

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 149

TUESDAY, 19 OCTOBER 2004, 2.00 p.m.

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.

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. **Community Protection (Offender Reporting) Bill 2004** (Minister for Police and Emergency Services) (No. 336, 2r. - 22/9/04)

Second reading. Adjourned debate (Mr M.F. Board).

2. ***Criminal Code Amendment (Racial Vilification) Bill 2004** (Premier) (No. 331, 2r. - 18/8/04)

Further consideration in detail - Clause 4.

3. ***Reserves (National Parks and Conservation Parks) Bill 2004** (Minister for the Environment) (No. 337, 2r. - 22/9/04)

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

4. ***Criminal Law Amendment (Simple Offences) Bill 2004** (Attorney General) (No. 341, 2r. - 23/9/04)

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

5. Acts Amendment (Sentencing) Bill 2004 (Minister for Justice) (No. 324, 2r. - 23/9/04)

Second reading. Adjourned debate (Mr M.J. Birney).

6. *Mines Safety and Inspection Amendment Bill 2004 (Minister for State Development) (No. 330, 2r. - 25/8/04)

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

7. Health Amendment Bill 2004 (Minister for Health) (No. 216, 2r. - 23/6/04)

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

8. Consumer Protection Legislation Amendment and Repeal Bill 2004 (Minister for Consumer and Employment Protection) (No. 334, 2r. - 26/8/04)

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

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

Consideration in detail of Legislative Council message No. 152

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

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

Second reading. Adjourned debate (Mr M.F. Board - continuation of remarks).

11. Financial Administration Legislation Amendment Bill 2004 (Treasurer) (No. 325, 2r. - 26/8/04)

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

12. Local Government Amendment Bill 2003 (Minister representing the Minister for Local Government and Regional Development) (No. LC 262, 2r. - 19/8/04)

Second reading. Adjourned debate (Mr M.F. Board).

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

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

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

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

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

Consideration of Legislative Council message No. 9.

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, renewed – 15/6/04)

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, renewed – 22/6/04)

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, renewed – 30/6/04)

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, renewed – 30/6/04)

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, renewed – 30/6/04)

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, renewed – 18/8/04)

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, renewed – 18/8/04)

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, renewed – 21/9/04)

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, renewed – 21/9/04)

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, renewed – 21/9/04)

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.

40. Western Australia's Disease Free Status in Relation to the Agricultural Industry (Notice given – 1/6/04)

Mr P.D. Omodei: To move -

That this House condemns the State Labor Government for its failure to protect Western Australia's 'Disease Free Status' in relation to our agricultural industry and in particular failure to –

- (a) halt the process of Johnne's Disease and Footrot;
- (b) convince Biosecurity Australia to preclude imports of pork, apples, pears and bananas which would see Western Australia's 'Disease Free' status compromised;
- (c) stop the spread of weeds such as Blackberry, Salvation Jane, Arum Lily, Bedstraw, Watsonia, Skeleton Weed and many others;
- (d) control feral animals such as the spread of wild pigs, dogs and foxes,

and calls on the Labor Party to support the Liberal/National Party Coalition in its submissions to lobby Biosecurity Australia to reverse their decision to allow imports which will undermine the agricultural industry in Western Australia.

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

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

36. Liquor Licensing Amendment Bill 2004 (Mr P.G. Pental) (No. 319, 2r. – 30/6/04)

Second reading. Adjourned debate (Dr E. Constable).

37. Select Committee into Abuse of Children in the Care of the Department of Community Development of Western Australia (Moved – 30/6/04)

Adjourned debate (Mr A.P. O’Gorman – continuation of remarks) on the motion moved by Dr E. Constable -

- (1) That a Select Committee be established to enquire into children in the care and protection of the Department of Community Development of Western Australia, including –
 - (a) any systemic factors contributing to the incidence of any abuse of children in foster care and residential care;
 - (b) the suitability of measures to protect children in foster care and residential care from abuse, in particular, the adequacy of —
 - (i) systems and procedures to prevent and detect abuse; and
 - (ii) measures to respond to and deal with suspected abuse including abuse reported by foster carers;
 - (c) any recommendations that are considered appropriate in relation to 1(a) and (b) above including recommendations for any necessary changes to current policies and practices; and
 - (d) any legislative amendments necessary to implement the recommendations.

- (2) That the Committee report to the Legislative Assembly by 23 September 2004.

38. Natural Environment Protection (Moved – 18/8/04)

Adjourned debate on the motion moved by Mr B.J. Grylls -

That this House condemns the Minister for the Environment for her failure to protect Western Australia’s natural environment.

