

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 125

TUESDAY, 1 JUNE 2004, 2.00 p.m.

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Prayers \*

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements \*

Questions Without Notice \*

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

-	approximately 2.00 p.m. each day
-	one per week on any day
-	4.00 p.m. to 7.00 p.m. Wednesdays
-	approximately 9.00 a.m. Thursdays
-	12.50 p.m. Thursdays

\* Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions without Notice will follow immediately after Prayers.

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*Memorandum:* An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).

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#### BILL - NOTICE OF MOTION

1. **Mining Amendment Bill 2004** (Notice given – 12/5/04)

The Minister for State Development: To move -

That a Bill for “An Act to amend the *Mining Act 1978* and the *Mining Amendment Act 1996* and for related purposes.” be introduced and read a first time.

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#### GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. **\*Revenue Laws Amendment Bill 2004** (Treasurer) (No. 294, 2r. – 12/5/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

2. **Revenue Laws Amendment and Repeal Bill 2004** (Treasurer) (No. 295, 2r. – 12/5/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

- 3. Workers' Compensation Reform Bill 2004** (Minister for Consumer and Employment Protection) (No. 288, 2r. – 5/5/04)

Second reading. Adjourned debate (Mr W.J. McNee).

- 4. Criminal Law Amendment (Criminal Property) Bill 2004** (Attorney General) (No. 286, 2r. – 8/4/04)

Second reading. Adjourned debate (Mr A.D. Marshall).

- 5. \*Western Australian College of Teaching Bill 2003** (Minister for Education and Training) (No. 219, 2r. – 13/8/03)

Consideration in detail of Legislative Council message No. 132.

- 6. \*Dangerous Goods Safety Bill 2002** (Minister for State Development) (No. 168, 2r. – 4/12/02)

Consideration in detail of Legislative Council message No. 130.

- 7. Appropriation (Consolidated Fund) Bill (No. 1) 2004** (Treasurer) (No. 289, 2r. – 6/5/04)

**Appropriation (Consolidated Fund) Bill (No. 2) 2004** (Treasurer) (No. 290, 2r. – 6/5/04)

Consideration of Estimates Committees' Reports.

- 8. Civil Liability Amendment Bill 2004** (Parliamentary Secretary to the Premier) (No. 275, 2r. – 6/4/04)

Consideration in detail.

- 9. \*Occupational Safety and Health Legislation Amendment and Repeal Bill 2004** (Minister for Consumer and Employment Protection) (No. 282, 2r. – 8/4/04)

Further consideration in detail – Clause 16.

- 10. Anzac Day Amendment Bill 2004** (Premier) (No. 274, 2r. - 23/3/04)

Second reading. Adjourned debate (Mr R.F. Johnson).

- 11. \*Finance Brokers Control Amendment Bill 2003** (Minister for Consumer and Employment Protection) (No. 257, 2r. – 3/12/03)

Consideration in detail.

- 12. Electoral and Constitution Amendment Bill 2003** (Minister for Electoral Affairs) (No. 253, 2r. – 20/11/03)

Second reading. Adjourned debate (Mr P.D. Omodei).

- 13. Appropriation (Consolidated Fund) Bill (No. 5) 2003** (Treasurer) (No. 244, 2r. – 4/12/03)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

- 14. Appropriation (Consolidated Fund) Bill (No. 6) 2003** (Treasurer) (No. 245, 2r. – 4/12/03)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

- 15. \*Coal Industry Superannuation Amendment Bill 2004** (Minister for State Development) (No. 270, 2r. – 4/3/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

- 16. Coroners Amendment Bill 2004** (Attorney General) (No. 276, 2r. – 31/3/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

- 17. Director of Public Prosecutions Amendment Bill 2004** (Attorney General) (No. 281, 2r. – 1/4/04)

Second reading. Adjourned debate (Mr R.N. Sweetman).

- 18. Public and Bank Holidays Amendment Bill 2004** (Minister for Consumer and Employment Protection) (No. 284, 2r. – 7/4/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**19. Health Legislation Amendment Bill 2004** (Minister for Health) (No. 285, 2r. – 8/4/04)

Second reading. Adjourned debate (Mr A.D. Marshall).

**20. Criminal Injuries Compensation Amendment Bill 2004** (Attorney General) (No. 291, 2r. – 12/5/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**21. Public Notaries Amendment Bill 2004** (Attorney General) (No. 287, 2r. – 12/5/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**22. Workers' Compensation and Rehabilitation Amendment (Cross Border) Bill 2004** (Minister for Consumer and Employment Protection) (No. 296, 2r. – 13/5/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**23. \*Electoral Reform Bill 2002** (Minister for Electoral Affairs) (No. 155, 2r. - 23/10/02)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**24. \*Restoration of Legislative Assembly Bills** (Leader of the House) (Moved - 24/9/02)

Consideration of Legislative Council message No. 9.

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**PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION**
**1. Eradication of Introduced Plant and Animal Species** (Notice given - 13/8/02, renewed - 3/12/02)

Mr B.K. Masters: To move –

That recognising the threat posed by introduced plants and animals to agriculture and the environment, this House calls upon the Government to –

- (a) adequately fund the control and, where possible, eradication of introduced plant and animal species that pose unacceptable risks to agriculture and our unique environment, especially where they are present on Crown land; and
- (b) accept that the onus for control and, where appropriate, eradication should not rest solely with private landowners whose properties are regularly subject to weed and feral animal re-introductions from adjoining and nearby Crown land.

**2. South West Forest Regeneration and Management** (Notice given - 13/8/02, renewed - 3/12/02)

Mr B.K. Masters: To move –

That this House calls upon the Government to –

- (a) accept that the cessation of logging by itself will not protect south west forests from a range of threatening impacts;
- (b) understand that, without proper management, forests will grow old and degrade, leaving logging as a possible management tool for use at some further time in forest regeneration;
- (c) acknowledge that jarrah forests regrow naturally by the creation of relatively small gaps in the canopy within which tree seedlings can grow;
- (d) acknowledge that karri forests regrow naturally after major disturbances such as fire kill pre-existing trees and allow seedlings to grow in the resulting ashbeds; and
- (e) increase funding for management of the forest conservation estate.

**3. Wheatbelt's Salinity Crisis** (Notice given – 13/8/02, renewed - 3/12/02)

Mr B.K. Masters: To move –

That this House calls upon the Government to urgently provide appropriate funding for the assessment of innovative solutions to the Wheatbelt's salinity crisis, such as are described in "Salinity Crisis Action Plan: A Creative Engineering Solution", produced by Peter Coyne, David Williamson and Jonathon Thomas, together with the full range of possible alternative solutions.

**4. Emergency Service Plans** (Notice given - 10/9/02, renewed – 12/3/03)

Mr P.D. Omodei: To move –

That recognising local emergency service plans are fundamental to the safety and security of the Western Australian community this House calls on the government -

- (a) to provide local governments appropriate funds to ensure that local emergency management advisory committees (LEMACs) have the capacity to ensure that emergency services plans are up-to-date and cognisant of recent events of September the 11th 2001; and
- (b) to ensure that the State emergency plan is current and if necessary make any changes to the plan to ensure the Western Australian community is protected from events like September 11 2001.

