WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 29

THURSDAY, 28 NOVEMBER 2002, 9.00 a.m.

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Prayers *
Petitions
Papers
Giving Notice of Motion
Brief Ministerial Statements *
Questions Without Notice * - approximately 2.00 p.m. each day
Matter of Public Interest - one per week on any day
Private Members’ Business - 4.30 p.m. to 6.00 p.m. Wednesdays
Private Members’ Statements - 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.

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.

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GOVERNMENT BUSINESS - ORDERS OF THE DAY

   Consideration in detail.

   Further consideration in detail - Clause 23.

3. Address in Reply (Moved - 13/8/02)
   Adjourned debate (Leader of the House).

4. Appropriation (Consolidated Fund) Bill (No. 3) 2002 (Treasurer) (No. 145, 2r. - 23/10/02)
   Second reading. Adjourned debate (Mr J.L. Bradshaw).

5. Appropriation (Consolidated Fund) Bill (No. 4) 2002 (Treasurer) (No. 146, 2r. - 23/10/02)
   Second reading. Adjourned debate (Mr J.L. Bradshaw).

6. *Nurses Amendment Bill 2002* (Minister for Health) (No. 159, 2r. - 6/11/02)
   Second reading. Adjourned debate (Mr J.L. Bradshaw - continuation of remarks).
7. **Regional Development Commissions Amendment Bill 2002** (Minister for Consumer and Employment Protection) (No. 109, 2r. - 22/8/02)
Second reading. Adjourned debate (Minister for Consumer and Employment Protection).

8. **Legal Practice Bill 2002** (Attorney General) (No. 154, 2r. - 23/10/02)

9. **Acts Amendment and Repeal (Courts and Legal Practice) Bill 2002** (Attorney General) (No. 153, 2r. - 23/10/02)
Second reading. Adjourned debate (Mr J.L. Bradshaw).

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

11. **Restoration of Legislative Assembly Bills** (Leader of the House) (Moved - 24/9/02)
Consideration of Legislative Council Message No. 9.

12. **Reserves (Dampier to Bunbury Natural Gas Pipeline Corridor) Bill 2002** (Minister for Planning and Infrastructure) (No. 148, 2r. - 25/9/02)
Second reading. Adjourned debate (Mr J.L. Bradshaw).

13. **Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2002** (Attorney General) (No. 152, 2r. - 23/10/02)

14. **Electoral Reform Bill 2002** (Minister for Electoral Affairs) (No. 155, 2r. - 23/10/02)
Second reading. Adjourned debate (Mr J.L. Bradshaw).

15. **Police Amendment Bill 2002** (Minister for Police and Emergency Services) (No. 160, 2r. - 13/11/02)
Second reading. Adjourned debate (Mr W.J. McNee).

16. **Water Boards Amendment Bill 2002** (Minister for the Environment and Heritage) (No. 106, 2r. - 14/11/02)
Second reading. Adjourned debate (Mr J.L. Bradshaw).

17. **Contaminated Sites Bill 2002** (Minister for the Environment and Heritage) (No. 164, 2r. - 27/11/02)
Second reading. Adjourned debate (Mr J.L. Bradshaw).

18. **Acts Amendment and Repeal (Competition Policy) Bill 2002** (Minister for Consumer and Employment Protection) (No. 162, 2r. - 27/11/02)
Second reading. Adjourned debate (Mr W.J. McNee).

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**PRIVATE MEMBERS’ BUSINESS - NOTICES OF MOTION**

1. **Eradication of Introduced Plant and Animal Species** (Notice given - 13/8/02)
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)

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)

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)

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;

(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)

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)
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)
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)
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. **Lang Hancock Contribution** (Notice given - 26/11/02)
Mr C.J. Barnett: To move -

That this House acknowledges the major contribution made by the late Lang Hancock to the development of the Western Australian iron ore industry on the occasion of the 50th anniversary of his discovery of iron ore in the Pilbara.

