

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 148

THURSDAY, 23 SEPTEMBER 2004, 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.*

BILLS - NOTICES OF MOTION

1. Criminal Law Amendment (Simple Offences) Bill 2004 (Notice given - 22/9/04)

The Attorney General: To move -

That a Bill for "An Act to amend —

- *The Criminal Code;*
- *the Police Act 1892;*
- *the Public Meetings and Processions Act 1984;*
- *the Constitution Acts Amendment Act 1899,*

and various other Acts and for related matters." be introduced and read a first time.

2. Acts Amendment (Sentencing) Bill 2004 (Notice given - 22/9/04)

The Minister for Justice: To move -

That a Bill for "An Act to amend —

- the *Sentence Administration Act 2003*;
- the *Sentencing Act 1995*; and
- the *Sentencing Legislation Amendment and Repeal Act 2003*." be introduced and read a first time.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

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

Further consideration in detail - Clause 4.

2. *Children and Community Services Bill 2003 (Minister for Community Development, Women's Interests, Seniors and Youth) (No. 265, 2r. - 4/5/04)

Further consideration in detail of Legislative Council message No. 155 - Amendments 5 to 9.

3. *Electricity Legislation (Amendments and Transitional Provisions) Bill 2003 (Minister for Energy) (No. 247, 2r. - 30/10/03)

Consideration in detail of Legislative Council message No. 154.

4. 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).

5. *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

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

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

7. 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).

8. *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).

9. 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).

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

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

11. 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).

- 12. 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).

- 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.

LEGISLATION COMMITTEE TO REPORT

***Planning and Development Bill 2004**

***Planning and Development (Consequential and Transitional Provisions) Bill 2004**

Metropolitan Region Improvement Tax Amendment Bill 2004

(Minister for Planning and Infrastructure) (Nos 313, 314, 317, 2r. - 30/6/04) – 23 September 2004

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. Pandal: 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. Pandal) (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. Pandal).

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

Children and Community Services Bill 2003 (No. 265 — 2)

Message No. 155.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Children and Community Services Bill 2003* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Children and Community Services Bill 2003

No. 1

Clause 8, page 9, line 14 - To delete “permanency” and insert instead -
“ continuity and stability ”.

No. 2

Clause 9, page 10, line 24 - To delete “only be taken in respect of a child” and insert instead -
“ be taken only ”.

No. 3

Clause 26, page 22, line 16 - To delete “produce” and insert instead -
“ display ”.

No. 4

Clause 26, page 22, line 17 - To delete “asked to do so by” and insert instead -
“ dealing with ”.

No. 5

Clause 28, page 24, after line 4 - To insert -

“
“**harm**”, in relation to a child, means any detrimental effect of a significant nature
on the child’s wellbeing;

”.

No. 6

Clause 28, page 24, lines 22 to 25 - To delete the lines.

No. 7

Clause 28, page 24, line 26 - To delete “significant”.

No. 8

Clause 28, page 24, after line 28 - To insert -

“ (ii) sexual abuse; ”.

No. 9

Clause 28, page 25, line 5 - To delete “significant”.

No. 10

Clause 37, page 31, line 15 - To delete “(1)” and insert instead -

“ (2) ”.

No. 11

Clause 44, page 37, line 26 - To delete “only”.

No. 12

Clause 44, page 37, line 26 - To insert after “made” -
“ only ”.

No. 13

Clause 90, page 59, after line 5 - To insert -

- “
- (d) any other person considered by the CEO to have a direct and significant interest in the wellbeing of the child.

”.

No. 14

Clause 93, page 60, after line 25 - To insert -

- “
- (c) any carer of the child; or

”.

No. 15

Clause 101, page 64, line 24 - To delete “significant”.

No. 16

Clause 101, page 64, after line 26 - To insert -
“ (ii) sexual abuse; ”.

No. 17

Clause 101, page 65, lines 5 to 10 - To delete the lines.

No. 18

Clause 101, page 65, line 11 - To delete “this section” and insert instead -
“ subsection (1) ”.

No. 19

Clause 101, page 65, after line 14 - To insert -

“

“**harm**” has the meaning given to that term in section 28(1).