**5. Regional Sitting of the Legislative Assembly** (Notice given - 17/9/02, renewed – 19/3/03)

Mr L. Graham: To move –

That this House instructs the Speaker to hold a three-day regional sitting of the Legislative Assembly. The sitting should take place in Port Hedland during the calendar year 2003.

Further, this House calls on the Government to support a regional sitting of the Assembly. Government support should specifically include the provision in the coming budget for sufficient funds to enable a three-day sitting to take place in Port Hedland.

**6. Equal Access to Education** (Notice given - 25/9/02, renewed – 3/4/03)

Mr T.K. Waldron: To move –

That this House calls on the Government to ensure that all children in Western Australia, particularly those in regional and remote Western Australia, have equal access to education so that geographical isolation does not penalise students and families –

- (a) that are burdened with additional costs of living away from home;
- (b) where children are forced to move away from their family home and community support structure in order to continue education beyond that provided by their local school.

**7. Health Professionals in Western Australia** (Notice given - 14/11/02, renewed – 4/6/03)

Mr M.F. Board: To move -

That in accordance with Standing Order 287(2)(d) the following matter be referred to the Education and Health Standing Committee for its urgent investigation and report to the Assembly by 30 June 2003 –

- (a) the extent of the current shortages of health professionals in Western Australia, in particular, country and regional and outlying metropolitan areas of Perth;
- (b) the adequacy of current education and training programmes to meet the shortage; and
- (c) what other measures or programmes, including incentives, that may assist in addressing the shortage.

**8. Availability of Beds in Public Tertiary Hospitals** (Notice given - 14/11/02, renewed – 4/6/03)

Mr M.F. Board: To move -

That the Minister for Health request the Health Department to immediately look at measures that may ease the pressure on beds in our public tertiary hospitals by funding Care Awaiting Placement Beds and support where available in non-public hospitals.

**9. School Bus Contractors** (Notice given - 3/12/02, renewed – 12/6/03)

Ms K. Hodson-Thomas: To move -

That this House condemns the Gallop Labor Government for its failure to resolve the serious and long-standing concerns of Western Australian school bus contractors in the interests of our school aged children and the contractors.

**10. Commonwealth Health Funding in Western Australia** (Notice given – 25/2/03, renewed – 19/6/03)

Mr M.F. Board: To move -

That the Minister for Health clearly outlines the true extent of Commonwealth health funding into Western Australia including –

- (a) the percentage increase in Commonwealth health funding (over the life of the current Health Agreement) compared to the State's contribution to public hospitals;
- (b) the Commonwealth's contribution to primary health care via Medicare to Western Australia;
- (c) the contribution of the Commonwealth in indigenous health and other speciality funding areas;
- (d) contributions by the Commonwealth to funding capital equipment and any recurrent funding in regard to running equipment;
- (e) contribution by the Commonwealth to capital works in health and related areas;
- (f) contributions by the Commonwealth to Western Australia for aged care; and
- (g) the cost paid by the Commonwealth in funding our share in Western Australia of the Pharmaceutical Benefits Scheme.

**11. South West Election Commitments** (Notice given – 18/3/03, renewed – 19/8/03)

Mr P.D. Omodei: To move -

That this House condemns this State Labor Government for its failure to keep election commitments in the South West and its abysmal efforts in providing vital services and infrastructure, and in particular –

- (a) commitments to the timber industry – eg. furniture industry, timber volumes;
- (b) commitments to the Tourism Industry – eg. Sky Jetty, Eco Lodge;
- (c) Health and Education Services – eg. Allied Health, aboriginal health and Aboriginal Education Officers;
- (d) Road Construction – South West Highway, Muir Highway, Mowen Road;
- (e) Infill Sewerage – deferral; and
- (f) Water Management.

**12. Home Burglary Incidence** (Notice given – 7/5/03, renewed – 18/9/03)

Mr P.G. Pental: To move -

That this House calls on the Minister for Police to explain –

- (a) why the Police Service has failed to make any serious impact in solving greater numbers of home-burglaries, given that the clearance or clean-up rates for this crime have averaged only 14% in each of the past five years;
- (b) why the Police Service has taken no special action to tackle the problem, especially given that in 2001-2002 some 34,044 home burglaries (or 85.3% of those reported) went unsolved;
- (c) why the Police Service does not acknowledge the nexus between crimes investigated and crimes solved; and
- (d) why considerable police attention continues to be directed at easy targets like motorists, but such focus and attention is with-held from major crime areas like home burglaries,

and calls on the Police Service to outline, what, if any, innovative plans it has to lift the home burglary clearance rates from an abysmal 14%.

**13. Timber Industry Restructure Projects in the South West** (Notice given – 3/6/03, renewed – 15/10/03)

Mr P.D. Omodei: To move -

That this House condemns the Western Australian State Labor Government for its failure to deliver projects in the South West in the wake of the timber industry restructure and in particular its failure to –

- (a) announce timber resource allocations;
- (b) deliver a furniture industry to Manjimup;
- (c) encourage new industries;
- (d) finalise and bring to fruition the Sky Jetty, Diamond Tree and Pemberton Hydro projects; and
- (e) upgrade the South West Highway, Muir Highway and Mowen Road,

and calls on the Gallop Labor Government to act immediately to deliver these projects.

**14. School Bus Operators' Remuneration** (Notice given – 3/6/03, renewed – 15/10/03)

Ms K. Hodson-Thomas: To move -

That this House condemns the Gallop Labor Government for continuing to mismanage the School Bus Contract dispute and rate of remuneration for School Bus Operators who are threatening strike action as a result of the ongoing dispute with the Minister for Planning and Infrastructure. And further, that this House calls on the Government to resolve this issue rather than force School Bus Operators into a potential strike that will affect school children, the disabled and parents across regional and metropolitan Western Australia.

**15. Trading Hours Deregulation** (Notice given – 17/6/03, renewed – 29/10/03)

Mr D.F. Barron-Sullivan: To move -

That this House opposes further deregulation of trading hours in Western Australia.

**16. Australian Senate** (Notice given – 19/6/03, renewed – 18/11/03)

Mr P.G. Pental: To move -

That this House unreservedly rejects moves by the Prime Minister to weaken the powers of the Australian Senate, noting –

- (a) that claims of Senate obstructionism cannot be sustained, given that the Senate has rejected only 28 of the 1,200 Bills introduced since the Howard Government took office (that is, 2%);
- (b) that no convincing case has been made out to sustain the argument that Australia has become ungovernable because of the rejection of a mere 2% of the Bills presented to it;
- (c) that rigid party discipline in all chambers of all Australian Parliaments is more responsible for a weakening in real democracy than any other factor;
- (d) that other, more substantial moves, such as a reform of Question Time, and Opposition control of some Parliamentary committees, would be more beneficial to Parliamentary democracy; and
- (e) that the concept of compliant, rubber-stamping Senates or other Upper Houses is anathema to a rigorous Parliamentary democracy,

and calls on all political leaders to pledge themselves to achieving more meaningful Parliaments that represent the interest of Australian people, as distinct from political parties.

**17. Police Station Closures in Regional Western Australia** (Notice given – 26/6/03, renewed – 25/11/03)

Mr M.W. Trenorden: To move -

That this House calls on the Government to provide an assurance that no police stations will be closed in regional Western Australia for the remainder of the term of the Gallop Government.

