

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 3

TUESDAY, 5 APRIL 2005, 2.00 p.m.

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Prayers \*

Petitions

Papers

Giving Notice of Motion

Brief Ministerial Statements \*

Questions Without Notice \*

- approximately 2.00 p.m. each day

*\* Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

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*Memorandum: An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).*

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#### BUSINESS OF THE ASSEMBLY - ORDER OF THE DAY

1. **\*Joint Standing Committee on Delegated Legislation** (Leader of the House) (Moved - 31/3/05)

Consideration of Legislative Council message No. 1.

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#### GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. **Address in Reply**

Adjourned debate (Leader of the House).

2. **\*One Vote One Value Bill 2005** (Minister for Electoral Affairs) (No. 33, 2r. - 30/3/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

3. **Financial Administration Legislation Amendment Bill 2005** (Premier) (No. 12)

To be read a second time.

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## PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

### 1. **Select Committee into Western Australia's Water Resources** (Notice given - 30/3/05)

Mr P.D. Omodei: To move -

- (1) That a select committee of the Legislative Assembly be appointed to inquire into and report on —
  - (a) the extent of surface and groundwater available for consumption and use in Western Australia;
  - (b) the Government's role in planning for the future given climate change predictions;
  - (c) the Government's role in planning for increased water demand;
  - (d) the failure of the Government to implement alternative water recycling and re-use programs;
  - (e) the failure of the Government to provide appropriate water supplies in high rainfall areas of Western Australia, such as Manjimup, Bridgetown and Boyup Brook;
  - (f) the ability to source additional water from Wellington Dam, particularly 45 gegalitres of saline water purged from the dam;
  - (g) the success of the Farm Water Grants Scheme and potential to expand the scheme further;
  - (h) catchment thinning as an option to increase stream flow into water reservoirs;
  - (i) research into innovative water conservation measures;
  - (j) the social, economic and environmental impacts on the South West as a result of using the Southern Yarragadee aquifer;
  - (k) the level of research undertaken in regard to the future regional water requirements of the South West, as it applies to the Southern Yarragadee; and
  - (l) any other matter which will provide appropriate water supplies for the State of Western Australia.
- (2) That the committee report to the Legislative Assembly by 30 August 2005.

### 2. **Lambert to Bunbury Railway Line** (Notice given - 31/3/05)

Mr P.D. Omodei: To move -

That this House condemns the Labor Government for its failure to resolve problems with the Lambert to Bunbury railway line, which has resulted in the closure of the line and a dangerous increase in the number of heavy haulage trucks using the South West Highway. In particular, the House condemns the Government's failure to –

- (a) act in a timely manner to prevent the closure of the railway line;
  - (b) upgrade the South West Highway to protect motorists from the dangers associated with the increase in heavy haulage trucks on the road; and
  - (c) consult with the community on the impact of the rail closure,
- and calls upon the Government to –
- (a) clearly state its intention in regards to the future of the Lambert to North Greenbushes railway line and the North Greenbushes to Bunbury railway line;
  - (b) provide a clear time line for maintenance work on the Greenbushes to Bunbury portion of the railway, including the anticipated date that the line will be re-opened;

- (c) immediately identify how it intends to address safety issues arising from the dramatic increase in heavy haulage trucks on the South West Highway, particularly in regard to the need for passing lanes in the areas of Hester's Hill and Balingup Hill and a general upgrade of the South West Highway; and
- (d) urgently state its position on the proposal for the establishment of a new heavy haulage bypass route around Bridgetown.

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- \* Denotes amendments appear in the Notices and Amendments section of the Notice Paper.
  - † Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.
  - ‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.
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## NOTICES AND AMENDMENTS

### *Joint Standing Committee on Delegated Legislation*

Message No. 1

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.*

### EXTRACT FROM LEGISLATIVE COUNCIL STANDING ORDERS

#### 6. Delegated Legislation Committee<sup>1</sup>

- 6.1 A *Delegated Legislation Committee* is established.
- 6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chairman must be a Member of the Committee who supports the Government.
- 6.3 A quorum is 4 Members of whom at least 1 is a Member of the Council and 1 a Member of the Assembly.
- 6.4 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.
- 6.5 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.
- 6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
- (a) is authorized or contemplated by the empowering enactment;
  - (b) has an adverse effect on existing rights, interests, or legitimate expectations beyond giving effect to a purpose authorized or contemplated by the empowering enactment;
  - (c) ousts or modifies the rules of fairness; or
  - (d) deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review; or
  - (e) imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable;
  - (f) contains provisions that, for any reason, would be more appropriately contained in an Act.
- 6.7 In this clause –
- “**adverse effect**” includes abrogation, deprivation, extinguishment, diminution, and a compulsory acquisition, transfer, or assignment;
- “**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;

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<sup>1</sup> Inserted by Resolution of the House, June 27 2001.

**“subsidiary legislation”** has the meaning given to it by section 5 of the *Interpretation Act 1984*.

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***One Vote One Value Bill 2005 (No. 33 — 1)***

Clause 4.

Dr E. Constable: To move –

Page 9, lines 7 to 18 – To delete the lines.

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**PETER J. McHUGH**

Clerk of the Legislative Assembly

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