”.

No. 20

Clause 140, page 87, line 16 - To delete “unless it makes an order” and insert instead -
“ subject to the terms of any order made ”.

No. 21

Clause 140, page 87, line 21 - To insert after “report” -
“ , or a specified part of the report, ”.

No. 22

Clause 140, page 87, line 23 - To insert after “report” -
“ , or the specified part, ”.

No. 23

Clause 161, page 102, line 8 - To insert after “21” -

“ working ”.

No. 24

Clause 199, page 125, after line 31 - To insert -

“

- (ii) reflects best practice in the care, education and recreation of young children; and

”.

No. 25

Clause 204, page 127, lines 14 to 16 - To delete “may ask the applicant or nominated supervising officer to do any or all of the following”.

No. 26

Clause 204, page 127, line 17 - To insert before “undergo” -

“ must ask the applicant or nominated supervising officer to ”.

No. 27

Clause 204, page 127, line 21 - To insert before “undergo” -

“ may ask the applicant or nominated supervising officer to ”.

No. 28

Clause 204, page 127, line 23 - To insert before “provide” -

“ must ask the applicant or nominated supervising officer to ”.

No. 29

Clause 204, page 127, after line 23 - To insert -

“

- (d) must ask the applicant or nominated supervising officer to provide evidence that the person holds the qualifications prescribed in relation to the type of child care service to which the application relates.

”.

No. 30

Clause 225, page 136, line 13 - To delete “who is”.

No. 31

Clause 229, page 138, line 6 - To delete “(2)” and insert instead -

“ (3) ”.

No. 32

Schedule 2, page 174, after line 5 - To delete “and (2)”.

No. 33

Schedule 2, page 174, after line 5 - To delete “significant”.

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;

”
.”
”
.”

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”.

Electricity Legislation (Amendments and Transitional Provisions) Bill 2003 (No. 247 — 1)

Message No. 154.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Electricity Legislation (Amendments and Transitional Provisions) Bill 2003* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Electricity Legislation (Amendments and Transitional Provisions) Bill 2003

No. 1

Clause 1, page 2, line 4 - To delete “(Amendments and Transitional Provisions)” and insert instead - “ *Amendment* ”.

No. 2

Clause 2, page 2, lines 6 and 7 - To delete the lines.

No. 3

Clause 2, page 2, line 8 - To insert after “of” - “ *this Act* ”.

No. 4

Clause 2, page 2, lines 9 to 13 - To delete the lines.

No. 5

Clause 2, page 2, line 16 - To delete “but”.

No. 6

Clause 2, page 2, lines 17 to 22 - To delete the lines.

No. 7

Clause 3, page 3, lines 2 to 7 - To delete the clause.

No. 8

Clause 4, page 3, lines 8 to 15 - To delete the clause.

No. 9

Clause 5, page 3, lines 16 to 19 - To delete the clause.

No. 10

Clause 6, page 3, line 20 to page 4, line 20 - To delete the clause.

No. 11

Clause 7, page 4, lines 21 and 22 - To delete the clause.

No. 12

Clause 8, page 4, lines 23 to 29 - To delete the clause.

No. 13

Clause 9, page 5, line 1 to page 6, line 17 - To delete the clause.

No. 14

Clause 10, page 6, lines 18 and 19 - To delete the clause.

No. 15

Clause 11, page 6, line 20 to page 7, line 3 - To delete the clause.

No. 16

Clause 12, page 7, lines 4 to 7 - To delete the clause.

No. 17

Clause 13, page 7, lines 8 to 16 - To delete the clause.

No. 18

Clause 14, page 7, lines 17 and 18 - To delete the clause.

No. 19

Clause 15, page 7, line 19 to page 12, line 14 - To delete the clause.

No. 20

Clause 16, page 12, line 15 to page 16, line 10 - To delete the clause.

No. 21

Clause 17, page 16, lines 11 to 26 - To delete the clause.

No. 22

Clause 18, page 17, lines 4 to 11 - To delete the lines.

