

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 38

THURSDAY, 15 SEPTEMBER 2005, 9.00 a.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.

BILL - NOTICE OF MOTION

1. Perry Lakes Redevelopment Bill 2005 (Notice given - 14/9/05)

The Minister for Planning and Infrastructure: To move -

That a Bill for "An Act to provide for the resumption and redevelopment of certain land at Perry Lakes, and for related purposes." be introduced and read a first time.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. Road Traffic Amendment Bill 2005 (Minister for Police and Emergency Services) (No. 63, 2r. - 30/6/05)

To be read a third time.

2. Agriculture and Related Resources Protection Amendment Bill 2005 (Parliamentary Secretary to the Minister for Agriculture and Forestry) (No. 52, 2r. - 23/6/05)

Second reading. Adjourned debate (Dr G.G. Jacobs - continuation of remarks).

3. Defamation Bill 2005 (Attorney General) (No. 72, 2r. - 17/8/05)

Further consideration in detail - Clause 34.

4. Acts Amendment (Higher School Leaving Age and Related Provisions) Bill 2005 (Minister for State Development) (No. 77, 2r. - 25/8/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

5. Motor Vehicle (Third Party Insurance) Amendment Bill 2005 (Minister for Government Enterprises) (No. 40, 2r. - 18/5/05)

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

6. *Optical Dispensers Repeal Bill 2005 (Minister for Health) (No. 36, 2r. - 18/5/05)

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

7. Perth International Centre for Application of Solar Energy Amendment Bill 2005 (Minister for Energy) (No. 29, 2r. - 18/5/05)

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

8. ANZAC Day Amendment Bill 2005 (Premier) (No. 66, 2r. - 29/6/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

9. Chiropractors Bill 2005 (Minister for Health) (No. 56, 2r. - 29/6/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

10. Osteopaths Bill 2005 (Minister for Health) (No. 55, 2r. - 29/6/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

11. Physiotherapists Bill 2005 (Minister for Health) (No. 57, 2r. - 29/6/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

12. Occupational Therapists Bill 2005 (Minister for Health) (No. 59, 2r. - 29/6/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

13. Podiatrists Bill 2005 (Minister for Health) (No. 58, 2r. - 29/6/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

14. Railway Discontinuance Bill 2005 (Minister for Planning and Infrastructure) (No. 78, 2r. - 31/8/05)

Second reading. Adjourned debate (Mr D.F. Barron-Sullivan).

15. Hospitals and Health Services Amendment Bill 2005 (Minister for Health) (No. 79, 2r. - 1/9/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

16. Human Tissue and Transplant Amendment Bill 2005 (Minister for Health) (No. 80, 2r. - 1/9/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

17. Psychologists Bill 2005 (Minister for Health) (No. 71, 2r. - 1/9/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

18. Optometrists Bill 2005 (Minister for Health) (No. 69, 2r. - 1/9/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

19. Alcohol and Drug Authority Repeal Bill 2005 (Minister for Health) (No. 70, 2r. - 1/9/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

20. Consumer Credit (Western Australia) Code Regulations Amendment Order (No. 2) 2005
(Moved - 14/9/05)

Adjourned debate (Dr G.G. Jacobs) on the motion moved by the Minister for Consumer and Employment Protection -

- (1) That this House approves the draft *Consumer Credit (Western Australia) Code Regulations Amendment Order (No. 2) 2005*, a copy of which was laid on the Table of the House on 30 August 2005.
- (2) That the Legislative Council be acquainted accordingly and be invited to pass a similar resolution.

21. Terrorism (Extraordinary Powers) Bill 2005 (Minister for Police and Emergency Services)
(No. 83, 2r. - 14/9/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

22. *Electricity Corporations Bill 2005 (Minister for Energy) (No. 39, 2r. - 5/5/05)

Consideration in detail of Legislative Council message No. 20.

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

1. Select Committee into Western Australia's Water Resources (Notice given - 30/3/05, renewed - 24/8/05)

Mr P.D. Omodei: To move -

- (1) That a select committee of the Legislative Assembly be appointed to inquire into and report on —
 - (a) the extent of surface and groundwater available for consumption and use in Western Australia;
 - (b) the Government's role in planning for the future given climate change predictions;
 - (c) the Government's role in planning for increased water demand;
 - (d) the failure of the Government to implement alternative water recycling and re-use programs;
 - (e) the failure of the Government to provide appropriate water supplies in high rainfall areas of Western Australia, such as Manjimup, Bridgetown and Boyup Brook;
 - (f) the ability to source additional water from Wellington Dam, particularly 45 gigalitres of saline water purged from the dam;
 - (g) the success of the Farm Water Grants Scheme and potential to expand the scheme further;
 - (h) catchment thinning as an option to increase stream flow into water reservoirs;
 - (i) research into innovative water conservation measures;
 - (j) the social, economic and environmental impacts on the South West as a result of using the Southern Yarragadee aquifer;
 - (k) the level of research undertaken in regard to the future regional water requirements of the South West, as it applies to the Southern Yarragadee; and
 - (l) any other matter which will provide appropriate water supplies for the State of Western Australia.
- (2) That the committee report to the Legislative Assembly by 30 August 2005.

