

LEGISLATIVE COUNCIL  
WEDNESDAY, 12 NOVEMBER 2008

4.00pm

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Prayers

**4.00PM - ORDER OF BUSINESS**

Ruling by the President

Petitions

(Hon Barry House)  
(Hon Brian Ellis)  
(Hon Giz Watson) x 3

Statements by Ministers and Parliamentary Secretaries

Papers for Tabling

(President)  
(Leader of the House)  
(Minister for Transport)  
(Minister for Energy)  
(Minister for Child Protection)  
(Minister for Environment)  
(Parliamentary Secretary representing the Minister for Water)  
(Parliamentary Secretary representing the Treasurer)

Notice of Questions

Notices of Motions for Disallowance

Notices of Motions to Introduce Bills

Notices of Motions

Motions without Notice

4.00pm	Motions on Notice
5.00pm	Questions without Notice
5.30pm	Orders of the Day
10.00pm	House adjourns

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## MOTIONS ON NOTICE

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### 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.

The business listed for today's sitting and sequence in which it is to be considered may be altered by the House without notice. Members and other persons are advised to check the status of an item in which they have an interest in the course of today's sitting. Electronic version available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).

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 percent 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 percent 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;
  - (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. Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations** (*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 the 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 Parliamentary Privilege and Contempt of Parliament - Establishment** (*Notice given 6 November 2008*)

Leader of the House: To move -

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.

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**BILLS FOR INTRODUCTION**

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**2. Mineral Sands (Eneabba) Agreement Amendment Bill 2008** (*Notice given 11 November 2008*)

Leader of the House: To move -

That a Bill for "An Act to amend the *Mineral Sands (Eneabba) Agreement Act 1975*." be introduced and read a first time.

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**3. Surrogacy Bill 2008** (*Notice given 11 November 2008*)

Minister for Transport: To move -

That a Bill for “An Act to about arrangements for surrogate births and children born under those arrangements and for related purposes, and to make related amendments to –

- the *Births, Deaths and Marriages Registration Act 1998*; and
- the *Children and Community Services Act 2004*; and
- the *Family Court Act 1997*; and
- the *Guardianship and Administration Act 1990*; and
- the *Human Reproductive Technology Act 1991*; and
- the *Interpretation Act 1984*.” be introduced and read a first time.

**4. Statutes (Repeals and Miscellaneous Amendments) Bill 2008** (*Notice given 11 November 2008*)

Minister for Transport: To move -

That a Bill for “An Act to amend the statute law by -

- repealing various Acts; and
- making minor amendments to various other written laws,

and for related purposes.” be introduced and read a first time.

**5. Training Legislation Amendment and Repeal Bill 2008** (*Notice given 11 November 2008*)

Minister for Training: To move -

That a Bill for “An Act to -

- amend the *Vocational Education and Training Act 1996*; and
- repeal the *Industrial Training Act 1975*,

and, as a consequence, to amend various Acts, and for related purposes.” be introduced and read a first time.

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**ORDERS OF THE DAY**

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**1. Address-in-Reply**

Resumption of debate adjourned Hon Ed Dermer (Tuesday, 11 November 2008), on the motion of Hon Helen Morton.

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

**MALCOLM PEACOCK**

Clerk of the Legislative Council