**18. Main Roads Funding** (Notice given – 12/8/03, renewed – 27/11/03)

Ms K. Hodson-Thomas: To move -

That this House condemns the Gallop Labor Government for its failure to properly fund Main Roads Western Australia and its decision to cut agreed funding levels under the State Road Funds to Local Government Agreement.

**19. Wild Dogs in Agricultural and Pastoral Areas** (Notice given – 12/8/03, renewed – 27/11/03)

Mr P.D. Omodei: To move -

That this House condemns the Gallop Labor Government for its failure to address the issue of wild dogs in the State's agricultural and pastoral areas, which is causing serious stock losses, resulting in abject cruelty to sheep and calves and serious harm to the State's sheep and cattle producing areas, and requests that –

- (a) the Government provides sufficient resources to combat this problem on vacant and unallocated Crown land;
- (b) the Government allow access by 'doggers' to Government controlled land; and
- (c) the bounty on dog scalps, currently being trialled in Laverton, be expanded to all areas experiencing wild dog problems.

**20. Ambulance Response Times** (Notice given – 12/8/03, renewed – 27/11/03)

Mr M.F. Board: To move -

That the Minister for Health immediately deals with the urgent issue of ambulance response times in the Perth metropolitan region, particularly Priority One which has been blown out by 11% in the last two years.

**21. Public Sector Management** (Notice given – 16/9/03, renewed – 24/3/04)

Mrs C.L. Edwardes: To move -

That this House condemns the Government for its undermining of the public sector through ideological restructuring, job cuts and reduced funding, which have resulted in a failure to maintain basic financial controls, a failure to comply with reporting requirements and a failure to be accountable.

**22. Cable Sands (W.A.) Pty Ltd Mining Proposal at Ludlow** (Notice given – 16/9/03, renewed – 24/3/04)

Mr B.K. Masters: To move -

That this House –

- (a) advises the Government of the strong community support for the proposal by Cable Sands (W.A.) Pty Ltd to mine in the former and existing pine plantations at Ludlow;
- (b) congratulates the proponent for its significant commitments to improving the conservation status of the tuart and its associated ecosystems;
- (c) notes the report of the Environmental Protection Authority (E.P.A.) which recommends in support of the mining proposal;
- (d) is critical of environmentalists' claims which imply that the E.P.A. is biased and has been seduced by the proponent; and
- (e) calls upon the Government and the Minister for the Environment to approve the mining proposal in a timely manner.

**23. Community Resources and Social Services in Regional Towns with State Housing** (Notice given – 18/9/03, renewed – 30/3/04)

Mr B.J. Grylls: To move -

That this House condemns the State Government for not providing adequate community resources and social services such as police, health and counselling to regional towns where people with special needs are making application for State Housing.

**24. Mental Health** (Notice given – 23/9/03, renewed – 1/4/04)

Mr M.F. Board: To move -

That the Minister for Health immediately address the growing crisis in mental health.

**25. Office of the Auditor General** (Notice given – 21/10/03, renewed – 4/5/04)

Mr P.G. Pental: To move -

That this House –

- (a) views with concern the implications for public accountability and the future integrity of the State's public audit program the remarks of the Auditor General in his 2002-2003 Report in that –
  - (i) whilst total expenditure of his office has increased 16% between 1993-1994 and 2001-2002 this has failed to keep pace with the 23% increase in the C.P.I. in that period; and
  - (ii) that resourcing of the Audit Office as a proportion of State public sector transactions has fallen 8% in the same period; and

- (b) resolves to request all parties and their leaders to re-commit themselves to policies that will ensure that a nexus is established between Auditor General funding levels, on the one hand, and C.P.I. movements and State public sector transactions on the other; and
- (c) reaffirms its confidence in, and regard for, the functions of the Office of Auditor General whose principal task is to maintain for the Parliament independent scrutiny of the public purse.

**26. Government Protocol on Departmental Officials** (Notice given – 23/10/03, renewed – 6/5/04)

Mr L. Graham: To move -

That this House requests the Premier to table the Government protocol that requires Members to seek written Ministerial approval prior to meeting with Departmental Officials, and further requests the Premier to –

- (a) provide any advice in his possession that demonstrates that the protocol does not contravene Section 55 of *The Criminal Code*;
- (b) explain how an executive edict that has the effect of restricting Members of Parliament’s free exercise of their legitimate duties is in the public interest;
- (c) demonstrate how the protocol fulfils the Government’s expressed objectives of being “open and accountable”;
- (d) demonstrate to the House that the protocol applies to all Members regardless of their political persuasion; and
- (e) provide all information on –
  - (i) the date the protocol came into force;
  - (ii) the purpose of the protocol;
  - (iii) the position and name of the person who authorised the protocol;
  - (iv) the means by which State civil servants have been informed of the content of the protocol;
  - (v) the date on which State civil servants were advised of the content of the protocol;
  - (vi) the means by which Members of Parliament have been informed of the content of the protocol; and
  - (vii) the date on which Members were advised of the content of the protocol.

**27. Identification and Management of Wilderness and Surrounding Areas** (Notice given – 28/10/03, renewed – 11/5/04)

Mr B.K. Masters: To move -

That this House rejects the Government’s draft policy statement on “Identification and Management of Wilderness and Surrounding Areas” since, if implemented –

- (a) it would be bureaucratic, restrictive, elitist and expensive;
- (b) it would not protect important natural values since long-term management actions would be severely constrained;
- (c) the potential for an entire wilderness area to be burnt in a single wildfire would be high, thereby causing severe impacts on diversity and aesthetic values, with localised extinction of species being highly probable; and
- (d) most vehicle tracks, walk trails, helipads, airstrips and recreational infrastructure (including campsites, signage and toilet facilities) would be closed or removed.

**28. Wildfire Controls in Western Australia** (Notice given – 28/10/03, renewed – 11/5/04)

Mr P.D. Omodei: To move -

That this House condemns the Gallop Labor Government for its failure to put in place measures to minimise the risk to Western Australians of the devastation from wildfire, and in particular its failure to –

- (a) provide adequate resources for fire control;
- (b) extend the area of Public Lands to be control burned or hazard reduction burned; and
- (c) ensure that Local Emergency Services plans are up-to-date State-wide,

and calls on the State Government to put in place measures which will ensure that the current devastation in California is not repeated in Western Australia.

**29. Native Vegetation on Farming Properties** (Notice given – 25/11/03)

Mr B.K. Masters: To move -

That this House condemns the Government over its proposed restrictions on the removal of native vegetation on farming properties and agrees that the draft regulations –

- (a) are unfair, discriminatory and unworkable;
- (b) will incur excessive cost for farmers when they apply for or amend clearing permits;
- (c) are lacking in common sense understanding of normal farming practices; and
- (d) do not address the need to fairly compensate landowners for the loss of economic productivity that will arise from the application of proposed Section 51C of the *Environmental Protection Act 1986*.

**30. Wellington Discovery Forest** (Notice given – 2/12/03)

Mr B.K. Masters: To move -

That this House —

- (a) strongly supports the continued operation of the Wellington Discovery Forest;
- (b) calls on the Government to ensure that the Discovery Forest will continue to operate in its present location and in line with its original plans to log and rehabilitate 10 hectares of jarrah forest every 10 years; and
- (c) reminds the Government of the commitment to the ‘continuing operation’ of the Wellington Discovery Forest as contained in the media statement jointly put out by the Ministers for Environment and Forestry on 1 January 2002.

