *Finance Brokers Control Act 1975*, be and are hereby disallowed. (Tabled paper 4154).

7. Waste Avoidance and Resource Recovery Regulations 2008 (Notice given 17 March 2009 moves pro forma on Tuesday, 31 March 2009)

Hon Kim Chance: To move -

That the *Waste Avoidance and Resource Recovery Regulations 2008* published in the *Gazette* on 20 June 2008 and tabled in the Legislative Council on 26 June 2008 under the *Waste Avoidance and Resource Recovery Act 2007*, be and are hereby disallowed. (Tabled paper 4164).

8. Waste Avoidance and Resource Recovery Levy Regulations 2008 (Notice given 17 March 2009 moves pro forma on Tuesday, 31 March 2009)

Hon Kim Chance: To move -

That the *Waste Avoidance and Resource Recovery Levy Regulations 2008* published in the *Gazette* on 20 June 2008 and tabled in the Legislative Council on 26 June 2008 under the *Waste Avoidance and Resource Recovery Levy Act 2007*, be and are hereby disallowed. (Tabled paper 4163).

9. Electricity Networks Access Code Amendments (No. 2) 2008 (Notice given 18 March 2009 moves pro forma on Wednesday, 1 April 2009)

Hon Kim Chance: To move -

That the *Electricity Networks Access Code Amendments (No. 2) 2008* published in the *Gazette* on 22 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Electricity Industry Act 2004*, be and are hereby disallowed. (Tabled paper 340).

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 5 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).

31. City of Armadale - Signs Amendment Local Law 2008 - Disallowance

Moved *pro forma* (SO 152(b)) (Tuesday, 17 March 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

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).

32. Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 - Disallowance

Moved *pro forma* (SO 152(b)) (Tuesday, 17 March 2009) on the motion of Hon Paul Llewellyn (Days remaining 8 after today)

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).

35. Road Traffic (Authorisation to Drive) Regulations 2008 - Disallowance

Moved *pro forma* (SO 152(b)) (Thursday, 19 March 2009) on the motion of Hon Kim Chance (Days remaining 10 after today)

That the *Road Traffic (Authorisation to Drive) Regulations 2008* published in the *Gazette* on 10 June 2008 and tabled in the Legislative Council on 25 June 2008 under the *Road Traffic Act 1974*, be and are hereby disallowed. (Tabled paper 4126).

1. Address-in-Reply

Resumption of debate adjourned Hon Bruce Donaldson (Wednesday, 18 March 2009) on the amendment of Hon Sue Ellery as follows -

"But regrets to inform Your Excellency that the Government has failed to adequately address a number of serious issues affecting Western Australia."

*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).

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).

38. Veterinary Surgeons Amendment Bill 2009 [LA 033-1] Minister for Child Protection representing the Minister for Agriculture and Food

Second reading adjourned (Wednesday, 18 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).

*33. Standing Committee on Uniform Legislation and Statutes Review - Report No. 19 - Administrative Practices and Procedures and Parliamentary Processes involving Treaties entered into, or proposed to be entered into, by the Commonwealth (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. See Standing Committee on Uniform Legislation and Statutes Review Report No. 9 (Tabled 26 July 2007)

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 and Tabled Paper 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 and Tabled Paper Minister for Transport (Given 9 December 2008)

Consideration. See Tabled paper No. 423.

29. Vocational Education and Training - Ministerial Statement *Minister for Training (Given 12 March 2009)*

Consideration.

30. Quarterly Financial Results Report - Ministerial Statement and Tabled Paper Parliamentary Secretary representing the Treasurer (Given 12 March 2009)

Consideration. See Tabled paper No. 435.

36. Metropolitan Region Scheme Amendment No. 1074/33 - Leighton Beach and Environs - Ministerial Statement and Tabled Paper Minister for Child Protection representing the Minister for Planning (Given 18 March 2009)

Consideration. See Tabled papers Nos 585 and 586.

37. Kimberley Science and Conservation Strategy - Ministerial Statement Minister for Environment (Given 18 March 2009)

Consideration.

CONSIDERATION OF COMMITTEE REPORTS

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

Consideration. See Tabled paper No. 388

The Report was as follows -

I am directed to present a Special Report of the Standing Committee on Estimates and Financial Operations in relation to a resolution of the Committee on 1 December 2008 to commence an inquiry into *Royalties for Regions Policy*, with the following terms of reference—

- (1) The Committee is to inquire into and report upon the *Royalty for Regions* policy, including
 - (a) to establish a clear understanding of the *Royalty for Regions* policy;
 - (b) how the policy will operate and be administered;
 - (c) what the Department of Treasury and Finance has done with respect to any modeling or cost-benefit analysis of the policy;
 - (d) the implications of the policy, including but not limited to
 - (i) the possible impacts of the policy on the State's AAA credit rating;
 - (ii) the possible impacts of the policy on the State's budget; and
 - (iii) the potential operational impact of the policy on government agencies.
 - (e) any other relevant matter including, but not limited to, the ability of the Government to adjust the policy in response to changing financial circumstances.
- (2) The Committee intends to report on the inquiry to the Legislative Council by Thursday, 14 May 2009.

Hon Giz Watson

20. Standing Committee on Public Administration - Report No. 7 - Annual Report 2007 (Tabled 13 May 2008)

Consideration. See Tabled paper No. 3974

21. Standing Committee on Public Administration - Report No. 8 - Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools (Tabled 18 June 2008)

Consideration. See Tabled paper No. 4086

22. Standing Committee on Estimates and Financial Operations - Report No. 12 - Balga Works Program (Tabled 29 May 2008)

Consideration. See Tabled paper No. 4019

23. Standing Committee on Environment and Public Affairs - Report No. 11 - Annual Report 2007 (Tabled 27 February 2008)

Consideration. See Tabled paper No. 3729

24. Standing Committee on Environment and Public Affairs - Report No. 12 - Overview of Petitions - Committee Report (Tabled 20 March 2008)

Consideration. See Tabled paper No. 3811

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.

30. Petition - Genetically Modified Free Zone (Tabled 18 March 2009) Hon Matt Benson-Lidholm (69 signatures)

Requesting the Legislative Council maintain Western Australia's status as a Genetically Modified Free Zone. *See Tabled paper No. 582*.

31. Petition - Dalyellup Beach Estate - Remnant Bushland (Tabled 18 March 2009) Hon Adele Farina (1 signature)

Requesting the Legislative Council support Dalyellup Beach Estate bushland be dedicated primarily to conservation. *See Tabled paper No. 583*.

32. Petition - Geraldton-Perth Passenger Train Service (Tabled 18 March 2009) Hon Brian Ellis (257 signatures)

Requesting the Legislative Council consider the construction of a passenger rail system between Perth and Geraldton, Western Australia. *See Tabled paper No. 584*.

* 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