No. 23

Clause 19, page 17, line 12 to page 19, line 6 - To delete the clause.

No. 24

Clause 20, page 19, lines 7 to 22 - To delete the clause.

No. 25

Clause 21, page 19, line 24 to page 20, line 18 - To delete the clause.

No. 26

Clause 22, page 20, line 19 to page 21, line 4 - To delete the clause.

No. 27

Clause 23, page 21, lines 5 to 11 - To delete the clause.

No. 28

Clause 24, page 21, line 15 to page 22, line 28 - To delete the clause.

No. 29

Clause 25, page 23, lines 1 to 12 - To delete the clause.

No. 30

Clause 26, page 23, lines 13 to 19 - To delete the clause.

No. 31

Clause 27, page 23, line 20 to page 24, line 2 - To delete the clause.

No. 32

Clause 28, page 24, lines 3 to 17 - To delete the clause.

No. 33

Clause 29, page 24, line 18 to page 25, line 5 - To delete the clause.

No. 34

Clause 30, page 25, lines 6 to 25 - To delete the clause.

No. 35

Clause 31, page 25, line 27 to page 27, line 13 - To delete the clause.

No. 36

Clause 32, page 27, line 14 to page 28, line 4 - To delete the clause.

No. 37

Clause 33, page 28, line 5 to page 29, line 28 - To delete the clause.

No. 38

Clause 34, page 30, lines 1 to 19 - To delete the clause.

No. 39

Clause 35, page 30, line 20 to page 31, line 4 - To delete the clause.

No. 40

Clause 36, page 31, lines 5 to 14 - To delete the clause.

No. 41

Clause 37, page 31, line 16 to page 32, line 15 - To delete the clause.

No. 42

Clause 38, page 32, line 16 to page 33, line 27 - To delete the clause.

No. 43

Clause 39, page 34, lines 1 to 9 - To delete the clause.

No. 44

Clause 40, page 34, line 12 to page 35, line 2 - To delete the clause.

No. 45

Clause 41, page 35, line 3 to page 36, line 9 - To delete the clause.

No. 46

Clause 42, page 36, lines 10 to 14 - To delete the clause.

No. 47

Clause 43, page 36, lines 16 to 28 - To delete the clause.

No. 48

Clause 44, page 37, lines 1 to 14 - To delete the clause.

No. 49

Clause 45, page 37, lines 15 to 21 - To delete the clause.

No. 50

Clause 46, page 37, line 24 to page 38, line 22 - To delete the clause.

No. 51

Clause 47, page 38, line 23 to page 39, line 25 - To delete the clause.

No. 52

Clause 48, page 39, line 26 to page 40, line 15 - To delete the clause.

No. 53

Clause 49, page 40, lines 16 to 22 - To delete the clause.

No. 54

Clause 50, page 40, line 25 to page 42, line 4 - To delete the clause.

No. 55

Clause 51, page 42, lines 5 to 18 - To delete the clause.

No. 56

Clause 52, page 42, lines 19 to 31 - To delete the clause.

No. 57

Clause 53, page 43, lines 1 to 23 - To delete the clause.

No. 58

Clause 54, page 43, line 24 to page 44, line 19 - To delete the clause.

No. 59

Clause 55, page 44, line 20 to page 45, line 17 - To delete the clause.

No. 60

Clause 56, page 45, line 19 to page 46, line 6 - To delete the clause.

No. 61

Clause 57, page 46, lines 7 to 14 - To delete the clause.

No. 62

Clause 58, page 46, line 16 to page 47, line 9 - To delete the clause.

No. 63

Clause 59, page 47, lines 11 to 27 - To delete the clause.

No. 64

Clause 60, page 47, line 28 to page 48, line 5 - To delete the clause.

No. 65

Clause 61, page 48, lines 6 to 15 - To delete the clause.

No. 66

Clause 62, page 48, lines 16 to 21 - To delete the clause.

No. 67

Clause 63, page 48, line 22 to page 49, line 12 - To delete the clause.

No. 68

Clause 64, page 49, line 13 to page 50, line 10 - To delete the clause.

No. 69

Clause 65, page 50, line 12 to page 51, line 2 - To delete the clause.

