

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**

**DAILY NOTICE PAPER**

**No. 2**

**WEDNESDAY, 12 NOVEMBER 2008, 4.00pm**

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 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.

**6. Section 38 Constitution Acts Amendment Act 1899** (*Notice given 11 November 2008*)

Leader of the House: To move -

That this House direct that Ms Mia Davies on becoming the holder of an office or place at the material time shall be disregarded for the purposes of section 38 of the *Constitution Acts Amendment Act 1899* and that the Legislative Assembly be invited to pass a similar resolution.

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

Hon Paul Llewellyn: To move -

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 -

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.

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**BILLS FOR INTRODUCTION**

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**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.

**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.

### 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.

### 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.

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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.

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

Second reading adjourned Hon Ed Dermer (Tuesday, 11 November 2008).

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## MATTERS REFERRED TO COMMITTEES

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### 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.

### 2. Petition - Legal Aid Commission - Resourcing (*Tabled 11 November 2008 - By delivery*) *Hon Barbara Scott (1 signature)*

Requesting the Legislative Council to support an investigation into additional resourcing for Legal Aid in Western Australia. *See Tabled paper No. 236.*

### 3. Petition - Praying for Relief - Mr Noel Crichton-Browne (*Tabled 11 November 2008*) *Leader of the House (1 signature)*

Praying for Relief. *See Tabled paper No. 224.*

### 4. Petition - Public Transport - Bus Route 155 (*Tabled 11 November 2008*) *Hon Barbara Scott (92 signatures)*

Requesting the Legislative Council support the reintroduction of the former 155 for Transperth buses. *See Tabled paper No. 225.*

### 5. Petition - Lead Exports - Port of Fremantle (*Tabled 11 November 2008*) *Hon Kate Doust (1 signature)*

Requesting the Legislative Council oppose the proposal from Magellan Metals Pty Ltd to export containerised lead concentrate through the port of Fremantle. *See Tabled paper No. 226.*

### 6. Petition - Social and Community Services Organisations - Funding (*Tabled 11 November 2008*) *Hon Kate Doust (60 signatures)*

Requesting the Legislative Council support submissions to the Treasurer for increased funding to social and community service organisations. *See Tabled paper No. 227.*

**7. Petition - School Speed Zones** (*Tabled 11 November 2008*) *Hon Ed Dermer (784 signatures)*

Requesting the Legislative Council to support the changing of the speed zones around Western Australian schools. *See Tabled paper No. 228.*

**8. Petition - ING Development - Victoria Quay** (*Tabled 11 November 2008*) *Hon Paul Llewellyn (295 signatures)*

Requesting the Legislative Council to ensure certain conditions are met, before the development of Victoria Quay in Fremantle can proceed. *See Tabled paper No. 229.*

\* 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