

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

No. 1

TUESDAY, 16 MAY 2017, 2.00pm

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 11 May 2017*)

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

10. Joint Delegated Legislation Committee

10.1 A *Joint Delegated Legislation Committee* is established.

10.2 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.

10.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.

10.4 (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.

10.5 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.

- 10.6 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.
- 10.7 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 subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 10.8 In relation to the constitution, powers and procedure of the Joint Standing Committee on Delegated Legislation —
- (a) The Standing Orders applicable to committees of the Legislative Council will apply to the Committee's proceedings except to the extent that they impinge upon the functioning of the Committee;
 - (b) Legislative Assembly Standing Orders 249(1), (2) and (3), 252, 254, 262, 263 and 264 will apply to the Legislative Assembly Members of the Committee;
 - (c) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee, its deliberations and proceedings but may not vote, move any motion, or be counted for the purpose of a quorum;
 - (d) Leave under (c) may be given only for a specific inquiry, but any Member of the Legislative Council or Legislative Assembly may be given leave in relation to more than one inquiry.
- 10.9 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 May 2017*)

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

7. Joint Audit Committee

7.1 A Joint Audit Committee is established.

- 7.2 The Committee consists of the Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Members of the Legislative Assembly Public Accounts Committee.
- 7.3 The Chair of the Standing Committee on Estimates and Financial Operations will be the Chair of the Joint Audit Committee.
- 7.4 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

BILLS FOR INTRODUCTION

1. Pilbara Port Assets (Disposal) Repeal Bill 2017 (*Notice given 11 May 2017*)

Hon Robin Chapple: To move –

That a Bill for “An Act to repeal the *Pilbara Port Assets (Disposal) Act 2016*” be introduced and read a first time.

ORDERS OF THE DAY

1. Address-in-Reply

Resumption of debate adjourned Hon Alyssa Hayden (Thursday, 11 May 2017), on the motion of Hon Sally Talbot.

2. Statutes (Minor Amendments) Bill 2017 [LC] Leader of the House

Second reading (Thursday, 11 May 2017).

* For amendments see Supplementary Notice Paper and/or Committee Report
For a list of all Petitions tabled see cumulative Tabled Paper list.

NIGEL PRATT

Clerk of the Legislative Council