



WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
DAILY NOTICE PAPER
No. 1
TUESDAY, 11 NOVEMBER 2008, 3.30pm

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

1. Joint Standing Committee on Delegated Legislation - Establishment (*Notice given 6 November 2008*)

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

3. Joint Standing Committee on Delegated Legislation

- 3.1 A *Joint Delegated Legislation Committee* is established.
- 3.2 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.
- 3.3 A quorum is 4 Members of whom at least 1 is a Member of the Council and 1 a Member of the Assembly.
- 3.4 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.

- 3.5 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.
- 3.6 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;
 - (d) deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review;
 - (e) imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable; or
 - (f) contains provisions that, for any reason, would be more appropriately contained in an Act.
- 3.7 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;
- "subsidiary legislation"** has the meaning given to it by section 5 of the *Interpretation Act 1984*.

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

Hon Sue Ellery: To move -

- (1) That a select committee of five members is appointed, any three 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% 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% 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; and
 - (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.

3. Select Committee into the Police Raid on *The Sunday Times* - Establishment (Notice given 6 November 2008)

Leader of the House: To move -

- (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.

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 Hon Anthony Fels to the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations.

5. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament - Establishment (Notice given 6 November 2008)

Leader of the House: To move -

That a select committee of 5 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.

BILLS FOR INTRODUCTION

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.

ORDERS OF THE DAY

1. **Address-in-Reply**

Resumption of debate adjourned Hon Ed Dermer (Thursday, 6 November 2008), on the motion of Hon Helen Morton.

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

Second reading (Thursday, 6 November 2008).

* 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