**31. Public Audit of Hospital Beds** (Notice given – 2/3/04)

Mr M.F. Board: To move -

That this House calls on the Minister for Health to immediately conduct a public audit of the total number of fully funded beds available in our public hospital system including all mental health beds and others used for specialty care. The Audit to detail the total number of beds in our tertiary hospitals including Princess Margaret Hospital and King Edward Memorial Hospital and all secondary, regional, district and country hospitals. And calls on the Minister to explain to the House and the community of Western Australia how the shortage of beds and the crisis that occurred last year in our emergency departments will be avoided this year.

**32. Request for Proposals 2002 Commitments** (Notice given – 2/3/04)

Mr P.D. Omodei: To move -

That this House calls on the State Government to adhere to its commitments given under its Request for Proposals 2002 for value adding the State's timber resources, in particular –

- (a) the allocation of 70,000 cubic metres of Jarrah to be value added at Manjimup as proposed by Sotico;
- (b) the Government ensure that potential purchaser(s) of Sotico be made aware of the Sotico proposal in response to the Request for Proposals; and
- (c) the Government encourage the new owners of Sotico to build a furniture precinct in Manjimup.

**33. State's Power Infrastructure** (Notice given – 2/3/04)

Mr P.D. Omodei: To move -

That this House calls on the State Government to immediately embark on a major upgrade of the State's power infrastructure, in particular –

- (a) the power grid in regional Western Australia;
- (b) power poles carrying transformers;
- (c) ageing power poles and lines; and
- (d) removal of trees under and near power lines.

**34. Dairy Industry in Western Australia** (Notice given – 9/3/04)

Mr B.K. Masters: To move -

That this House, while acknowledging the Government's support for 14 of the 22 recommendations contained within the Economic and Industry Standing Committee's dairy industry report, expresses its regret that the State Government has –

- (a) failed to ask the Federal Government to support dairy farmers not being penalised through their taxation or social security entitlements as a result of government assistance packages;
- (b) not asked the Federal Government to change the *Trade Practices Act 1974* to make the 'dumping' of products from the eastern states illegal;
- (c) declined to change the laws on the use of the "Buy WA First" logo, requiring such products to be 100% produced in Western Australia;
- (d) declined to change the laws requiring that products labelled as "Fresh" must not be made from reconstituted products;
- (e) not directed Western Power to be more equitable in its dealings with dairy farmers needing 3-phase upgrades of their electricity supplies;
- (f) failed to ask the Federal Government to change the *Trade Practices Act 1974* to allow the Australian Competition and Consumer Commission to more easily take action against unconscionable conduct; and
- (g) failed to support recommendations that could have made significant improvements to the financial treatment of dairy farmers assistance payments.

**35. Fresh Milk Prices in Western Australia** (Notice given – 9/3/04)

Mr P.D. Omodei: To move -

That this House calls on the Western Australian State Government to investigate the power of this State's major retail chain stores' policies in setting the price for "fresh milk", in particular –

- (a) how the retail price for milk is set;
- (b) whether the *Trade Practices Act 1974* is being contravened in setting the price of milk;
- (c) the formula for setting the price of generic and branded milk;
- (d) the impact of retail price setting policy on dairy farmers and dairy communities; and
- (e) whether powdered milk is added to "fresh milk" and refer the outcome of the investigations to the Australian Consumer and Competition Council.

**36. Country Health Services** (Notice given – 6/4/04)

Mr M.W. Trenorden: To move -

That this House condemns the Gallop Labor Government for its failure to deliver appropriate health services to country communities, and in particular its failure to –

- (a) meet its pre-election commitment to "deliver health services closer to where people live" (page 4 Better Regional Health Policy);
- (b) meets its pre-election commitment to "...strengthen the role and effectiveness of community health services to address the disturbingly poorer health outcomes that many people in regional WA face" (page 14 Better Regional Health Policy);
- (c) deliver upgraded Hospital and Health Centres facilities in country areas to ensure the facilities are appropriate to meet local needs, including access to 24 hour, 7 day a week Emergency Services;
- (d) provide for an appropriate level of community input into local health matters, following the Gallop Government's abolition of Country Hospital Boards;
- (e) deliver a range of basic health services in country communities, instead forcing health consumers to travel to larger regional centres or Perth for treatment;
- (f) recognise and support the critical role played by non-government health service providers in country communities, in key areas such as Mental Health, Drug Education, Aged Care, Men's Health and children's health;
- (g) provide a suitable standard of housing for country medical staff and their families;
- (h) provide appropriate incentives for country based medical staff,

and calls on the State Government to immediately reinstate funding and resources for the full range of health services required by people living in country communities.

**37. Licensing for Recreational Boat Users** (Notice given – 6/4/04)

Ms K. Hodson-Thomas: To move -

That this House condemns the Minister for Planning and Infrastructure for the lack of proper consultation with the Boating community in relation to compulsory training and licensing for recreational boat users.

**38. Child Protection** (Notice given – 6/4/04)

Mr R.F. Johnson: To move -

That this House condemns the Gallop Labor Government for failing to –

- (a) protect our children against abuse; and
- (b) bring those responsible for perpetuating such abuse to justice.

**39. Disallowance of the Environmental Protection (Unauthorised Discharges) Regulations 2004** (Notice given – 11/5/04)

Mr B.K. Masters: To move -

That this House disallows the *Environmental Protection (Unauthorised Discharges) Regulations 2004* under the *Environmental Protection Act 1986*, a copy of which was laid on the table of the Legislative Assembly on 23 March 2004.

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**PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY**
**1. Adoption Amendment Bill 2002** (Dr E. Constable) (No. 126, 2r. – 26/6/02)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**2. Main Roads Amendment Bill 2001** (Mr M.W. Trenorden) (No. 48, 2r. – 29/8/01)

Second reading. Adjourned debate (Leader of the House).

**3. Volunteer Protection Bill 2002** (Mr B.J. Grylls) (No. 122, 2r. – 12/6/02)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**4. Fair Trading Amendment Bill 2001** (Mr P.G. Pental) (No. 44, 2r. – 13/3/02)

Second reading. Adjourned debate (Minister for Consumer and Employment Protection).

**5. Heathcote Hospital Site (Reservation) Bill 2001** (Dr J.M. Woollard) (No. 63, 2r. - 17/10/01)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**6. Fremantle Eastern Bypass** (Moved - 21/8/02)

Adjourned debate (Mr F.M. Logan - continuation of remarks) on the motion moved by Mr M.F. Board –

That this House condemns the State Government for failing to govern in the interests of Western Australians in relation to the proposed deletion of the Fremantle Eastern Bypass from the Metropolitan Region Scheme.