10. **Attention Deficit Disorder and Attention Deficit Hyperactive Disorder in Western Australia** (Notice given - 26/11/02)
Mr M.F. Board: To move -

That in accordance with Standing Order 287(2), the following matters be referred to the Health and Education Standing Committee for its investigation –

(a) the extent of the incidence and diagnosis of Attention Deficit Disorder (ADD) and Attention Deficit Hyperactive Disorder (ADHD) in Western Australia taking into account all previous reports and inquiries;
(b) an analysis of those figures compared to other states of Australia and other countries;
(c) the analysis of emerging medical opinion and varying medical approaches;
(d) the divergence of public opinion and the need for a more defined State Policy;
(e) the relationship, if any, between those diagnosed with ADD or ADHD and drug addiction; and
(f) the relationship, if any, between those diagnosed with ADD or ADHD with criminal offences; and

that the Committee report to the Assembly by 4 December 2003.

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. Pendal) (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 (Mr R.F. Johnson - continuation of remarks) 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.

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**GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS**

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* 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

Electoral Reform Bill 2002

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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Nurses Amendment Bill 2002

Clause 42.

The Minister for Health: To move –

Page 17, after line 10 – To insert the following –

“(3) The Commissioner of Health may not designate an area, or amend or withdraw a designation, under this section until after receiving written advice with respect to the proposed action from the officer of the department who is principally responsible for providing advice on matters related to nursing.”

Reserves (Dampier to Bunbury Natural Gas Pipeline Corridor) Bill 2002

Clause 1.

Dr J.M. Woollard: To move –

Page 2, lines 3 and 4 – To delete “Dampier to Bunbury Natural Gas Pipeline Corridor” and substitute the following –

“General Infrastructure Corridor”.

New Clause.

Dr J.M. Woollard: To move –

Page 3, after line 28 – To insert the following new Part –

“Part 3 — Replacement Land

8. Acquisition of Land

The Minister will —

(a) acquire or redesignate land of an area no less than that area excised by sections 5, 6 and 7 of this Act under the General Infrastructure Corridor project;

(b) ensure that the land acquired or redesignated is assessed through accredited assessment standards as being of high conservation value; and

(c) reserve that land acquired or redesignated as a conservation park, national park or Class A nature reserve.”
Long Title.

Dr J.M. Woollard: To move –

Page 1, lines 6 to 8 – To delete “forming part of the conservation estate along the Dampier to Bunbury Natural gas pipeline corridor” and substitute the following –

“to establish a general infrastructure corridor and to acquire or redesignate land in substitution”.

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.
Sentence Administration Bill 2002

Clause 23.

Ms S.E. Walker: To move – Page 15, line 7 – To delete “CEO” and substitute the following – “ Parole Board ”.

Ms S.E. Walker: To move – Page 15, line 13 – To delete “CEO” and substitute the following – “ Parole Board ”.

Ms S.E. Walker: To move – Page 15, line 24 – To delete “CEO” and substitute the following – “ Parole Board ”.

Ms S.E. Walker: To move – Page 15, line 27 to page 16, line 5 - To delete the lines.

Ms S.E. Walker: To move – Page 16, line 6 - To delete “CEO” and substitute the following – “ Parole Board ”.

Ms S.E. Walker: To move – Page 16, line 7 - To delete “CEO” and substitute the following – “ Parole Board ”.

Clause 24.

Ms S.E. Walker: To move – Page 16, line 11 - To delete “CEO” and substitute the following – “ Parole Board ”.

Ms S.E. Walker: To move – Page 16, line 21 - To delete “CEO” and substitute the following – “ Parole Board ”.
Ms S.E. Walker: To move –

Page 16, line 22 - To delete “CEO’s” and substitute the following –

“Parole Board’s”.

Clause 25.

Ms S.E. Walker: To move –

Page 17, after line 5 – To insert the following –

“(4) The period of parole ordered must be supervised.”

Clause 26.

Ms S.E. Walker: To move –

Page 17, after line 18 - To insert the following –

“(4) The period of parole ordered must be supervised.”

Clause 27.

Ms S.E. Walker: To move –

Page 18, after line 3 – To insert the following –

“(4) The period of parole ordered must be supervised.”

Clause 31.

Ms S.E. Walker: To move –

Page 20, line 28 to page 21, line 1 – To delete the following –

“(c) in the case of a CEO parole order (supervised), cease the supervision of the prisoner; or

(d) in any other case,”
Clause 33.

Ms S.E. Walker: To move –

Page 21, lines 21 to 23 – To delete the following –

"In the case of a prisoner to whom Division 4 applies the written notice must be given to the CEO.

