

LEGISLATIVE COUNCIL  
WEDNESDAY, 6 MAY 2009

4.00pm

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Prayers

**4.00PM - ORDER OF BUSINESS**

Petitions

(Hon Barry House) x 2

Statements by Ministers and Parliamentary Secretaries

Papers for Tabling

(President)

(Leader of the House)

(Minister for Transport)

(Minister for Energy)

Notice of Questions

Notices of Motions for Disallowance

(Hon Shelley Eaton) x 2

Notices of Motions to Introduce Bills

Notices of Motions

Motions without Notice

(Hon Shelley Eaton)

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. **Native Forests** (*Notice given 11 November 2008*)

Continuation of introductory remarks Hon Paul Llewellyn (Thursday, 2 April 2009)  
on behalf of Hon Giz Watson in moving the following motion -

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.

### 2. **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;

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- (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.

**3. Water Catchments - South West Recovery Program** (*Notice given 11 November 2008*)

Hon Paul Llewellyn: To move -

That 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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## ORDERS OF THE DAY

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***\*NB: It is intended that Orders of the Day Nos 4, 9, 11, 13, 15, 18, 20 and 21 be discharged.***

**1. City of Armadale - Signs Amendment Local Law 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 17 March 2009) on the motion of Hon Kim Chance (Question to be put at the next day's sitting)

That the *City of Armadale - Signs Amendment Local Law 2008* published in the *Gazette* on 3 June 2008 and tabled in the Legislative Council on 19 June 2008 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4098).

**2. Waste Avoidance and Resource Recovery Regulations 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 31 March 2009) on the motion of Hon Kim Chance (Days remaining 3 after today)

That the *Waste Avoidance and Resource Recovery Regulations 2008* published in the *Gazette* on 20 June 2008 and tabled in the Legislative Council on 26 June 2008 under the *Waste Avoidance and Resource Recovery Act 2007*, be and are hereby disallowed. (Tabled paper 4164).

**3. Waste Avoidance and Resource Recovery Levy Regulations 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 31 March 2009) on the motion of Hon Kim Chance (Days remaining 3 after today)

That the *Waste Avoidance and Resource Recovery Levy Regulations 2008* published in the *Gazette* on 20 June 2008 and tabled in the Legislative Council on 26 June 2008 under the *Waste Avoidance and Resource Recovery Levy Act 2007*, be and are hereby disallowed. (Tabled paper 4163).

**4. Electricity Networks Access Code Amendments (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Wednesday, 1 April 2009) on the motion of Hon Kim Chance (Days remaining 4 after today)

That the *Electricity Networks Access Code Amendments (No. 2) 2008* published in the *Gazette* on 22 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Electricity Industry Act 2004*, be and are hereby disallowed. (Tabled paper 340).

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**5. Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 2 April 2009) on the motion of Hon Paul Llewellyn (Days remaining 5 after today)

That the *Genetically Modified Crops Free Areas Exemption Order 2009* published in the *Gazette* on 17 February 2009 and tabled in the Legislative Council on 18 March 2009 under the *Genetically Modified Crops Free Areas Act 2003*, be and is hereby disallowed. (Tabled paper 573).

**6. Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 7 April 2009) on the motion of Hon Kim Chance (Days remaining 6 after today)

That the *Children's Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *Children's Court of Western Australia Act 1988*, be and are hereby disallowed. (Tabled paper 203).

**7. District Court (Fees) Amendment Regulations 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 7 April 2009) on the motion of Hon Kim Chance (Days remaining 6 after today)

That the *District Court (Fees) Amendment Regulations 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled paper 205).

**8. Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 7 April 2009) on the motion of Hon Kim Chance (Days remaining 6 after today)

That the *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *Magistrates Court Act 2004*, be and are hereby disallowed. (Tabled paper 209).

**9. State Administrative Tribunal Amendment Regulations 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 7 April 2009) on the motion of Hon Kim Chance (Days remaining 6 after today)

That the *State Administrative Tribunal Amendment Regulations 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed. (Tabled paper 214).

**10. Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 7 April 2009) on the motion of Hon Kim Chance (Days remaining 6 after today)

That the *Supreme Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled paper 215).

**11. Shire of Meekatharra - Dogs Local Law 2007 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 7 April 2009) on the motion of Hon Kim Chance (Days remaining 6 after today)

That the *Shire of Meekatharra - Dogs Local Law 2007* published in the *Gazette* on 29 July 2008 and tabled in the Legislative Council on 12 November 2008 under the *Dog Act 1976*, be and is hereby disallowed. (Tabled paper 220).