**7. Independent Advice Relating to Members of the Cabinet** (Moved - 11/9/02)

Adjourned debate (Mr C.J. Barnett - continuation of remarks) on the motion moved by Ms S.E. Walker –

That this House calls on the Premier to ensure that the Attorney General appoint some person to make decisions that would otherwise be made by him, being a person independent of Government to deal with and make all decisions with relation to matters which directly or indirectly involve allegations of criminal behaviour by members of the Gallop Cabinet in view of –

- (a) the obvious perception that any member of Cabinet may be biased in favour of their Cabinet colleague when making decisions;
- (b) the clear misuse by the Attorney General of a previous indirect allegation of evidence fabrication which involved the Minister for Health;
- (c) the clear attempt by the Attorney General to cover up his improper behaviour over the Lewandowski affidavit; and

- (d) the latest allegations relating to the Ripley case, the possibility that a now-senior member of the Labor Government could be one of the unnamed co-conspirators or at least would be embarrassed by any revelations.

**8. National Review of Nursing Education 2002** (Moved - 18/9/02)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Mr M.F. Board –

That the Minister for Health immediately accepts, endorses and implements the recommendations made in the National Review of Nursing Education 2002.

**9. Western Australia Hospitality and Tourism Sectors** (Moved - 25/9/02)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Ms S.E. Walker –

That this House condemns the Gallop Government's lack of support, vision and sound management for the Western Australian Hospitality and Tourism sectors, currently in a deepening crisis, and further being impacted upon by the archaic provisions of the *Labour Relations Reform Act 2002* and calls upon the Government to urgently conduct a public forum of tourism and hospitality stakeholders to properly address issues of serious concern in the industry.

**10. Fire Management in the Western Australian Environment** (Moved - 6/11/02)

Adjourned debate (Mr T.K. Waldron - continuation of remarks) on the motion moved by Mr B.K. Masters -

That this House calls upon the Government to accept that –

- (a) fire is a natural part of West Australia's environment;
- (b) fire is an essential management tool in virtually all WA ecosystems;
- (c) the exclusion of all fire from natural areas, as supported by some environmentalists, poses serious threats to life, property and environmental values if implemented; and
- (d) adequate funding for the appropriate use of fire as an environmental management and hazard reduction tool must be provided as a high budget priority.

**11. Performance of Government** (Moved - 27/11/02)

Adjourned debate (Leader of the House) on the motion moved by Mr C.J. Barnett -

That this House condemns the Gallop Labor Government for its failure to govern in the interests of all Western Australians and the failure of its Ministers to discharge their duties in an open and accountable manner.

**12. Sustainable Water Supply for Regional Western Australia** (Moved - 4/12/02)

Adjourned debate (Minister for the Environment and Heritage - continuation of remarks) on the motion moved by Mr B.J. Grylls -

That this House calls on the Government to take immediate and decisive action to facilitate the role of private enterprise in developing innovative water management projects for the establishment of a sustainable water supply for regional Western Australia.

**13. National Action Plan on Salinity and Water Quality** (Moved – 9/4/03)

Adjourned debate (Mr R.N. Sweetman – continuation of remarks) on the motion moved by Mr B.J. Grylls –

That this House calls on the Gallop Government to immediately prioritise and fund projects through the National Action Plan on Salinity and Water Quality that have been developed by the community and accredited through regional natural resource management plans, and to re-submit these plans to the Federal Government so that Western Australia does not forfeit matching funding to other States.

**14. Health (Smoking in Enclosed Public Places) Amendment Bill 2003** (Dr J.M. Woollard) (No. 200, 2r. – 14/5/03)

Second reading. Adjourned debate (Minister for Health).

**15. Lobbying Disclosure and Accountability Bill 2003** (Dr E. Constable) (No. 205, 2r. – 11/6/03)

Second reading. Adjourned debate (Mr P.G. Pental).

**16. Retail Trading Hours Amendment Bill 2003** (Mr D.F. Barron-Sullivan) (No. 211, 2r. – 18/6/03)

Second reading. Adjourned debate (Leader of the House).

**17. Swan River Environmental Health** (Moved – 25/6/03)

Adjourned debate (Mr B.K. Masters – continuation of remarks) on the motion moved by Mr B.K. Masters -

That recognising the poor environmental health of the Swan River and associated waterways, this House calls on the government to –

- (a) urgently provide sufficient funding to the Swan River Trust to allow it to adequately meet the increasing pressures placed upon the Swan and Canning Rivers resulting from increased nutrient inputs and higher recreational usage; and
- (b) take whatever steps are necessary to assist the Swan and Avon Catchment Councils to complete their catchment management strategies, so as to take full advantage of funding offered by the federal government under its National Action Plan on Water and Salinity.

**18. Criminal Injuries Compensation Amendment Bill 2003** (Ms S.E. Walker) (No. 223, 2r. – 13/8/03)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**19. Ningaloo Reef Coastline** (Moved – 13/8/03)

Adjourned debate (Mr A.D. McRae – continuation of remarks) on the motion moved by Mr B.K. Masters -

That this House condemns the Premier for –

- (a) his Government's waste of money in the way the decision to refuse the Maud's Landing marina proposal was announced, and in the on-going expenditure seeking community input into planning issues affecting the Ningaloo Reef area which in effect is political advertising for the ALP;
- (b) failing to provide specific and detailed reasons for the rejection of the proposal, contrary to the requirements of the Environmental Protection Act 1986;
- (c) failing to provide or commit funding for essential management and infrastructure along the entire Ningaloo Reef coastline; and

- (d) being misleading in representing the views of the chairman of the Environmental Protection Authority (E.P.A.) on the E.P.A.'s attitude towards the Maud's Landing proposal.

**20. Water Conservation and Management Bill 2003** (Mr P.G. Pental) (No. 225, 2r. – 20/8/03)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

**21. Public Interest Disclosure Amendment Bill 2003** (Mrs C.L. Edwardes) (No. 229, 2r. – 10/9/03)

Second reading. Adjourned debate (Mr M. McGowan).

**22. Freedom of Information Amendment Bill 2003** (Dr E. Constable) (LC No. 206, 2r. – 22/10/03)

Second reading. Adjourned debate (Mr P.G. Pental).

**23. Heritage Properties in William and Wellington Streets** (Moved – 15/10/03)

Adjourned debate (Mr R.F. Johnson – continuation of remarks) on the amendment moved by the Leader of the House, To delete all words after the first “and” and substitute the following –

“ acknowledges the support of the Gallop Government for the interim heritage listing of the William and Wellington Street Heritage Precinct. ”,

in the amendment moved by Mr P.G. Pental, To delete all words after “House” and substitute the following –

“ notes with satisfaction the actions today of the Minister for Heritage, and congratulates the Member for Greenough for his actions in the matter of the William and Wellington Streets Heritage Precinct. ”,

in the motion moved by Mr J.P.D. Edwards –

“That this House –

- (a) expresses its deep concern at moves by the Gallop Government to resume heritage properties in William and Wellington Streets in connection with the railway construction at a time when such properties are subject to heritage assessment and registration process; and
- (b) calls on the Government to cease any resumption pending the outcome of the heritage process and an independent assessment of potential compensation costs.

”.

**24. Parliamentary Inquiry into Western Power** (Moved – 22/10/03)

Adjourned debate (Mr M.P. Whitely – continuation of remarks) on the motion moved by Mr M.W. Trenorden -

That this House calls on the Government to support a parliamentary inquiry to investigate deteriorating infrastructure and the poor customer service standards of Western Power.

