

LEGISLATIVE COUNCIL  
THURSDAY, 18 MAY 2017

11.00am

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Prayers

**ORDER OF BUSINESS**

Condolence Motions

Petitions

Hon Darren West

Statements by Ministers and Parliamentary Secretaries

Papers for Tabling

Leader of the House

Minister for Environment

Parliamentary Secretary to the Deputy Premier

Parliamentary Secretary to the Minister for Regional Development

Notice of Questions

Notices of Motions to Introduce Bills

Hon Robin Chapple

Notices of Motions for Disallowance

Hon Rick Mazza x 2

Notices of Motions

Hon Nick Goiran

Motions without Notice

Orders of the Day

11.15am Orders of the Day

4.30pm Questions without Notice

5.00pm Orders of the Day (continued)

5.20pm Members' Statements

6.00pm House adjourns

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## ORDERS OF THE DAY

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### 1. Address-in-Reply

Resumption of debate adjourned Hon Alyssa Hayden^ (Wednesday, 17 May 2017), on the motion of Hon Sally Talbot as follows —

To Her Excellency, The Honourable Kerry Sanderson, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency: We, the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our most gracious Sovereign and thank Your Excellency for the speech you have been pleased to deliver to Parliament.

(^Hon Alanna Clohesy — 42 mins (*by leave*))

### 3. Joint Standing Committee on Delegated Legislation — Establishment (*Notice given 11 May 2017*)

Leader of the House: To move –

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*.

**4. Joint Standing Committee on Audit — Establishment** (*Notice given 11 May 2017*)

Leader of the House: To move –

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.

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

**NIGEL PRATT**

Clerk of the Legislative Council