**12. Industrial Training Legislation Amendment Regulations 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Tuesday, 7 April 2009) on the motion of Hon Kim Chance (Days remaining 6 after today)

That the *Industrial Training Legislation Amendment Regulations 2008* published in the *Gazette* on 23 July 2008 and tabled in the Legislative Council on 12 November 2008 under the *Industrial Training Act 1975*, be and are hereby disallowed. (Tabled paper 232).

**13. Port Authorities Amendment Regulations 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *Port Authorities Amendment Regulations 2008* published in the *Gazette* on 5 September 2008 and tabled in the Legislative Council on 25 November 2008 under the *Port Authorities Act 1999*, be and are hereby disallowed. (Tabled paper 331).

**14. State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *State Administrative Tribunal Amendment Rules (No. 2) 2008* published in the *Gazette* on 29 August 2008 and tabled in the Legislative Council on 25 November 2008 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed. (Tabled paper 337).

**15. Shire of Dowerin - Fencing Local Law 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *Shire of Dowerin - Fencing Local Law 2008* published in the *Gazette* on 26 September 2008 and tabled in the Legislative Council on 25 November 2008 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 344).

**16. Town of Cambridge - Parking Amendment Local Law 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *Town of Cambridge - Parking Amendment Local Law 2008* published in the *Gazette* on 10 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 343).

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**17. Perth Market Amendment By-Laws 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *Perth Market Amendment By-Laws 2008* published in the *Gazette* on 10 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Perth Market Act 1926*, be and are hereby disallowed. (Tabled paper 346).

**18. W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 24 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Western Australian Marine Act 1982*, be and are hereby disallowed. (Tabled paper 335).

**19. Poisons Amendment Regulations (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *Poisons Amendment Regulations (No. 2) 2008* published in the *Gazette* on 7 November 2008 and tabled in the Legislative Council on 25 November 2008 under the *Poisons Act 1964*, be and are hereby disallowed. (Tabled paper 330).

**20. Radiation Safety (General) Amendment Regulations 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *Radiation Safety (General) Amendment Regulations 2008* published in the *Gazette* on 2 September 2008 and tabled in the Legislative Council on 25 November 2008 under the *Radiation Safety Act 1975*, be and are hereby disallowed. (Tabled paper 333).

**21. Port Authorities Amendment Regulations (No. 2) 2008 - Disallowance**

Moved *pro forma* (SO 152(b)) (Thursday, 9 April 2009) on the motion of Hon Kim Chance (Days remaining 8 after today)

That the *Port Authorities Amendment Regulations (No. 2) 2008* published in the *Gazette* on 31 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Port Authorities Act 1999*, be and are hereby disallowed. (Tabled paper 332).

**22. Address-in-Reply**

Resumption of debate adjourned Hon Bruce Donaldson (Tuesday, 5 May 2009) on the amendment of Hon Sue Ellery as follows -

“But regrets to inform Your Excellency that the Government has failed to adequately address a number of serious issues affecting Western Australia.”,

**25. Acts Amendment (Bankruptcy) Bill 2009 [LC 037-1] Minister for Transport representing the Attorney General**

Second reading adjourned (Wednesday, 1 April 2009).

- 28. Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Bill 2008 [LA 019-1]** *Minister for Transport representing the Attorney General*

Second reading adjourned (Wednesday, 8 April 2009).

- 29. Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009 [LA 030-1]** *Minister for Transport representing the Attorney General*

Second reading adjourned (Wednesday, 8 April 2009).

- 23. \*National Gas Access (WA) Bill 2008 [LA 009-1]** *Minister for Energy*

Second reading adjourned (Tuesday, 10 March 2009). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 35 (Tabled 10 March 2009).*

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### BILLS FOR INTRODUCTION

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- 3. Statutes (Repeals and Minor Amendments) Bill 2009** *(Notice given 5 May 2009)*

Minister for Transport: To move -

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

- Repealing various written laws; and
- Making minor amendments to various other written laws, and for related purposes.”

be introduced and read a first time.

- 4. Child Exploitation Material and Classification Legislation Amendment Bill 2009** *(Notice given 5 May 2009)*

Minister for Transport: To move -

That a Bill for “An Act to amend *The Criminal Code* in relation to child exploitation material offences, to make consequential and other amendments to the *Classification (Publications, Films and Computer Games) Enforcement Act 1996* and for related purposes.” be introduced and read a first time.

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

**MALCOLM PEACOCK**

Clerk of the Legislative Council

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