**25. Answers to Parliamentary Questions** (Moved – 29/10/03)

Adjourned debate (Mr A.J. Dean – continuation of remarks) on the motion moved by Mr M.J. Birney -

That this House notes with grave concern that the Minister for Police and other members of State Cabinet have been consistently and deliberately refusing to answer official Parliamentary questions, providing false, misleading and deceptive answers to questions and that they have failed to correct the Parliamentary record at the first opportunity after providing factually incorrect, misleading answers to Parliament.

And further that, after carefully considering the gravity of the above mentioned indiscretions, that this House regretfully expresses that it no longer has confidence in the Minister for Police to undertake her Ministerial duties and to provide open, accountable and factually correct answers to the Parliament of Western Australia.

**26. Multanova Camera Placement Criteria** (Moved – 19/11/03)

Adjourned debate (Ms K. Hodson-Thomas – continuation of remarks) on the motion moved by Ms K. Hodson-Thomas -

That in light of recent comments by the Police Union, condemning the use of Multanovas as a revenue raising measure rather than as a road safety tool, this House calls on the Government to urgently review the placement criteria to ensure that these cameras are used as a life saving measure.

**27. Rottnest Island Accommodation** (Moved – 26/11/03)

Adjourned debate (Mr A.D. Marshall) on the motion moved by Mr R.F. Johnson -

That this House calls on the Minister for Tourism to immediately honour his Government's commitment to provide \$14 million over four years to upgrade accommodation on Rottnest Island, especially in light of recent price hikes, rather than simply wasting taxpayer funds on yet another Taskforce.

**28. Criminal Code Amendment Bill (No. 3) 2003** (Mr R.A. Ainsworth) (No. 267, 2r. – 3/12/03)

Second reading. Adjourned debate (Mr R.N. Sweetman).

**29. Pre-Election Commitments** (Moved – 3/12/03)

Adjourned debate (Mr R.F. Johnson – continuation of remarks) on the motion moved by Mr M.J. Birney -

That this House notes with grave concern that this State Labor Government has failed to fully deliver on 60% of its pre-election policing promises.

And further, that this House recognises that Western Australians have lost confidence in the State Labor Government and its ability to provide for them a safe and secure living environment.

**30. Electricity Supply in Western Australia** (Moved – 3/3/04)

Adjourned debate (Dr J.M. Woollard – continuation of remarks) on the motion moved by Mr C.J. Barnett -

That this House condemns the Minister for Energy for failing to –

- (a) take responsibility for the energy crisis in Western Australia; and
- (b) discharge his fundamental duty to ensure a reliable electricity supply to all West Australians.

**31. Police Royal Commission** (Moved – 10/3/04)

Adjourned debate (Mr M. McGowan – continuation of remarks) on the amendment moved by the Minister for Police and Emergency Services, To delete all words after “House” with a view to substituting the following –

“ endorses the Gallop Government's response to the Final Report of the Royal Commission Into Whether There Has Been Corrupt or Criminal Conduct by Any Western Australian Police Officer and reaffirms its strong support for the very many decent, honest and hardworking members of the Western Australian Police Service. ”

in the motion moved by Mr M.J. Birney –

“ That this House endorses the Police Commissioner's response to the Final Report of the Police Royal Commission and reaffirms its strong support for the Western Australian Police Service. ”.

**32. Essential Services in Regional Areas** (Moved - 24/3/04)

Adjourned debate on the amendment moved by Mr D.F. Barron-Sullivan, To delete all words after “recognises” and substitute the following –

“ the need to –

- (a) support the extension of the South-West gas pipeline to Albany;
- (b) reopen the ten recently closed beds at Albany Regional Hospital; and
- (c) commit to meeting the \$500,000 shortfall for the new swimming pool in Albany.

”

in the amendment moved by Mr A.J. Dean, To insert the following –

“ recognises the Gallop Labor Government’s efforts and achievements in providing essential services across all regions of Western Australia, which is evidenced by what has been done in Albany.

”

in the motion moved by Mr M.F. Board as amended by the deletion of all words after “House” –

~~That this House calls on the Gallop Labor Government to change its city-centric approach and ensure the provisions of essential services to regional areas such as Albany.~~

**33. Criminal Code Amendment Bill 2004** (Mr B.J. Grylls) (No. 283, 2r. – 7/4/04)

Second reading. Adjourned debate (Attorney General).

**34. Child Obesity and Diabetes** (Moved – 7/4/04)

Adjourned debate (Mr R.F. Johnson) on the amendment moved by Mr J.B. D’Orazio, To delete all words after “That” with a view to substituting the following –

“ this House recognises the important work being undertaken by the Health Department and its agencies in developing strategies to deal with rising incidents of obesity, in particular child obesity and the rapidly escalating incidence of Diabetes II in our community and urges the Minister for Health to continue his support for programs in these areas.

”

in the motion moved by Mr M.F. Board –

“ That the State Government urges the Minister for Health to immediately instruct the Health Department to coordinate a more meaningful and well resourced strategy to deal with the rising incidence of obesity, in particular child obesity and the rapidly escalating incidence of Diabetes II in our community.

”

**35. State Flag Bill 2004** (Mr C.J. Barnett) (No. 292, 2r. – 5/5/04)

Second reading. Adjourned debate (Leader of the House).

**36. Dental Prosthetists Amendment Bill 2004** (Mr M.W. Trenorden) (No. 277, 2r. – 12/5/04)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

## COMMITTEES TO REPORT

Education and Health Standing Committee – Attention Deficit Disorder and Attention Deficit Hyperactive Disorder in Western Australia	–	30 June 2004
Public Accounts Committee – Inquiry into Contracts entered into between Consolidated Constructions PTY LTD and Main Roads Western Australia and the Public Transport Authority	–	14 September 2004
Economics and Industry Standing Committee – Energy Efficiency and Renewable Energy in Western Australia	–	30 September 2004

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## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Procedures and Privileges Committee – Changes to Prorogation and Extended Sessions	Leader of the House Attorney General	23 January 2004 (non-compliance reported 2 March 2004)
Procedures and Privileges Committee - Parliamentary Privilege and its Linkage to the UK House of Commons	Attorney General	13 August 2004
Education and Health Standing Committee – The Role and Interaction of Health Professionals in the Western Australian Public Health System	Minister for Health	13 August 2004

- 
- \* Denotes amendments appear in the Notices and Amendments section of the Notice Paper.
- † Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.
- ‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.
-

## NOTICES AND AMENDMENTS

### *Coal Industry Superannuation Amendment Bill 2004 (No. 270 — 1)*

Clause 5.

The Minister for State Development: To move —

Page 3, after line 7 — To insert the following —

“

- (1c) The people specified under subsection (1b) must be people —
  - (a) who are, or have been —
    - (i) involved in coal mining in Western Australia; or
    - (ii) closely related to a person who is or has been involved in coal mining in Western Australia;
  - and
  - (b) whose membership of the Fund would not prevent the Fund being a complying superannuation fund within the meaning of the SIS Act.

”.

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### *Dangerous Goods Safety Bill 2002 (No. 168 — 2)*

Message No. 130.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Dangerous Goods Safety Bill 2002* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendment made by the Legislative Council in the Dangerous Goods Safety Bill 2002*

#### **No. 1**

Clause 56, page 45, line 8 - To delete “21” and insert instead -

“ 60 ”.