2. Industrial Relations (Notice given - 5/5/05)

Mr T.R. Buswell: To move -

That this House condemns the Government for implementing a centralised, union-orientated Industrial Relations systems that has forced tens of thousands of Western Australian employers and employees into the Federal Industrial Relations System.

3. Crime in the City of Geraldton and the Midwest-Gascoyne (Notice given - 17/5/05)

Mr G.A. Woodhams: To move -

That this House acknowledges that crime in the City of Geraldton and the Midwest-Gascoyne is out of control and that this House initiates a public inquiry to examine –

- (a) issues that led the 2005 RAC LiveSafe Report to label Geraldton as the worst major regional centre for all home theft-related insurance claims in 2004;
- (b) why aggravated assaults in the Midwest-Gascoyne increased by 112% in the last six months of 2004;
- (c) the high incidence of anti-social behaviour, including a 24% increase in criminal damage to property;
- (d) why threatening behaviour in the Midwest-Gascoyne increased by 89%; and
- (e) why non-aggravated assaults in the region increased by 37% in the same period.

4. Indexation for British Pensions (Notice given - 24/5/05)

Mr J.N. Hyde: To move -

That this House calls on –

- (a) the British Government to ensure that all British and Australian citizens (expatriates) who are entitled to a British pension because they had formerly worked in the United Kingdom and who now reside in Western Australia and other Australian States, also receive the same indexed pension arrangements as received by other former workers in the United Kingdom now residing in the United States of America, the European Union, Turkey, Israel, Bosnia, the Philippines and other countries; and
- (b) the Federal Treasurer to urgently negotiate this matter with his British Government counterpart on behalf of the 220,000 British pension recipients who reside in Australia.

5. Swan River and Catchment Drains (Notice given - 26/5/05)

Dr G.G. Jacobs: To move -

That this Government be condemned for its inaction in introducing real measures to modify over thirty catchment drains and save Perth's icon the Swan River from 'death by pollution'.

6. Joint Select Committee into Importation of Foodstuffs into Western Australia (Notice given - 31/5/05)

Mr P.D. Omodei: To move -

- (1) That a Parliamentary Joint Select Committee be appointed to inquire into, report on and provide recommendations relating to –
 - (a) the market dominance of major food chains in Western Australia and their impact on all sections of the market, including production;
 - (b) the health and safety of imported foodstuffs, including fruit and vegetables and the standards applied in the country of origin;
 - (c) the labelling of foodstuffs and their origins to identify the location where produce is grown and packed;

- (d) any other issue relevant to the production of fruit and vegetables and protection of food standards in Western Australia; and
- (e) the role of the Australian Competition and Consumer Commission (ACCC) and the effect of the Trade Practices Act 1974 (Cwlth) on production and marketing, and to recommend any changes that should be made to the *Trade Practices Act 1974* (Cwlth).

(2) That the Committee report to the Legislative Assembly by 31 December 2005.

7. World Population Day (Notice given - 28/6/05)

Mr J.N. Hyde: To move -

That this House —

- (a) recognises that 11 July 2005 is World Population Day and that the day's theme is **equality empowers**;
- (b) recognises that the empowerment of women will greatly help to alleviate global poverty;
- (c) acknowledges that 500,000 women die each year due to the lack of adequate reproductive health services.

8. Commonwealth Road Funding (Notice given - 29/6/05)

Mr P.D. Omodei: To move -

That this House calls on the State Labor Government to acknowledge the receipt of significant road funding from the Commonwealth through fuel excise GST revenue, the Auslink Investment Programme, the Auslink Strategic Regional Programme, the Auslink Black Spot Programme and financial assistance grants, and calls on the Government to –

- (a) return windfall gains from –
 - (i) GST funding; and
 - (ii) increased revenue from oil royalties back to our state road network;
- (b) allocate \$15 million per annum for three years to the South West Highway from Boyanup to Manjimup, beginning in 2005-2006;

and condemns the State Government for its deception of the people of the South West over the closure of the South West railway from Bunbury to Lambert and the failure to provide funding for road works from 2005-2006 forward.

