

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 124

TUESDAY, 27 FEBRUARY 2007, 2.00 p.m.

IN THE LEGISLATIVE COUNCIL CHAMBER

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice * - approximately 2.00 p.m. each day

**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.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. **Police Amendment Bill 2006** (Minister for Police and Emergency Services) (No. 184, 2r. - 29/11/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

2. **Equal Opportunity Amendment Bill 2006** (Attorney General) (No. 173, 2r. - 1/11/06)

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

3. **Appropriation (Consolidated Fund) Bill (No. 5) 2006** (Treasurer) (No. 178, 2r. - 2/11/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

4. **Appropriation (Consolidated Fund) Bill (No. 6) 2006** (Treasurer) (No. 179, 2r. - 2/11/06)

Second reading. Adjourned debate (Mr G.M. Castrilli).

5. **Pharmacists Bill 2006** (Minister for Health) (No. 185, 2r. - 29/11/06)

Second reading. Adjourned debate (Mr A.J. Simpson).

6. **Medical Practitioners Bill 2006** (Minister for Health) (No. 183, 2r. - 30/11/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

7. Public Trustee and Trustee Companies Legislation Amendment Bill 2006 (Attorney General) (No. 102, 2r. - 29/11/06)

Second reading. Adjourned debate (Mr G.M. Castrilli).

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

1. Improved Access to the Parliamentary Process (Notice given - 31/5/06, renewed 19/10/06)

Mr A.J. Simpson: To move -

That in an effort to improve access to the Parliamentary process, especially for people in regional Western Australia who will soon have much less direct access to their local Member of Parliament as a result of Labor's One Vote One Value Legislation; the Legislative Assembly requires the Procedure and Privileges Committee to -

- (a) investigate the feasibility of using electronic devices or systems (including but not limited to Short Message Services (SMS), email and telephone recordings) as acceptable forms of presenting petitions to the Western Australian Legislative Assembly;
- (b) review the use of E-Petitions by other Parliaments both within Australia and overseas;
- (c) make recommendation for changes to the procedures and the Standing Orders of the Legislative Assembly; and
- (d) report to the Legislative Assembly on or before 1 November 2006.

2. Support to Build Educational Campuses in Kununurra and the Kimberley (Notice given - 28/6/06, renewed 22/11/06)

Mr G.A. Woodhams: To move -

That this House supports -

- (a) the building of a campus of the WA College of Agriculture at Kununurra; and
- (b) the creation and development of a Christian Aboriginal Parent directed school in the Kimberley.

3. The Auditor-General's Funding Requests (Notice given - 28/6/06, renewed 22/11/06)

Mr M.W. Trenorden: To move -

That this House -

- (a) recognises the value of the work of the Auditor-General, despite Cabinet's refusal to provide increased funding in 2006-2007 (for early reporting and labour market factors) and therefore putting the accounting process at risk;
- (b) calls on the State Government to table the Auditor-General's funding requests for the last three years; and
- (c) refers this matter to the Public Accounts Committee and requests that the Committee interview the Auditor-General's office as to the requirements of these unfunded submissions.

4. Sunset Site Class A Reserve No. 1667 (Notice given - 15/8/06, renewed - 28/11/06)

Ms S.E. Walker: To move -

That the Government moves immediately to amend the *Botanic Gardens and Parks Authority Act 1998* to ensure that the Authority takes immediate control of the Sunset Site Class A Reserve No. 1667 to prevent its further deterioration and waste of taxpayers' funds and restore it to the recreational amenity envisioned by the State's first Premier, Sir John Forrest.

5. Royal Commission into the Department for Community Development (Notice given - 29/8/06)

Mr P.D. Omodei: To move -

- (1) That a Royal Commission be appointed to inquire into and report on the Department for Community Development from 1 January 2000 in its administration of its empowering legislation in discharging its duty to protect the children of Western Australia from actual or perceived risk to their welfare.
- (2) The Royal Commission is to –
 - (a) examine and report on the –
 - (i) policies;
 - (ii) procedures; and
 - (iii) actions
 of the Department or any other persons or relevant agency that have been or should have been formulated and implemented to provide for the protection and welfare of children at risk in Western Australia;
 - (b) inquire into and report on whether there has been any –
 - (i) corrupt;
 - (ii) criminal;
 - (iii) negligent; or
 - (iv) improper conduct
 by any officer of the Department or any other person in the administration of the legislation, policies and/or the procedures of the Department;
 - (c) inquire into and report on the effectiveness of existing legislation, policies and procedures that are intended to provide for the protection of children at actual or perceived risk. This shall include, but not be limited to, inter-department and agency co-operation, and shall include the legislation, policies and procedures of other departments and agencies as considered appropriate; and
 - (d) inquire into and report on whether changes to the laws of the State, the policies and procedures of the Department and any other departments or agencies are desirable to provide for the more effectual protection of children at actual or perceived risk.
- (3) In carrying out the Terms of Reference, the Royal Commission is to do all things and exercise all powers that a Royal Commission may do and exercise under the *Royal Commissions Act 1968*.
- (4) Section 18 of the *Royal Commission Act 1968* shall apply.
- (5) The Royal Commission is to report by 31 December 2007 and make any recommendations it considers appropriate.