No. 70

Clause 66, page 51, lines 3 to 16 - To delete the clause.

No. 71

Clause 67, page 51, lines 17 to 28 - To delete the clause.

No. 72

Clause 68, page 52, lines 2 to 24 - To delete the clause.

No. 73

Clause 69, page 53, lines 3 to 7 - To delete the clause.

No. 74

Clause 70, page 53, lines 8 to 14 - To delete the clause.

No. 75

Clause 71, page 53, line 15 to page 54, line 28 - To delete the clause.

No. 76

Clause 72, page 55, lines 1 to 11 - To delete the clause.

No. 77

Clause 73, page 55, lines 12 to 17 - To delete the clause.

No. 78

Clause 74, page 55, line 18 to page 56, line 14 - To delete the clause.

No. 79

Clause 75, page 56, line 16 to page 57, line 10 - To delete the clause.

No. 80

Clause 76, page 57, lines 11 to 15 - To delete the clause.

No. 81

Clause 77, page 57, line 16 to page 58, line 8 - To delete the clause.

No. 82

Clause 78, page 58, lines 9 to 25 - To delete the clause.

No. 83

Clause 79, page 59, lines 1 to 16 - To delete the clause.

No. 84

Clause 80, page 59, line 17 to page 60, line 27 - To delete the clause.

No. 85

Clause 81, page 61, lines 1 to 19 - To delete the clause.

No. 86

Clause 82, page 61, lines 20 to 29 - To delete the clause.

No. 87

Clause 83, page 62, lines 1 to 18 - To delete the clause.

No. 88

Clause 84, page 62, line 19 to page 63, line 13 - To delete the clause.

No. 89

Clause 85, page 63, lines 14 to 27 - To delete the clause.

No. 90

Clause 86, page 64, lines 1 to 18 - To delete the clause.

No. 91

Clause 89, page 65, line 14 - To delete “deleting” and insert instead -
“ inserting after ”.

No. 92

Clause 89, page 65, line 15 - To delete “and inserting instead”.

No. 93

Clause 89, page 65, line 16 - To insert before “network” -
“ or ”.

No. 94

Clause 89, page 65, lines 17 to 19 - To delete the lines.

No. 95

Clause 89, page 65, after line 19 - To insert -

“

- (2) Section 5(1) is amended in the definition of “electric installation” by deleting “electric” and by relocating the definition in the appropriate alphabetical position.
- (3) Section 5(1) is amended by deleting the definition of “supply authority” and inserting instead —

“

“**supply authority**” means an entity that, immediately before the coming into operation of section 89 of the *Electricity Legislation Amendment Act 2004*, was a supply authority as defined in this section, but does not include the Western Power Corporation;

”
.”

No. 96

Clause 89, page 65, line 25 - To delete “2003” and insert instead -

“ 2004 ”.

No. 97

Clause 89, page 65, line 27 - To delete “2003” and insert instead -

“ 2004 ”.

No. 98

Clause 89, page 66, line 7 - To delete “2003” and insert instead -

“ 2004 ”.

No. 99

Clause 89, page 66, line 21 - To delete “2003” and insert instead -

“ 2004 ”.

No. 100

Clause 89, page 66, line 23 - To delete “2003” and insert instead -

“ 2004 ”.

No. 101

Clause 89, page 66, line 28 - To delete ““Coordinator””.

No. 102

Clause 89, page 66, line 29 - To delete “, “electric installation”,” and insert instead -

“ and ”.

No. 103

Clause 89, page 66, line 29 - To delete “, “public authority” and “supply authority””.