9. Local Government Endowment Land (Notice given - 16/8/05)

Mr G.M. Castrilli: To move -

- (1) That this House calls on the State Government to cede vacant Crown land adjacent to Country Local Government town boundaries as endowment land to assist Local Government in their future development.
- (2) That this land be allocated in 'Fee Simple'.
- (3) That Local Government be given approval to either develop the land for residential, industrial or recreation purposes.
- (4) That individual Local Governments be allowed to sell the land with Ministerial approval.
- (5) That the proceeds of any land sale be used to assist Local Government in their capital works programmes.

10. Justice Portfolio (Notice given - 16/8/2005)

Mr R.F. Johnson: To move -

That this House condemns the Gallop Labor Government for its inability and incompetence to carry out their duty within the Justice Portfolio.

11. Motor Vehicle Stamp Duty (Notice given - 18/8/05)

Mr T.R. Sprigg: To move -

That this House condemns the State Government for allowing the Office of State Revenue to charge motor dealers exorbitant stamp duty via its interpretation of minor incidental purpose for loan vehicles thus depriving community and charitable organisations of an essential transport resource.

12. Uranium Mining Ban (Notice given - 23/8/05)

Mr C.J. Barnett: To move -

That this House calls on the Labor Government to remove its ban on uranium mining in Western Australia.

13. Shenton Park Cottage Hospice (Notice given - 23/8/05)

Ms S.E. Walker: To move -

That the Gallop Labor Government be condemned for the underhanded and deceitful manner in which it has moved to close the Shenton Park Cottage Hospice and in doing so to deprive the people of Western Australia of compassion, tranquillity and quality care at the end of their lives when medical intervention for their illness is no longer an option.

14. Matters Relating to the Corruption and Crime Commission (Notice given - 30/8/05)

Ms S.E. Walker: To move -

That this House and public of Western Australia has lost confidence in the Premier and Members of his Government in relation to the handling of the Moira Rayner scandal and believes there needs to be a reconsideration of the legislative framework to ensure the integrity and confidence of the Corruption and Crime Commission is retained.

15. Orderly Development of Feedlots in Western Australia (Notice given - 14/9/05)

Ms K. Hodson-Thomas: To move -

That this House calls on both the Minister for the Environment and the Minister for Planning and Infrastructure to examine the guidelines for the orderly development of feedlots in Western Australia.

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY
1. Violent Crime Management in Western Australia (Moved - 27/4/05)

Adjourned debate (Dr G.G. Jacobs - continuation of remarks) on the amendment moved by Mr A.J. Simpson, To add after "Western Australia" the following –

“ and calls on the Labor Government to immediately repeal the two plant policy on marijuana which is sending the wrong message to young Western Australians often leading them into a lifetime of drug addiction and crime ”.

in the motion moved by Mr R.F. Johnson –

That this House condemns the Minister for Police and Emergency Services for her failure to manage violent crime in Western Australia.

2. Rally Australia (Moved - 4/5/05)

Adjourned debate (Minister for Tourism - continuation of remarks) on the motion moved by Mr R.F. Johnson -

That this House condemns the Labor Government on its decision to axe one of our most iconic events, namely Rally Australia, without consultation with the industry and thousands of rally enthusiasts.

3. Community Protection (Offender Reporting) Amendment Bill 2005 (Mr M.J. Birney) (No. 62, 2r. - 22/6/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

4. Salinity in the Agricultural Region of Western Australia (Moved - 22/6/05)

Adjourned debate (Parliamentary Secretary to the Minister for Agriculture and Forestry - continuation of remarks) on the motion moved by Dr G.G. Jacobs -

That this Government be condemned for its lack of action in addressing the serious environmental damage caused by dry land salinity in this State's Agricultural Region.

5. Auslink Agreement (Moved - 14/9/05)

Adjourned debate (Mr J.H.D. Day - continuation of remarks) on the motion moved by Mr M.J. Cowper -

That this House condemns the Minister for Planning and Infrastructure for failing to sign the Auslink Agreement, which would result in \$680 million of Federal funding for vital infrastructure needs in Western Australia.

AWAITING GOVERNOR'S MESSAGE
Scrutiny of Government Publicity Bill 2005 (Mr M.J. Birney) (No. 64, 2r. - 29/6/05)

Second reading.