6. South West Yarragadee Aquifer (Notice given - 29/8/06)

Mr D.T. Redman: To move -

That this House –

- (a) recognises the social and environmental value, and regional use, of the South West Yarragadee aquifer;
- (b) acknowledges the vehement opposition by shire councils and residents in the State's south to the Water Corporation's plan to draw 45 gigalitres for piping to the metropolitan area; and
- (c) calls on the Water Corporation to abandon its plans to draw 45 gigalitres of water to supply Perth's water needs.

7. Review of the Western Australian Tourism Commission (Tourism WA) (Notice given - 29/8/06)

Ms K. Hodson-Thomas: To move -

That this House –

- (a) condemns the Minister for Tourism for –
 - (i) failure to recognise the crisis in the WA tourism industry;
 - (ii) neglecting and mismanaging the WA tourism industry;
 - (iii) failure to exercise any direction or leadership of her department; and
 - (iv) the continued underperformance of her department; and
- (b) calls on the Government to establish an independent review of the Western Australian Tourism Commission (Tourism WA) and the governing Act, including –
 - (i) the performance and productivity of Tourism WA;
 - (ii) the situation surrounding the damaging closure of offices across Asia, the extent of the damage, and who, if anyone, was held accountable for this decision;
 - (iii) the true extent of the current tourism slump;
 - (iv) how many tourism operations have gone out of business under the Labor Government;
 - (v) why the major Labor tourism marketing strategy, Pathways Forward: Strategic Plan 2003-2008 has so far been a shocking failure;
 - (vi) accountability of Tourism WA and the ineffectiveness of existing KPI's;
 - (vii) the function of Tourism WA; and
 - (viii) the continued loss of national tourism market share.

8. Plight of the Sri Lankan Tamil Community (Notice given - 13/9/06)

Mr T.R. Sprigg: To move -

That this House –

- (a) recognises the plight of the Sri Lankan Tamil community living in the north and east of the country;
- (b) condemns the Sri Lankan Government for the killing of innocent civilians in an attempt to suppress the Tamil ethnic minority; and
- (c) supports the Norwegian Government's peace efforts so that the Tamil people can live with dignity and in peace.

9. Contamination of Off-site Properties by the South Cardup Landfill Operation (Notice given - 13/9/06)

Mr A.J. Simpson: To move -

That this House calls on the Government to immediately investigate and report on repeated allegations that the south Cardup landfill operation is contaminating off-site properties.

10. Launch of the State of the World Population Report (Notice given - 19/9/06)

Mr J.N. Hyde: To move -

That this House -

- (a) recognises that -
 - (i) a report from the United Nations Population fund (UNFPA) State of the World Population 2006 - A Passage to Hope: Women and International Migration - was released on 6 September 2006; and

- (b) encourages -
 - (i) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse; and
 - (ii) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the 'push' factors that compel many migrants, particularly women, to leave their own countries, and at the same time helping achieve a more orderly migration program.

11. Year Seven Students (Notice given - 31/10/06)

Mr G.A. Woodhams: To move -

That this House calls on the Government to reject any plans to compulsorily move year seven students from primary schools to secondary schools.

