

LEGISLATIVE COUNCIL  
WEDNESDAY, 15 MAY 2013

2.00pm

---

Prayers

**2.00PM - ORDER OF BUSINESS**

Condolence Motions

Petitions

(Hon Lynn MacLaren)

Statements by Ministers and Parliamentary Secretaries

Papers for Tabling

(President)

(Leader of the House)

(Minister for Mental Health)

(Attorney General)

(Minister for Agriculture and Food)

(Parliamentary Secretary representing the Minister for Transport)

(Parliamentary Secretary representing the Minister for Health)

Notice of Questions

Notices of Motions to Introduce Bills

Notices of Motions for Disallowance

Notices of Motions

Motions without Notice

Motions on Notice

4.30pm Questions without Notice

5.00pm Committee Reports

7.30pm Orders of the Day

9.45pm Members' Statements

10.25pm House adjourns

---

## MOTIONS ON NOTICE

---

### 1. **Joint Standing Committee on Delegated Legislation — Establishment** (Notice given 11 April 2013)

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

#### 6. **Joint Delegated Legislation Committee**

- 6.1 A *Joint Delegated Legislation Committee* is established.
- 6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 6.4
  - (a) 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.
  - (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 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 within power;
  - (b) has no unintended effect on any person's existing rights or interests;
  - (c) provides an effective mechanism for the review of administrative decisions; and
  - (d) contains only matter that is appropriate for subsidiary legislation.
- 6.7 It is also a function of the Committee to inquire into and report on —
  - (a) any proposed or existing template, *pro forma* or model local law;
  - (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
  - (c) the statutory and administrative procedures for the making of

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).

subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.

6.8 In this order —

“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. Joint Standing Committee on Audit — Establishment** (*Notice given 11 April 2013*)

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 Audit.

### **SCHEDULE**

#### **9. Joint Audit Committee**

9.1 A Joint Audit Committee is established.

9.2 The Committee consists of 4 Members (including the Chair) of the Legislative Council Standing Committee on Estimates and Financial Operations and 4 Members of the Legislative Assembly Public Accounts Committee, 2 of whom from each House support the Government.

9.3 The Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Legislative Assembly Public Accounts Committee not appointed to the Joint Standing Committee under section 9.2 are appointed to the Joint Standing Committee as participating members in accordance with Legislative Council Standing Order 164. The requirement for leave under Standing Order 164 does not apply to these appointments.

9.4 The Chair of the Standing Committee on Estimates and Financial Operations will be the Chair of the Joint Audit Committee.

9.5 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

## **3. Mineral Resource Rent Tax** (*Notice given 14 May 2013*)

Hon Nick Goiran: To move —

That the Council —

- (a) congratulates the Barnett Government for its strong and determined representations against the Mineral Resource Rent Tax imposed by the Gillard Labor Government on iron ore and coal producers in Western Australia and other States; and
- (b) calls on the Gillard Labor Government to immediately scrap this complex and inefficient tax.

---

## ORDERS OF THE DAY

---

### 1. Address-in-Reply

Continuation of remarks Hon Helen Morton — 56 mins (Tuesday, 14 May 2013), on the motion of Hon Liz Behjat.

### 3. Joint Standing Committee on the Corruption and Crime Commission - Establishment (14 May 2013)

Consideration of Legislative Assembly Message No. 2 as follows –

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution –

That for the present Parliament, in accordance with Legislative Assembly Standing Orders 288 to 292, a Joint Standing Committee on the Corruption and Crime Commission be appointed by the Legislative Assembly and the Legislative Council;

and requests the Legislative Council to agree to a similar resolution.

### 4. Joint Standing Committee on the Commissioner for Children and Young People - Establishment (14 May 2013)

Consideration of Legislative Assembly Message No. 3 as follows –

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution –

That for the present Parliament —

- (a) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council;
- (b) the Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council;
- (c) it is the function of the Joint Standing Committee to —
  - (i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
  - (ii) to examine Annual and other Reports of the Commissioner; and
  - (iii) to consult regularly with the Commissioner;
- (d) a report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose; and
- (e) the Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied;

and requests the Legislative Council to agree to a similar resolution.

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).

---

**BILLS FOR INTRODUCTION**

---

**1. Fair Trading Amendment Bill 2013** (*Notice given 14 May 2013*)

Minister for Commerce: To move –

That a Bill for “An Act to amend the *Fair Trading Act 2010*.” be introduced  
and read a first time.

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

**MALCOLM PEACOCK**

Clerk of the Legislative Council