COMMITTEES TO REPORT

Economics and Industry Standing Committee – Inquiry into the Production and Marketing of Foodstuffs	–	30 March 2006
Public Accounts Committee – Inquiry into Local Government Accountability in Western Australia	–	30 April 2006
Education and Health Standing Committee – Inquiry into Proposed Changes to Post-Compulsory Curriculum	–	30 June 2006
Education and Health Standing Committee – Inquiry into the Swimming Pool Program for Remote Communities	–	30 June 2006
Community Development and Justice Standing Committee – Inquiry into Fire and Emergency Services Legislation in Western Australia	–	31 August 2006

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee – Inquiry into the Production and Marketing of Foodstuffs	<i>Health (Fresh Produce - State or Territory of Origin) Amendment Bill 2005</i>	30 March 2006
Economics and Industry Standing Committee – Inquiry into the Production and Marketing of Foodstuffs	‘Country of Origin’ Petitions	30 March 2006

* 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

Electricity Corporations Bill 2005 (No. 39—1)

Message No. 20

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Electricity Corporations Bill 2005* 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 Electricity Corporations Bill 2005

No. 1

Clause 34, page 18, after line 10 - To insert -

“
 “energy efficient technologies” means technologies, including but not limited to operating software, designed to improve the efficiency of electricity generation plant and equipment;
 ”.

No. 2

Clause 35, page 19, line 10 - To insert after “electricity” -

“ from sources of energy including renewable sources ”.

No. 3

Clause 35, page 19, after line 13 - To insert -

“
 (c) to acquire, develop, operate and supply energy efficient technologies;
 ”.

No. 4

Clause 41, page 22, line 15 - To insert after “enhance” -

“ , improve ”.

No. 5

Clause 41, page 22, line 17 - To insert after “provide” -

“ and improve ”.

No. 6

Clause 41, page 22, after line 26 - To insert -

“
 (d) to provide services that improve the efficiency of electricity supply and the management of demand on electricity transmission and distribution systems;
 ”.

No. 7

Clause 44, page 24, line 14 - To insert after “consumers”-

“ and services which improve the efficiency of electricity supply and the management of demand ”.

No. 8

Clause 50, page 27, line 5 - To insert after “electricity” -

“ from sources of energy including renewable sources ”.

No. 9

Clause 50, page 27, line 6 - To insert after “enhance” -

“ , improve ”.

No. 10

Clause 50, page 27, line 8 - To insert after “provide” -

“ and improve ”.

No. 11

Clause 50, page 27, after line 9 - To insert -

“
(c) to do anything that it is authorised or required to do by the *Electricity Industry Act 2004* Part 8 (which relates to network access) and regulations and Code made under that Part;
”.

No. 12

Clause 50, page 27, line 10 - To insert after “consumers” -

“
and services which improve the efficiency of electricity supply and the management of demand and which, so far as is practicable, are comparable to services provided by the Electricity Retail Corporation in the performance of its functions under section 44(a)
”.

No. 13

Clause 50, page 27, after line 13 - To insert -

“
(e) to acquire, develop, operate and supply energy efficient technologies;
”.

No. 14

Clause 51, page 27, line 29 - To insert after “50” -

“ other than the function under section 50(c) ”.

No. 15

Clause 51, page 28, line 2 - To insert after “50” -

“ , other than the function under section 50(c), ”.

No. 16

Clause 53, page 29, line 22 - To insert after “modifications,” -

“ other than in relation to quality and reliability of supply, ”.

No. 17

Clause 53, page 29, after line 24 - To insert -

“

- (7) Regulations referred to in subsection (6) cannot limit or otherwise affect community service obligations, as defined in section 99(1), to be performed by a corporation under this Act.

”.

No. 18

Clause 60, page 35, after line 14 - To insert -

“

- (5) A corporation is to give the Minister and the Minister responsible for the administration of the *Town Planning and Development Act 1928* written notice of a proposal to carry out works referred to in subsection (2) if those works will not comply with the provisions of an order or scheme referred to in subsection (3).
- (6) A corporation is to include in its annual report under section 107 details of any works carried out by the corporation during the relevant financial year that did not comply with the provisions of an order or scheme referred to in subsection (3).

”.

No. 19

Clause 61, page 35, after line 20 - To insert -

“

- (2) In respect of the function of the Electricity Networks Corporation referred to in section 41(a) -
- (a) subsection (1) is subject to paragraph (b); and
- (b) the Electricity Networks Corporation must spend at least 50 per cent of the annual cost of managing, planning, developing, expanding, enhancing and reinforcing the South West interconnected system in respect of transmission and distribution systems, including systems to facilitate the connection of renewable energy generation, in regional districts.
- (3) In subsection 61(2), “**regional districts**” means the Goldfields-Esperance, Great Southern, Mid West, South West and Wheatbelt regions referred to in Schedule 1 of the *Regional Development Commissions Act 1993*.