12. Parliamentary Standards Commissioner (Notice given - 21/11/06)

Mr M.W. Trenorden: To move -

- (1) The Parliament of Western Australia approves in principle the creation of an independent Commission for Parliamentary Standards (the Commission) and the appointment of an officer, to be known as the Parliamentary Standards Commissioner (the Commissioner), to a permanent position as part of the parliamentary service.
- (2) The functions of the Commission are to -
 - (a) examine and report as the Commissioner sees fit on the standards of conduct of holders of public office;
 - (b) investigate complaints in relation to standards of propriety in public life in Western Australia;
 - (c) make recommendations to Parliament on the optimum standards of conduct to be adopted; and
 - (d) any other matter it considers relevant these functions.
- (3) The Commission will have jurisdiction over the standards applicable to the performance of the public duties of -
 - (a) members of parliament;
 - (b) ministers and parliamentary secretaries in their role as part of the Executive;
 - (c) public servants;
 - (d) local government councillors and officers; and
 - (e) members and senior officers of any bodies that receive public funds.
- (4) The Commission will have powers of a parliamentary committee for the purposes of its inquiry functions and all those persons in paragraph (3) will be obliged to attend and answer questions if so required by the Commissioner.
- (5) The Commissioner will be appointed as follows -
 - (a) nominations will be put forward by the Parliamentary Oversight Committee referred to in paragraph (8);
 - (b) a secret ballot will be conducted in each House and the person who receives the majority of votes of all those members of the Legislative Assembly and the Legislative Council present and voting in their respective Chambers will be declared by the Speaker of the Legislative Assembly to be appointed. If no candidate achieves such a majority, the name of the candidate with the least number of votes will be withdrawn and fresh ballots taken until such time as a candidate achieves a majority of the total number of votes; and

- (c) appointment will be for a term of five years, the Commissioner will be eligible for reappointment, and may only be dismissed by a majority vote of both Houses in a secret ballot determined in the same manner as the appointment.
- (6) The Commissioner is an officer of the Parliament answerable directly to each House of Parliament.
- (7) The appropriations for -
 - (a) the Commission for Parliamentary Standards;
 - (b) the Freedom of Information Commissioner;
 - (c) the Office of Public Service Sector Standards and its Commissioner;
 - (d) the Office of the Auditor General;
 - (e) the Parliamentary Commissioner for Administrative Investigations (the Ombudsman); and
 - (f) the Parliamentary Inspector for the oversight of the Crime and Corruption Commission,
 will form separate divisions of the parliamentary appropriation, and will be determined after fully taking into account any recommendations by the Parliamentary Oversight Committee on the resources necessary for the effective execution of their respective functions.
- (8) A committee to be known as the Parliamentary Oversight Committee will be established, consisting of three members elected by a two-thirds majority of members of both Houses, present and voting in their respective Chambers in a secret ballot. Presiding Officers, Deputy Presiding Officers, Ministers, Parliamentary Secretaries and the Leaders and Deputy Leaders of Parliamentary Parties are ineligible to be members of the Committee.
- (9) The Legislative Council be acquainted accordingly and its concurrence sought herein.

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY

1. Inland Rural Communities Funding (Moved - 29/3/06)

Adjourned debate (Minister for Planning and Infrastructure - continuation of remarks) on the motion moved by Mr T.K. Waldron -

That the Premier immediately boost State Government funding to inland rural communities experiencing an upsurge in land and housing inquiry and to immediately provide increased funding for -

- (a) the small towns sewerage and infill sewerage;
- (b) regional headworks;
- (c) safety upgrades on dangerous country roads;
- (d) upgrade of community and recreational amenities;
- (e) implementation of inland town desalination projects; and
- (f) rural towns promotional campaigns.

2. Electricity Corporations Amendment Bill 2006 (Mr M.W. Trenorden) (No. 132, 2r. - 10/5/06)

Second reading. Adjourned debate (Mr M.P. Whitely).

3. Budget Allocation for Infrastructure in Regional Western Australia (Moved - 31/5/06)

Adjourned debate (Mr G.A. Woodhams - continuation of remarks) on the motion moved by Mr B.J. Grylls -

That this House condemns the Labor Government for its failure to recognise the infrastructure needs of Regional Western Australia in the 2006/07 Budget, given –

- (a) the majority of the State Government's record \$2 billion surplus has been generated courtesy of the booming regional-based resources sector – but there is evidence that the regional economies have not benefited from this activity; and
- (b) the Government has set aside \$1.3 billion (65 per cent) of the \$2 billion budget surplus to pay off the Perth to Mandurah rail project at the expense of much needed investment in Regional Western Australia,

and calls on the State Government to provide a significant funding boost to regional development in this State to fundamentally re-adjust the prospects for long-term sustainable growth in our regions.

4. *Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006 (Dr K.D. Hames) (No. 151, 1r. - 22/6/06)

To be read a second time.

5. Development of Biofuels Industry in Western Australia (Moved - 28/6/06)

Adjourned debate (Mr G. Snook - continuation of remarks) on the motion moved by Mr D.T. Redman -

That this House calls on the State Government to –

- (a) register its disappointment with the Federal Government regarding the passage of the Fuel Tax Bill 2006 through Federal Parliament, given the legislation's treatment of biofuels producers in particular;
- (b) acknowledge the need to provide certainty to the Western Australian biofuels industry to encourage its development; and
- (c) consider the introduction of other incentives for local biofuels producers to encourage regional biofuels production in Western Australia.