No. 104

Clause 90, page 66, line 32 - To insert after “repealed” -

“

and the following section is inserted instead —

“

6. Application of Act to supply authorities

- (1) The Minister may, by instrument published in the *Government Gazette*, declare that on and after a specified day a specified relevant provision does not apply to a specified supply authority, and a declaration so made has effect accordingly.
- (2) A declaration is not to be made in respect of a relevant provision unless the Minister is of the opinion that on and after the specified day the specified supply authority will have powers, rights and obligations under the *Electricity Industry Act 2004* that are substantially equivalent to those conferred or imposed by the relevant provision.
- (3) A declaration is not to be made after the expiration of the period of 2 years beginning on the day of the insertion of subsection (1) into this Act by the *Electricity Legislation Act 2004*.
- (4) In this section —
“declaration” means a declaration made under subsection (1);
“relevant provision” means any of sections 11 to 24, 34 to 41 or 43 to 51, or any portion of any of those sections, or section 32 (a), (b), (d) or (l);
“specified” means specified in the declaration.

”.

”.

No. 105

Clause 91, page 67, line 5 - To delete “**Network operators**” and insert instead -

“ **Powers, rights and** ”.

No. 106

Clause 92, page 67, lines 6 and 7 - To delete the clause and insert the following new clauses instead -

“

92. Part II Division 1 heading deleted

The heading to Part II Division 1 is deleted.

93. Sections 7, 8, 9 and 10 repealed

Sections 7 to 10 are repealed.

94. Section 13 repealed

Section 13 is repealed.

95. Sections 15, 16 and 17 repealed

Sections 15 to 17 are repealed.

96. Part II Division 2 heading deleted

The heading to Part II Division 2 is deleted.

”.

No. 107

Clause 95, page 68, line 4 - To delete “(a), (b), (d),”

No. 108

Clause 95, page 68, line 4 - To delete “and (l)”.

No. 109

Clause 96, page 68, lines 11 and 12 - To delete the clause.

No. 110

Clause 97, page 68, line 19 - To delete “or electric”.

No. 111

Clause 97, page 68, lines 22 and 23 - To delete “or electric”.

No. 112

Clause 98, page 69, lines 1 and 2 - To delete the clause.

No. 113

Clause 100, page 69, line 8 - To delete “to 51 are” and insert instead -
“ is ”.

No. 114

Clause 103, page 69, lines 19 to 21 - To delete the clause.

No. 115

Clause 109, page 76, line 24 - To delete “2003” and insert instead -
“ 2004 ”.

No. 116

New Clauses 101A to 101O, page 69, after line 12 - To insert the following new clauses -
“

Division 2 — *Electricity Corporation Act 1994* amended

101A. The Act amended

The amendments in this Division are to the *Electricity Corporation Act 1994**.

[* *Reprint 2 as at 3 January 2003.*
For subsequent amendments see Western Australian Legislation Information
Tables for 2003, Table 1, p. 118.]

101B. Section 3 amended

(1) Section 3 is amended as follows:

- (a) by inserting before “In this Act” the subsection designation “(1)”;
- (b) in the definition of “subsidiary” by deleting paragraph (a) and “and” after it and inserting instead —
“
 - (a) a body determined to be a subsidiary of the corporation under subsection (2); or

”.

- (2) At the end of section 3 the following subsection is inserted —

“

- (2) Part 1.2 Division 6 of the Corporations Act applies for the purpose of determining whether a body is a subsidiary of the corporation.

”.

101C. Section 28 amended

- (1) Section 28(3) is amended by deleting “The” and inserting instead —

“ Subject to subsection (3a), the ”.

- (2) After section 28(3) the following subsections are inserted —

“

- (3a) Without limiting section 66, the Minister may under that section direct the corporation —
- (a) not to perform a function specified in the direction;
 - (b) not to perform a function specified in the direction to an extent, or except to an extent, specified in the direction; or
 - (c) not to perform a function specified in the direction in or in relation to an area, or except in or in relation to an area, specified in the direction.
- (3b) Subsection (3a) does not authorise a direction of a kind mentioned in section 38A(1).

”.

101D. Section 31A inserted

After section 31 the following section is inserted —

“

31A. Segregation of functions

- (1) Regulations under section 100 may provide for, and in relation to —
- (a) the segregation of any segment of the corporation’s operations mentioned in section 62(2) from the other functions or operations of the corporation; or
 - (b) the segregation from the corporation of any subsidiary of the corporation that has any functions or operations of a specified kind.
- (2) Regulations referred to in subsection (1) may make provision for, or in relation to —
- (a) the keeping of accounts and records;
 - (b) financial reporting;
 - (c) the apportionment of income, expenditure, assets and liabilities;
 - (d) the protection of information;
 - (e) the conduct of officers of the corporation; and
 - (f) controls and procedures, and the conferral of functions on a specified person, to ensure that any required segregation is effective.