39. *Metropolitan Region Scheme (Fremantle) Bill 2004 (Mr M.F. Board) (No. 321, 2r. – 25/8/04)

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

40. Property Rights of Individuals, Groups, Companies and Trusts (Moved – 25/8/04)

Adjourned debate (Mr C.J. Barnett – continuation of remarks) on the amendment moved by the Minister for Planning and Infrastructure, To delete all words after “House” with a view to substituting the following –

“ recognises the right of landowners to be properly compensated when their land is acquired by government or where land is adversely affected by government reservation. ”,

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

“ That this House calls on the Gallop Labor Government to recognise the property rights of individuals, groups, companies and trusts who have the lawful right to own, use, enjoy and dispose of property without unreasonable imposition by government. ”.

41. Commission for Children and Young People Bill 2004 (Mr C.J. Barnett) (No. 340, 2r. - 22/9/04)

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

42. Key Priorities in Western Australia (Moved - 22/9/04)

Adjourned debate (Mr J.L. Bradshaw - continuation of remarks) on the motion moved by Mr D.F. Barron-Sullivan -

That this House condemns the Gallop Labor Government for its failure to deliver on key priorities in Western Australia.

COMMITTEES TO REPORT

Economics and Industry Standing Committee – Energy Efficiency and Renewable Energy in Western Australia	–	30 September 2004
Education and Health Standing Committee – Attention Deficit Disorder and Attention Deficit Hyperactive Disorder in Western Australia	–	28 October 2004

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Public Accounts Committee – Inquiry into Contracts entered into between Consolidated Constructions Pty Ltd and Main Roads Western Australia and the Public Transport Authority	Minister for Planning and Infrastructure	16 December 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

Civil Liability Amendment Bill 2004 (No. 275 — 2)

Message No. 152.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Civil Liability Amendment Bill 2004* 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 Civil Liability Amendment Bill 2004

No. 1

Clause 5, page 4, line 1 - To delete “means” and insert instead -
“ includes ”.

No. 2

Clause 5, page 4, after line 28 - To insert -

- “
- (m) any other discipline or profession practising in the health area which applies a body of learning.
- ”.

Criminal Code Amendment (Racial Vilification) Bill 2004 (No. 331 — 1)

Clause 4.

Mrs S.E. Walker: To move –

Page 2, lines 16 to 20 - To delete the lines and substitute –

“

“threaten” means a reference to a statement or behaviour that expressly constitutes, or may reasonably be regarded as constituting, a threat to -

- (a) kill, injure, endanger or harm any person, whether a particular person or not;
- (b) destroy, damage, endanger or harm any property, whether particular property or not;
- (c) cause a detriment of any kind to any person, whether a particular person or not.

”.

The Attorney General: To move –

Page 2, line 17 – To delete “, abuse of or severe ridicule of”.

The Attorney General: To move –

Page 2, line 18 – To insert before “abuse” –

“ seriously and substantially ”.

The Attorney General: To move —

Page 2, line 18 – To insert before “ridicule” –

“ severely ”.

Clause 5.

Mrs S.E. Walker: To move –

Page 3, line 5 - To delete “**incite racial animosity**” and substitute -

“ **threaten a racial group** ”.

The Attorney General: To move –

Page 3, line 5 – To insert after “**animosity**” –

“ **or racist harassment** ”.

Mrs S.E. Walker: To move –

Page 3, lines 7 and 8 - To delete “create, promote or increase animosity towards” and substitute -

“ threaten ”.

The Attorney General: To move –

Page 3, line 8 – To insert after “towards” –

“ , or harassment of, ”.

Mrs S.E. Walker: To move –

Page 3, line 11 - To delete “**incite racial animosity**” and substitute -

“ **threaten a racial group** ”.

The Attorney General: To move –

Page 3, line 11 – To insert after “**animosity**” –

“ **or racist harassment** ”.

Mrs S.E. Walker: To move –

Page 3, lines 13 and 14 - To delete “create, promote or increase animosity towards” and substitute -

“ threaten ”.

The Attorney General: To move –

Page 3, line 14 – To insert after “towards” –

“ , or harassment of, ”.

Mrs S.E. Walker: To move –

Page 3, line 20 - To delete “**incite racial animosity**” and substitute -

“ **threaten a racial group** ”.

The Attorney General: To move –

Page 3, line 20 – To insert after “**animosity**” –

“ **or racist harassment** ”.

Mrs S.E. Walker: To move –

Page 3, lines 27 and 28 - To delete “create, promote or increase animosity towards” and substitute -

“ threaten ”.