6. *Botanic Gardens and Parks Authority Amendment Bill 2006 (Ms S.E. Walker) (No. 157, 2r. - 23/8/06)

Second reading. Adjourned debate (Deputy Premier).

7. Review of the Road Safety System (Moved - 16/8/06)

Adjourned debate (Mr M.J. Cowper - continuation of remarks) on the amendment moved by the Minister for Police and Emergency Services, To delete all words after "House" and substitute the following –

“ acknowledges the public interest in and concern about the road toll. ”.

in the motion moved by Mr J.E. McGrath -

That this House –

- (a) acknowledges the public interest in and concern about the road toll;
- (b) notes that there has been a plethora of suggestions about how road safety concerns might be addressed, including –
 - (i) better road design;
 - (ii) more use of in-vehicle technologies to improve safety;
 - (iii) more and better driver education programmes;
 - (iv) severe curfew conditions on young drivers;

- (v) 30km/h speed limits not just on local roads but, to quote the head of the Government's Office of Road Safety, "any road where there was a chance a car could hit a pedestrian";
 - (vi) 90km/h speed limits on most of the State's country roads, and a maximum limit on all the State's highways of 100km/h; and
 - (vii) generally higher fines and penalties,
- and notes that while some of these ideas have merit, others are impractical and ineffective and represent a level of desperation and lack of new ideas from the existing authorities;
- (c) notes community concerns about the funding arrangements for the Office of Road Safety, and particularly the obvious contradiction that funding from the Office comes from traffic fines and it must therefore emphasise this area in order to sustain its operations, notwithstanding that non-revenue options such as education, road and vehicle design have as much a role to play in the road safety arena as penalty provisions;
 - (d) notes that the current road safety strategy for Western Australia, *Arriving Safely: Road Safety Strategy for Western Australia 2003-2007*, has almost run its course and a new strategy is needed;
 - (e) calls on the Government to undertake a thorough and comprehensive review of the road safety system, to develop an integrated and evidence-based approach to road safety;
 - (f) notes that the Opposition offers its full co-operation in terms of bipartisan involvement in this review and support for any worthwhile initiatives that arise from the review;
 - (g) enables membership of the review committee to include the following: a chairperson, being a member of the community with some knowledge of road safety; a member of Government; a member of the Opposition; a representative of the Office of Road Safety; and a fifth member to be decided by the Minister; and
 - (h) that the inquiry report to the Minister for Police and Emergency Services by 31 December 2007, and that the Minister present the report to the Legislative Assembly within three months of receiving the report, together with a report on what action, if any, is proposed to be taken by the Government with respect to the recommendations of the inquiry.

8. Uranium Mining Ban (Moved - 23/8/06)

Adjourned debate (Mrs J. Hughes - continuation of remarks) on the motion moved by Mr C.J. Barnett -

That this House calls on all Labor Members to support their federal leader, Hon. Kim Beazley MP, in his new approach to uranium mining in which he is quoted –

- (a) "I will seek a change to Labor Party's platform to replace the no new mines policy with a new approach based on the world's strongest export safeguards." (Australian Labor Party Media Statement, 24 July 2006)
- (b) "The real issue is what we do with the uranium we mine, not how many places we mine it." (*Sydney Morning Herald*, 25 July 2006)
- (c) "Banning new uranium mines would not limit the export of Australian uranium to the world, it would simply favour incumbent producers." (*Sydney Morning Herald*, 25 July 2006)

9. *Children and Community Services (Mandatory Reporting) Amendment Bill 2006
(Mr P.D. Omodei) (No. 162, 2r. - 1/11/06)

Second reading. Adjourned debate (Mr R.C. Kucera).

10. Development of Infrastructure to Allow Power Generation Out of Albany (Moved - 13/9/06)

Adjourned debate (Dr G.G. Jacobs - continuation of remarks) on the motion moved by Dr G.G. Jacobs -

That this Government develop infrastructure to allow power generation out of Albany to 'power proof' the Great Southern Region.

11. Daylight Saving Bill 2006 (Mr J.B. D'Orazio) (No. 174, 2r. - 25/10/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

12. Childcare Services in Regional Western Australia (Moved - 25/10/06)

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

That this House calls on the State Government to take immediate steps to address the appalling state of childcare services in regional Western Australia, particularly in relation to –

- (a) the shortage of suitable childcare services in regional areas of Western Australia;
- (b) the problems caused by the introduction of unworkable regulations governing the operation of childcare centres in country areas; and
- (c) the need for a more flexible model for childcare arrangements in regional Western Australia, while still providing for the safety and well-being of all children in care.

13. Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005 (Dr E. Constable) (No. 97, 2r. - 1/11/06)

Second reading. Adjourned debate (Minister for the Environment).

14. CEO Recruitment and Selection - Report by the Public Sector Standards Commissioner
(Moved - 22/11/06)

Adjourned debate (Mr B.S. Wyatt - continuation of remarks) on the motion moved by Mr R.F. Johnson, on behalf of Mr T.R. Buswell -

That this House acknowledges the report on CEO recruitment and selection presented by the Commissioner for Public Sector Standards and calls on the Government to restore independence and integrity to the Western Australian public service.

15. Heritage of Western Australia (Crown Acquisition of Registered Places) Amendment Bill 2006 (Ms S.E. Walker) (No. 182, 1r. - 23/11/06)

To be read a second time.

16. Director of Public Prosecutions (Standing Committee) Amendment Bill 2006
(Ms S.E. Walker) (No. 181, 1r. - 29/11/06)

To be read a second time.

AWAITING GOVERNOR'S MESSAGE

1. Scrutiny of Government Publicity Bill 2005 (Mr M.J. Birney) (No. 64, 2r. - 29/6/05)

Second reading.

2. Police (Compensation for Injured Officers) Amendment Bill 2006 (Mr M.J. Cowper) (No. 159, 2r. - 23/8/06)

Second reading.

COMMITTEES TO REPORT

Procedure and Privileges Committee – Review of Legislative Assembly's Committee System	–	29 March 2007
Procedure and Privileges Committee – E-Petitions and E-Parliament Feasibility Study	–	28 June 2007
Economics and Industry Standing Committee – Inquiry into the Role of the State Government in Developing and Promoting the Local Information Communications Technology (ICT) Industry	–	
Joint Standing Committee on the Corruption and Crime Commission – Inquiry into the Future Operation of Witness Protection Programmes in Western Australia	–	
Education and Health Standing Committee – Inquiry into Successful Initiatives in Remote Aboriginal Communities	–	
Public Accounts Committee - Funding Arrangements for Western Australian Infrastructure Projects	–	

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Minister to Respond</i>	<i>Date Due</i>
Public Accounts Committee – Local Government Accountability in Western Australia	Minister for Local Government and Regional Development	28 December 2006
Community Development and Justice Standing Committee – Inquiry into Fire and Emergency Services Legislation in Western Australia	Minister for Police and Emergency Services	19 January 2007
Joint Standing Committee on the Corruption and Crime Commission – Joint Standing Committee on the Corruption and Crime Commission to Continue After Dissolution of Parliament	Attorney General	26 January 2007
Procedure and Privileges Committee – <i>Members of Parliament (Financial Interests) Act 1992</i> Review	Premier	23 February 2007

Procedure and Privileges Committee –
 Review of the Premier's Statement
 Temporary Order and Other Matters
 Relating to Extended Session
 Parliaments
(Recommendations 4 & 6 only)

Attorney General

23 February 2007

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Community Development and Justice Standing Committee	Natural Disaster Relief Assistance	10 May 2007
Community Development and Justice Standing Committee	Prosecution of Assaults and Sexual Offences	30 June 2007

- * 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.
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NOTICES AND AMENDMENTS

Botanic Gardens and Parks Amendment Bill 2006 (No. 157—1)

Clause 4.

Ms S.E. Walker: To move –

Page 2, line 16 – To delete “1720” and substitute –

“ 1667 ”.

Children and Community Services (Mandatory Reporting) Amendment Bill 2006 (No. 162—1)

Clause 4.

Mr P.D. Omodei: To move –

Page 4, line 31 – To insert after the word “suspicion” the following –

“ to ”.

Mr P.D. Omodei: To move –

Page 5, line 2 – To delete the word “Officer” where it occurs a second time.

Mr P.D. Omodei: To move –

Page 8, line 12 – To delete “30(B)(2)” and substitute -

“ 30B(2) ”.

Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006 (No. 151—1)

Clause 3.

Dr K.D. Hames: To move –

Page 3, line 3 –To delete “1994” and substitute –

“ 1974 ”.

Long title.

Dr K.D. Hames: To move –

Page 1, line 7 – To delete “**1994**” and substitute –

“ **1974** ”.

PETER J. MCHUGH

Clerk of the Legislative Assembly