”.

101E. Section 62 amended

- (1) Section 62(2)(a) is amended as follows:
- (a) in subparagraph (i) by inserting after “electricity” —
“ within the South West interconnected system ”.
 - (b) by deleting subparagraphs (ii) and (iii) and inserting instead —
“
 - (ii) the transmission and distribution of electricity within the South West interconnected system;
 - (iii) the sale of electricity within the South West interconnected system;
”.

- (2) After section 62(2) the following subsection is inserted —

“
 (2a) In subsection (2) —
“South West interconnected system” has the meaning given to that term in section 3 of the *Electricity Industry Act 2004*.
 ”.

101F. Section 66 amended

Section 66(1) is amended as follows:

- (a) by deleting “generally”;
- (b) by inserting after “functions” —
“ , either generally or in relation to a particular matter, ”.

101G. Section 95A inserted

After section 95 the following section is inserted —

“

95A. Phasing-out of operation of access and procurement provisions

- (1) The Minister may, by instrument published in the *Government Gazette*, declare that a specified relevant provision does not have effect on and after a specified day, and a declaration so made has effect accordingly.
- (2) A declaration is not to be made in respect of a relevant provision unless the Minister is of the opinion that the matters to which the relevant provision relates are adequately dealt with, or will be adequately dealt with on and after the specified day, under —
 - (a) Part 8 of the *Electricity Industry Act 2004* and the Code established under that Part; or
 - (b) Part 9 of the *Electricity Industry Act 2004* and the regulations made and market rules established under that Part.
- (3) A declaration is not to be made after the expiration of the period of 2 years beginning on the day of the insertion of subsection (1) into this Act by the *Electricity Legislation Amendment Act 2004*.

- (4) Regulations made under section 100 may —
- (a) repeal any specified provision that has ceased to have effect because of a declaration;
 - (b) effect any repeal of or amendment to any other provision of this Part or Schedule 5, 6 or 7 that is consequential on a repeal referred to in paragraph (a); and
 - (c) prescribe any matter that it is necessary or convenient to prescribe for transitional or savings purposes in relation to a declaration or in relation to a repeal or amendment referred to in paragraph (a) or (b).
- (5) In this section —
- “**declaration**” means a declaration made under subsection (1);
- “**relevant provision**” means any of section 90, 91, 92 or 93 or Schedule 5, 6 or 7, or any portion of any of those sections or Schedules;
- “**specified**” means specified in the declaration.

”.

Division 3 — *Electricity Industry Act 2004* amended

101H. The Act amended

The amendments in this Division are to the *Electricity Industry Act 2004**.

[* *Act No. 5 of 2004.*]

101I. Part 2 Division 7 heading amended

- (1) The heading to Part 2 Division 7 is amended by deleting “Other functions of the Authority” and inserting instead —

“

Administration and monitoring of licensing scheme and issue of codes

”.

101J. Section 39 amended

- (1) Section 39(1) is amended by deleting “The” and inserting instead —

“ Subject to subsection (2b), the ”.

- (2) After section 39(2) the following subsections are inserted —

“

- (2a) If the Authority has not prepared and issued a code in respect of a code matter the Minister may —

- (a) prepare and issue a code in respect of that code matter; or
- (b) by notice published in the *Government Gazette*, declare that the Minister proposes to prepare and issue a code in respect of that code matter.

- (2b) If —

- (a) a code prepared and issued by the Minister; or
- (b) a declaration under subsection (2a)(b),

is in force in respect of a code matter, the Authority cannot issue a code in respect of that code matter.

(2c) In subsections (2a) and (2b) —

“code matter” means —

- (a) the matter mentioned in subsection (2)(a);
- (b) the matter mentioned in subsection (2)(b);
- (c) the matter mentioned in subsection (2)(d); or
- (d) a matter referred to in subsection (2)(e).