*Electoral Reform Bill 2002 (No. 155 — 1)*

Clause 4.

Dr J.M. Woollard: To move –

Page 9, lines 3 and 4 - To delete the following –

“

; and

(ii) the additional large district number,

”.

Dr J.M. Woollard: To move –

Page 9, lines 10 to 13 – To delete the lines.

Dr J.M. Woollard: To move –

Page 9, line 15 to page 10, line 18 – To delete the lines and substitute the following –

“

- (1) The Commissioners shall divide the State into regions in accordance with the principles that —
  - (a) the number of electors comprised in the region at the day specified in section 16E, 16F or 16G(1) as the day as soon as practical be after which the division is to be carried out must not be more than 10% greater, or more than 20% less, than the average region enrolment on the day so specified;
  - (b) each region consist of one or more complete and contiguous districts; and
  - (c) to the extent possible the regions reflect communities of interest, land use patterns and distance from the capital.
- (2) In subsection (1)(a) —
 

**“average region enrolment”** means the number of enrolled electors in the State divided by the number of regions specified in section 16D.

”.

Dr J.M. Woollard: To move –

Page 10, line 20 – To delete “regions and”.

Dr J.M. Woollard: To move –

Page 10, line 21 – To delete “regions and”.

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***Finance Brokers Control Amendment Bill 2003 (No. 257 — 1)***

Clause 5.

The Minister for Consumer and Employment Protection: To move –

Page 4, lines 8 to 30 – To delete the lines and substitute the following –

“

- (2) The Governor may make regulations under this subsection exempting a person or class of persons from the operation of this Act, or specified provisions of this Act.
- (3) Regulations made under subsection (2) may make an exemption subject to specified terms or conditions.

”.

Clause 14.

The Minister for Consumer and Employment Protection: To move –

Page 20, after line 22 – To insert the following –

“

- (3) Section 23(2) is amended in paragraph (b) of the definition of “reviewable decision” after “Division 2” by inserting —  
“ or section 82A(1) ”.

”.

Clause 18.

The Minister for Consumer and Employment Protection: To move –

Page 22, line 15 – To delete the line.

Clause 25.

The Minister for Consumer and Employment Protection: To move –

Page 28, after line 24 – To insert the following –

“

- (3) After section 34(3) the following subsection is inserted —  
“
- (4) A condition to which a licence is subject may be varied or revoked by the Commissioner, upon the application of the licensee, or on the Commissioner’s own motion.

”.

”.

”.

Clause 33.

The Minister for Consumer and Employment Protection: To move –

Page 32, line 7 to page 33, line 12 – To delete the lines.

Clause 37.

The Minister for Consumer and Employment Protection: To move –

Page 35, after line 11 – To insert the following –

“

(2) Section 44(4) is amended after “shall be held in” by deleting “the”.

”.

Clause 49.

Dr E. Constable: To move –

Page 40, line 8 – To delete the line and substitute the following –

“

Penalty: \$100 000.

”.

Clause 65.

The Minister for Consumer and Employment Protection: To move –

Page 46, before line 1 – To insert the following –

“

(2) A notice under subsection (1) is to set out a brief summary of the basis for the suspension and, for the purposes of administrative review, that summary is to be regarded as a written statement of the reasons for the decision.

”.

Schedule 1.

The Minister for Consumer and Employment Protection: To move –

Page 58, line 13 – To insert after “Act” the following –

“

, and for the licence to be subject to any conditions imposed on that business certificate

”.

The Minister for Consumer and Employment Protection: To move –

Page 58, lines 17 and 18 – To delete “under section 5(2) of the *Finance Brokers Control Act 1975* for a period of 90 days” and substitute the following –

“ for a period of up to 12 months ”.

The Minister for Consumer and Employment Protection: To move –

Page 58, after line 19 – To insert the following –

“

- (3) A person who is taken to be exempted under subclause (2) is no longer to be taken to be exempted if the person becomes licensed under the *Finance Brokers Control Act 1975*.

”.

The Minister for Consumer and Employment Protection: To move –

Page 58, lines 29 and 30 – To delete the lines and substitute the following –

“ a period equal to 3 years from the day of its issue. ”.

The Minister for Consumer and Employment Protection: To move –

Page 59, after line 4 – To insert the following –

“

**10. Licence condition revoked on commencement day**

If a licence issued under the Finance Brokers Act has a condition to the effect that a licence does not confer the right for a licensee to carry on business as a finance broker unless he or she also holds a business certificate in respect of that licence, that condition is revoked on the commencement day.

”.

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***Occupational Safety and Health Legislation Amendment and Repeal Bill 2004 (No. 282 — 1)***

Clause 36.

The Minister for Consumer and Employment Protection: To move –

Page 38, line 30 – To delete “prosecutor” and substitute the following –

“ complainant ”.

The Minister for Consumer and Employment Protection: To move –

Page 39, line 14 – To delete “prosecutor” and substitute the following –

“ complainant ”.

## Clause 38.

The Minister for Consumer and Employment Protection: To move –

Page 46, lines 12 and 13 – To delete the lines and substitute the following –

“

(b) in the definition of “safety and health committee” by

”.

The Minister for Consumer and Employment Protection: To move –

Page 46, after line 15 – To insert the following –

(c) in the definition of “safety and health representative” by inserting after  
“Part IV” —

“ Division 1 ”.

”.

## Clause 41.

The Minister for Consumer and Employment Protection: To move –

Page 47, line 18 – To insert after “32(2)(b)” –

“ , (ba) ”.

## Clause 48.

The Minister for Consumer and Employment Protection: To move –

Page 55, line 11 – To delete “(1)(e)” and substitute the following –

“ (3) ”.

## Clause 50.

The Minister for Consumer and Employment Protection: To move –

Page 65, line 5 – To delete “38(2)” and substitute the following –

“ 38(1) ”.

The Minister for Consumer and Employment Protection: To move –

Page 65, lines 21 to 23 – To delete the lines and substitute the following –

“

- (a) an employer —
  - (i) is under an obligation by operation of section 38(1); or
  - (ii) wishes to take action for the purposes of section 39B, in respect of more than one workplace of the employer; and

”.

The Minister for Consumer and Employment Protection: To move –

Page 67, lines 3 to 9 – To delete the lines and substitute the following –

“

- (2) Where —
  - (a) an agreement has been made under section 39C(2); or
  - (b) the matters referred to in section 39C(2) are governed by provisions consisting —
    - (i) wholly of a determination made under section 39D, whether or not it has been varied or confirmed under section 39G; or
    - (ii) partly of an agreement under section 39C(2) and partly of a determination made under section 39D, whether or not it has been varied or confirmed under section 39G,

the relevant parties may by agreement in writing made between them —

- (c) vary —
  - (i) the agreement or provisions; or
  - (ii) if applicable, the agreement or provisions as previously varied under this subsection; and
- (d) make any transitional provision that is necessary or expedient in respect of the variation.

”.

The Minister for Consumer and Employment Protection: To move –

Page 67, line 21 – To insert after “agreement” the following –

“ or provisions ”.

The Minister for Consumer and Employment Protection: To move –

Page 67, line 23 – To insert after “agreement” the following –

“ or provisions ”.