The Attorney General: To move —

Page 3, line 28 – To insert after “towards” –

“ , or harassment of, ”.

Mrs S.E. Walker: To move –

Page 4, line 2 - To delete “**incite racial animosity**” and substitute -

“ **threaten a racial group** ”.

The Attorney General: To move –

Page 4, line 2 – To insert after “**animosity**” –

“ **or racist harassment** ”.

Mrs S.E. Walker: To move –

Page 4, lines 10 and 11 - To delete “create, promote or increase animosity towards” and substitute -

“ threaten ”.

The Attorney General: To move —

Page 4, line 11 – To insert after “towards” –

“ , or harassment of, ”.

Mrs S.E. Walker: To move –

Page 4, line 17 to page 5, line 28 - To delete the lines.

Mrs S.E. Walker: To move –

Page 6, line 13 - To delete “,79, 80A or 80C” and substitute -

“ or 79 ”.

The Attorney General: To move –

Page 6, line 13 – To insert after “80C” –

“ , 313, 317, 317A, 338B or 444 ”.

Mrs S.E. Walker: To move –

Page 7, line 4 - To delete “or 80D”.

The Attorney General: To move –

Page 7, after line 23 – To insert –

“

80I. Meaning of “circumstances of racial aggravation”

In sections 313, 317, 317A, 338B and 444 –

“**circumstances of racial aggravation**” means circumstances in which –

- (a) immediately before or during or immediately after the commission of the offence, the offender demonstrates hostility towards the victim based, in whole or part, on the victim being a member of a racial group; or
- (b) the offence is motivated, in whole or part, by hostility towards persons as members of a racial group.

”.

New clauses.

The Attorney General: To move –

Page 7 after line 24 – To insert –

“

6. Section 313 amended

Section 313(1)(a) is amended by inserting after “60 years” —

“

or the offence is committed in circumstances of racial aggravation

”.

7. Section 317 amended

Section 317(1)(a) (being the first provision so designated) is amended by inserting after “60 years” —

“

or the offence is committed in circumstances of racial aggravation

”.

8. Section 317A amended

Section 317A(a) (being the second provision so designated) is amended by inserting after “60 years” —

“

or the offence is committed in circumstances of racial aggravation

”.

9. Section 338B amended

- (1) Section 338B(a) is amended by inserting after “years” —

“

or, if the offence is committed in circumstances of racial aggravation, to imprisonment for 14 years

”.

- (2) Section 338B(b) is amended as follows:

- (a) by deleting “any other case” and inserting instead —

“ the case of any other threat ”;

- (b) by inserting after “years” —

“

or, if the offence is committed in circumstances of racial aggravation, to imprisonment for 6 years

”.

10. Section 444 amended

- (1) Section 444(a) (being the first provision so designated) is amended by inserting after “years” —

“

or, if the offence is committed in circumstances of racial aggravation, to imprisonment for 20 years

”.

- (2) Section 444(b) (being the first provision so designated) is amended as follows:

- (a) by deleting “in any other case” and inserting instead —

“ if the property is not destroyed or damaged by fire ”;

- (b) by inserting after “years” —

“

or, if the offence is committed in circumstances of racial aggravation, to imprisonment for 14 years

”.

”.

Clause 6.

Mrs S.E. Walker: To move –

Page 7, line 33 – To delete “, 80A or 80B”.

Mrs S.E. Walker: To move –

Page 8, line 2 – To delete “80A”.

Mrs S.E. Walker: To move –

Page 8, lines 3 and 4 – To delete “or under section 80B”.

Mrs S.E. Walker: To move –

Page 8, line 7 - To delete “, 80C or 80D” and substitute -
“ or 80C ”.

Mrs S.E. Walker: To move –

Page 8, lines 10 and 11 - To delete “or under section 80D”.

Upon reconsideration in detail—

New clause.

The Attorney General: To move –

Page 2, after line 11 – To insert –
“

4. Section 1 amended

Section 1(1) is amended by inserting in the appropriate alphabetical position –

“

The term “**circumstances of racial aggravation**” has the meaning given to it in section 80I;

”
”
”



Criminal Law Amendment (Simple Offences) Bill 2004 (No. 341 — 1)

Clause 2.

The Attorney General: To move —

Page 2, after line 23 — To insert —

“

- (7) A provision of section 39 is not to come into operation before the day on which Part 6 of the *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2004* comes into operation and, if such a provision comes into operation on that day, it comes into operation immediately after that Part comes into operation.

”

New clause.