- (4) The Minister is to review the operation of subsection 61(2) before the expiry of four years from the commencement of this subsection.

”.

No. 20

Clause 90, page 51, line 17 - To delete “on the Treasurer’s recommendation.” and insert instead -
“ after consultation with the Treasurer. ”.

No. 21

Clause 99, page 54, line 26 - To insert after “functions” -

“ or to meet performance targets ”.

No. 22

Clause 99, page 54, line 27 - To insert after “perform” -

“ or to meet ”.

No. 23

Clause 99, page 56, line 11 - To delete “on the Treasurer’s recommendation.” and insert instead -

“ after consultation with the Treasurer. ”.

No. 24

Clause 103, page 58, after line 16 - To insert -

“

- (5) Nothing in subsection (3) affects, or is intended to affect, the operation of the *Parliamentary Privileges Act 1891* or the *Parliamentary Papers Act 1891*.

”.

No. 25

Clause 109, page 62, after line 3 - To insert -

“

- (4) Nothing in this section affects, or is intended to affect, the operation of the *Parliamentary Privileges Act 1891* or the *Parliamentary Papers Act 1891*.

”.

No. 26

Schedule 5, Clause 27, page 171, after line 1 - To insert -

“

- (1) Section 39(2)(d) is amended by deleting “or distribution licences” and inserting instead —

“ , distribution licences or integrated regional licences ”.

”.

“

39A. Review of code standards applying to Regional Power Corporation

- (1) In this section —
- “**access arrangement**” has the meaning given to that term in section 103;
- “**relevant day**” means —
- (a) for the first review, the day referred to in subsection (3); and
 - (b) for a subsequent review, the day referred to in subsection (4);
- “**RPC standards**” means standards referred to in section 39(2)(d) that —
- (a) are to be observed by the Regional Power Corporation; and
 - (b) are provided for in a code prepared and issued by the Minister under section 39;
- “**service standards**” means standards relating to the quality and reliability of the supply of electricity that are provided for in an access arrangement.
- (2) The Authority is to carry out reviews of the operation and effect of the RPC standards.
 - (3) The first review is to be carried out as soon as is practicable after the day on which the first access arrangement in respect of the South West interconnected system is approved under Part 8.
 - (4) Subsequent reviews are to be carried out as soon as is practicable after the day on which the period fixed under subsection (11) ends.
 - (5) The purpose of a review is to consider whether the RPC standards are appropriate for each of the transmission systems and distribution systems to which they apply when assessed against the service standards that apply to the South West interconnected system.
 - (6) When carrying out a review the Authority is to give members of the public an opportunity to comment on matters relevant to the review.
 - (7) The Authority is to give the Minister a report based on a review within —
 - (a) the period of 4 months after the relevant day; or
 - (b) any longer period allowed by the Minister under subsection (8).
 - (8) The Minister may, at the request of the Authority, extend the period referred to in subsection (7)(a) by not more than 28 days.
 - (9) A report may contain recommendations as to changes that should be made to the RPC standards.
 - (10) Within 28 days after the day on which a report is given to the Minister, the Authority is to —
 - (a) make the report available for public inspection in such manner as the Authority considers appropriate; and
 - (b) cause a notice giving details of where copies of the report can be obtained to be published —
 - (i) in a daily newspaper circulating throughout the State; and
 - (ii) on its internet website.

- (11) The Minister, by order published in the *Gazette*, is to fix a period for subsequent reviews for the purposes of subsection (4).
- (12) A period fixed under subsection (11) cannot be longer than 5 years after the day on which a notice in respect of the last preceding report under this section was published under subsection (10)(b)(i).
- (13) The Minister, by order published in the *Gazette*, may —
 - (a) amend an order made under subsection (11); or
 - (b) revoke an order made under subsection (11) and replace it with another order.

”.

”.

Optical Dispensers Repeal Bill 2005 (No. 36—1)

Clause 5.

The Minister for Health: To move -

Page 2, after line 22 - To insert -

“

- (2) Section 3 is amended after the definition of “Minister” by inserting -

“

“Optical appliance” means an appliance designed to correct, remedy or relieve any refractive abnormality or optical defect in sight, but does not include a haptic lens or corneal lens.

”.

”.

PETER J. McHUGH

Clerk of the Legislative Assembly