Clause 51.

The Minister for Consumer and Employment Protection: To move –

Page 69, lines 8 and 9 – To delete “of the OSH Act inserted by section 50” and substitute the following –

“ or 39B of the OSH Act inserted by section 50, as the case may be ”.

New clause.

The Minister for Consumer and Employment Protection: To move –

Page 82, after line 18 – To insert the following –

“

**64. Section 51A amended**

Section 51A(6) is repealed.

”.

Clause 68.

The Minister for Consumer and Employment Protection: To move –

Page 89, lines 4 to 7 – To delete the lines.

Clause 109.

The Minister for Consumer and Employment Protection: To move –

Page 113, line 30 to page 114, line 7 – To delete the lines and substitute the following –

“

- (2) The power conferred by subsection (1) is not to be exercised in respect of a notice —
- (a) during a period when a referral of the notice under section 51 is awaiting a determination of the Commissioner under that section; or
  - (b) after a decision in respect of the notice has been referred to the Tribunal under section 51A,

but may be exercised at any other time and whether or not the notice has been affirmed under section 51(5)(a) or (b).

”.

***Restoration of Legislative Assembly Bills***

Message No. 9.

The Legislative Council has considered Legislative Assembly Message No. 5 relating to the –

*Yallingup Foreshore Land Bill 2002*  
*Volunteers (Protection from Liability) Bill 2002*  
*Home Building Contracts Amendment Bill 2002*

In response, the Legislative Council –

- (1) does not agree that the difficulties associated with the three Bills can be rectified by altering internal practice and procedure. The Bills lapsed on prorogation by operation of law;
- (2) recommends that the Government reconsider the necessity for annual prorogations said to arise from section 4 of the *Constitution Act 1889* and notes the divergence of interpretation and practice despite a provision identical to section 4 appearing in the Constitution of the Commonwealth and each of the States;
- (3) reminds the Legislative Assembly that a Bill must have been on the Notice Paper in the previous session if it is to be restored, that is, the Bill must have been in the possession of the House. Possession cannot occur until a Bill is introduced and given a first reading. On that basis, the House never had possession of the three Bills and had nothing to restore;
- (4) rejects the assertion that transmission of a Bill between the Houses is a “stage” in passage. Parliamentary authorities are in agreement on the meaning of “stage” and no mention is made of transmission in that context; and
- (5) requests the Legislative Assembly to cite a reference to the written law that expressly or impliedly amended section 46(5) of the *Constitution Acts Amendment Act 1899* so as to enable the Legislative Assembly to “require” this House to comply with the Assembly’s demands relating to the passage of legislation.

---

***Revenue Laws Amendment Bill 2004 (No. 294 — 1)***

Clause 8.

The Treasurer: To move –

Page 6, lines 2 to 6 – To delete the lines and substitute the following –

“

Despite the amendments made by this Division, the *Stamp Act 1921* as in force immediately before the commencement of this Division applies to and in relation to —

- (a) an instrument that was first executed before 1 July 2004;
- (b) an instrument of conveyance or transfer that replaces another instrument for the conveyance or transfer of the same property where the replaced instrument was first executed before 1 July 2004;

- (c) an instrument of conveyance or transfer of property where —
- (i) the person to whom the property is conveyed or transferred (the transferee) had an option to purchase the property, or the person who conveys or transfers the property had an option to require the transferee to purchase the property; and
  - (ii) in either case, the option was granted on or after 6 May 2004 but before 1 July 2004;

and

- (d) an instrument of conveyance or transfer where —
- (i) the conveyance or transfer of property is made in accordance with an arrangement made on or after 6 May 2004; and
  - (ii) the sole or principal purpose of the arrangement was to defer the conveyance or transfer of the property until 1 July 2004 or later so that the rates of duty applicable on or after 1 July 2004 would apply to the instrument.

”.

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***Western Australian College of Teaching Bill 2003 (No. 219 — 2)***

Message No. 132

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Western Australian College of Teaching Bill 2003* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendments made by the Legislative Council in the Western Australian College of Teaching Bill 2003*

**No. 1**

Clause 2, page 2, line 6 - To delete “(1) Subject to subsection (2),”.

**No. 2**

Clause 2, page 2, lines 8 and 9 - To delete the lines.

**No. 3**

Clause 12, page 9, line 8 - To delete “the maintenance of professional standards” and insert instead -  
“ is in the public interest ”.

**No. 4**

Clause 14, page 11, after line 5 - To insert -

“

- (2) The text of any written advice given under subsection (1) is to be included in the annual report of the College under section 29.

”.

**No. 5**

Clause 35, page 23, after line 11 - To insert -

“  
(c) has successfully completed a prescribed police criminal record check;  
”.

**No. 6**

Clause 50, page 32, line 22 - To delete “7” and insert instead -

“ 14 ”.

**No. 7**

Clause 51, page 33, line 8 - To delete “7” and insert instead -

“ 14 ”.

**No. 8**

Clause 52, page 33, line 29 - To delete “7” and insert instead -

“ 14 ”.

**No. 9**

Clause 56, page 37, line 21 - To delete the full stop and insert the following -

“  
; or  
(c) if a qualification of the person that enabled the person to gain membership  
has been found to be forged or fraudulently obtained.  
”.

**No. 10**

Clause 67, page 42, line 13 - To insert after “affected person” -

“ , or a person required to appear before the inquiry as a witness, ”.

**No. 11**

Clause 71, page 44, lines 2 to 4 - To delete the lines and insert instead -

“  
(2) A person who is not a certificated practitioner (within the meaning of the *Legal  
Practice Act 2003*) is authorised —  
”.

**No. 12**

New Clause 75, page 45, after line 28 - To insert the following new Clause -

“

**75. Publication of adverse findings**

- (1) If the College orders that disciplinary action be taken against a member of the College then the College is to cause to be published, in accordance with the regulations —
  - (a) the name of the person;
  - (b) the nature of the finding;
  - (c) the disciplinary action taken, if any; and
  - (d) a summary of its reasons for its finding.
- (2) The summary referred to in subsection (1)(d) is to include such details of the evidence as the College considers helpful in understanding the nature of the case, but the College may withhold such details as it considers —
  - (a) in the interests of any complainant or witness before the inquiry should be withheld; or
  - (b) would prejudice the interests of any person other than the affected person.
- (3) Despite subsection (1), the College is not required to comply with that subsection if it is of the opinion that the circumstances are of such a minor nature that publication is not warranted.

”.

**No. 13**

Schedule 1, page 57, lines 4 to 7 - To delete the lines and insert instead -

“

- (b) is an insolvent under administration, within the meaning given to that term by the *Corporations Act 2001* of the Commonwealth; or

”.

**No. 14**

Schedule 4, page 66, after Clause 7 - To insert the following new Clause -

“

**8. Sections 30, 31 and 82 not to apply to current teachers for a period of time**

Sections 30, 31 and 82 do not apply in respect of a teacher to whom clause 2 or 3 of this Schedule applies, until —

- (a) an application made by the teacher under clause 2 or 3 has been granted, or refused, by the College under this Schedule; or
- (b) 18 months after the commencement day,

whichever happens first.

”.

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**PETER J. McHUGH**

Clerk of the Legislative Assembly

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