(3) In any other case,"

Clause 35.

Ms S.E. Walker: To move –

Page 22, lines 11 and 12 – To delete “, the CEO”.

Ms S.E. Walker: To move –

Page 22, lines 14 and 15 - To delete the lines.

Ms S.E. Walker: To move –

Page 22, line 20 – To delete “, the CEO”.

Clause 37.

Ms S.E. Walker: To move –

Page 23, lines 8 and 9 – To delete the lines.

Ms S.E. Walker: To move –

Page 23, line 13 – To delete “or the CEO, as the case may be,”.

Clause 38.

Ms S.E. Walker: To move –

Page 23, line 19 – To delete “by the CEO,”.

Ms S.E. Walker: To move –

Page 23, lines 24 and 25 – To delete the lines.

Clause 39.

Ms S.E. Walker: To move –

Page 24, lines 5 and 6 – To delete the lines.
Clause 40.
Ms S.E. Walker: To move –

Page 24, lines 15 to 21 – To delete the lines.

Clause 42.
Ms S.E. Walker: To move –

Page 25, lines 3 to 6 – To delete the lines.
Ms S.E. Walker: To move –

Page 25, lines 12 and 13 – To delete “or the CEO, as the case may be,.”.

Clause 43.
Ms S.E. Walker: To move –

Page 25, lines 22 to 24 – To delete the lines.

Clause 44.
Ms S.E. Walker: To move –

Page 26, lines 5 to 10 – To delete the lines.

Clause 45.
Ms S.E. Walker: To move –

Page 26, lines 15 to 17 – To delete the lines.
Ms S.E. Walker: To move –

Page 26, line 18 – To delete “under sub-section (1) or (2)”.
Ms S.E. Walker: To move –

Page 26, lines 24 and 25 – To delete “or the CEO, as the case may be,”.

Clause 70.
Ms S.E. Walker: To move –

Page 41, lines 27 and 28 – To delete the lines.
Clause 95.
Ms S.E. Walker: To move –
Page 56, line 18 – To delete “(other than a CEO parole order)”.

Clause 107.
Ms S.E. Walker: To move –
Page 61, lines 2 and 3 – To delete “(other than a CEO parole order)”.

Sentencing Legislation Amendment and Repeal Bill 2002
Clause 33.
Mr M.J. Birney: To move –
Page 39, lines 19 to 21 - To delete the lines and substitute the following –

(3) Section 86 is amended as follows:
   (a) By deleting “A court” and substituting —
       “Except for the offences listed in section 86A, a court”;
   (b) by deleting “3 months” in both places where it occurs and in each place
       inserting instead —
       “ 6 months ”.

(4) After section 86, the following section is inserted —

86A. Burglary offences, robbery offences, sexual offences, assault offences, drug trafficking offences, home invasion offences or motor vehicle stealing offences are not affected by section 86.

Clause 33.
Ms S.E. Walker: To move –
Page 39, after line 21 - To insert the following –

(4) Section 86 is further amended by inserting, after subsection (c), the following —
   (d) the offence is one of those included in the categories below:

Criminal Code Act 1913

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Chapter XXIII - Nuisances
Chapter XXVII - Duties relating to the preservation of human life
Chapter XXVIII - Homicide: Suicide
Chapter XXIX - Offences endangering life or health
Chapter XXX - Assaults
Chapter XXXI - Sexual offences
Chapter XXXIII - Offences against liberty
Chapter XXXIIIA - Threats
Chapter XXXIIIB - Stalking
Chapter XXXVI - Stealing
Chapter XXXVII - Offences analogous to stealing
Chapter XXXVIII - Robbery: Extortion by threats
Chapter XXXIX - Offences in or in respect of buildings etc.
Chapter XL - Fraud
Division II - Injuries to property
Chapter LIII - Personation
Part VII - Preparation to commit offences:
                      Conspiracy: Accessories after the fact

Misuse of Drugs Act 1981
Bail Act 1982
Young Offenders Act 1994
Child Welfare Act 1947
Firearms Act 1973
Bush Fires Act 1954
Weapons Act 1999
Road Traffic Act 1974
Restraining Orders Act 1997
Police Act 1892
Fish Resources Management Act 1994

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PETER J. McHUGH
Clerk of the Legislative Assembly

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