The Attorney General: To move —

Page 56, after the Table — To insert —

“

39. Amendments to Code if *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2004* comes into operation

- (1) Section 169(1) is amended by deleting the summary conviction penalty and inserting instead —

“

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

”

- (2) Section 169(2) is amended by deleting the summary conviction penalty and inserting instead —

“

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

”

- (3) Section 170(1) is amended by deleting the summary conviction penalty and inserting instead —

“

Summary conviction penalty: imprisonment for 18 months and a fine of \$18 000.

”

”

”

Electoral Reform Bill 2002 (No. 155 — 1)

Clause 4.

Dr J.M. Woollard: To move –

Page 9, lines 3 and 4 - To delete –

“

; 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 –

“

- (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”.

Lobbying Disclosure and Accountability Bill 2003 (No. 205—1)

Clause 4.

Dr E. Constable: To move –

Page 4, line 24 – To delete “and” and substitute –

“ or ”.

Dr E. Constable: To move –

Page 4, line 26 – To insert after “person” –

“

at which it is intended to influence any of the matters set out in sub paragraphs (i) to (vi) of paragraph (a)

”.

Dr E. Constable: To move –

Page 5, after line 26 – To insert –

“

- (4) The Rules of Parliament may prescribe specified activities or any specified class of activities which would otherwise be lobbying activities under this section, as exempt from the provisions of this Act and the Rules may prescribe that activity by reference to a specified person or class of persons and may prescribe an exemption subject to any condition.

”.

Clause 7.

Dr E. Constable: To move –

Page 6, line 22 – To insert after “lobbyist” –

“ or their employer ”.

Dr E. Constable: To move –

Page 8, line 4 – To insert after “lobbyist” –

“ or their employer ”.

Dr E. Constable: To move –

Page 8, line 7 – To insert after “lobbyist” –

“ or their employer ”.

Clause 8.

Dr E. Constable: To move –

Page 8, line 15 – To insert after “lobbyist” in both places it occurs –

“ or their employer ”.

Clause 9.

Dr E. Constable: To move –

Page 9, line 14 – To insert after “Division” –

“ but their employer may comply with their obligations under Division 1 on their behalf ”.

Clause 10.

Dr E. Constable: To move –

Page 11, lines 5 to 7 – To delete “employed lobbyist may — (a)” and substitute –

“ consultant lobbyist shall ”.

Dr E. Constable: To move –

Page 11, lines 8 to 11 – To delete all words after “; or”.

New Clause.

Dr E. Constable: To move –

Page 11, after line 28 – To insert –

“

Division 3 — Exemptions from Disclosure of Lobbying

12. Rules of Parliament may prescribe exemption

The Rules of Parliament may prescribe a specified person or any specified class of persons as exempt from the obligations under this Part to disclose lobbying activities and may prescribe an exemption for any particular time period or subject to any condition.

”.

Clause 13.

Dr E. Constable: To move –

Page 13, line 19 – To insert after “interests” –

“ are ”.

Mines Safety and Inspection Amendment Bill 2004 (No. 330 — 1)

Clause 2.

The Minister for State Development: To move –

Page 2, lines 6 and 7 – To delete the lines and substitute –

“

- (1) This Act, other than —
- (a) Part 7 Division 2; and
 - (b) section 88(4),
- comes into operation on a day fixed by proclamation.

”

The Minister for State Development: To move –

Page 2, after line 17 – To insert –

“

- (4) Section 88(4) comes into operation —
- (a) on the day on which section 115 of the *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* comes into operation; or
 - (b) if on that day section 88(1) of this Act has not yet come into operation, on the day on which that subsection comes into operation.

”

Clause 88.

The Minister for State Development: To move –

Page 114, after line 15 – To insert –

“

- (4) Section 4(1) is amended by inserting the following definition in the appropriate alphabetical position —

“

“Mining Industry Advisory Committee” means the committee referred to in section 14A(2) of the *Occupational Safety and Health Act 1984*;

”

”

Reserves (National Parks and Conservation Parks) Bill 2004 (No. 337 — 1)

Clause 16.

The Minister for the Environment: To move —

Page 12, after line 23 — To insert —

“

- (2) Nothing in this section operates to cancel or otherwise affect the easement shown on Deposited Plan 26582 that —
- (a) was registered under the *Transfer of Land Act 1893* on 11 May 1989 as easement E098676; and
 - (b) benefits —
 - (i) Lot 702 as shown on Diagram 83203, being the land described in Certificate of Title volume 1971 folio 410; and
 - (ii) Lot 703 as shown on Diagram 83203, being the land described in Certificate of Title volume 1971 folio 411.

”.

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.

PETER J. McHUGH

Clerk of the Legislative Assembly