”.

101JA. Section 79 amended

Section 79(2)(c) is amended by deleting “customers; and” and inserting instead —

“

customers and providing for compensation payments to be made to customers when standards of conduct are not met; and

”.

101JB. Section 89A inserted

After section 89 the following section is inserted —

“

89A. Regulations may modify application or operation of enactments to facilitate operation of code

The regulations may provide that a prescribed enactment —

- (a) does not apply in relation to the supply and marketing of electricity to customers;
- (b) does not apply in relation to the supply and marketing of electricity to customers to the extent prescribed;
- (c) does not apply in relation to the supply and marketing of electricity to customers to the extent that the enactment is inconsistent with the code; or
- (d) applies in relation to the supply and marketing of electricity to customers with such modifications as are prescribed.

”.

101K. Section 103 amended

Section 103 is amended by deleting the definition of “access” and inserting instead —

“

“**access**”, in relation to services, has a meaning corresponding with the meaning that it has when used in that context in the *Trade Practices Act 1974* of the Commonwealth;

”.

101L. Section 104 amended

Section 104(2) is amended as follows:

- (a) in paragraph (l), by deleting “metering and other”;
- (b) by deleting paragraph (m).

101M. Section 106 amended

Section 106(2) is amended by inserting after “agreement” —

“ or an enactment ”.

101N. Section 115 amended

- (1) Section 115(1) is amended as follows:

- (a) by inserting before “must” —
“ , or an associate of the network service provider, ”.
- (b) by deleting “aimed at” and inserting instead —
“ for the purpose of ”.
- (c) after paragraph (c), by inserting —
“

Penalty: \$100 000.

Daily penalty: \$20 000.

”.

- (2) Section 115(2) is amended as follows:

- (a) by inserting before “must” —
“ , or an associate of the person, ”.
- (b) by deleting “aimed at” and inserting instead —
“ for the purpose of ”.

- (3) Section 115(3) is repealed (but not the penalties after it).

- (4) At the end of section 115 the following subsections are inserted —

“

- (3) Without limiting subsection (1) or (2) —
 - (a) a person is taken to engage in conduct for a particular purpose if —
 - (i) the conduct is or was engaged in for purposes that include, or included, that purpose; and

- (ii) that purpose is or was a substantial purpose;
- (b) a person may be taken to have engaged in conduct for a particular purpose even though, after all the evidence has been considered, the existence of that purpose is ascertainable only by inference from the conduct of the person or of any other person or from other relevant circumstances.
- (4) In this section —
 - (a) a reference to engaging in conduct is a reference to doing or refusing to do any act and includes a reference to —
 - (i) making a contract or arrangement or giving effect to a provision of a contract or arrangement;
 - (ii) arriving at an understanding or giving effect to a provision of an understanding; or
 - (iii) requiring a covenant to be given or giving a covenant;
 - (b) a reference to refusing to do an act includes a reference to —
 - (i) refraining (otherwise than inadvertently) from doing the act; or
 - (ii) making it known that the act will not be done.
- (5) Subsection (1) or (2) does not apply to conduct in which a person engaged in accordance with an agreement, if the agreement was in force on 30 March 1995.
- (6) In this section —

“associate”, in relation to a person, has the meaning it would have under Part 1.2 Division 2 of the *Corporations Act 2001* of the Commonwealth if sections 13, 14, 16(2) and 17 of that Act were repealed.

”.

1010. Schedule 1 amended

Schedule 1 item (k) is amended as follows:

- (a) by inserting before “under” —

“ or the Minister ”.
- (b) by deleting “Authority;” and inserting instead —

“ Authority or the Minister, as the case may be; ”.

”.

”.

No. 117

New Clause 102A, page 69, after line 18 - To insert the following new clause -

“

102A. Long title amended

The long title is amended by deleting “the Western Power Corporation and certain other” and inserting instead —

“ **energy** ”.

”.

No. 118

New Clause 102B, page 69, after line 18 - To insert the following new clause -

“

102B. Section 4 amended

- (1) In section 4(1) the following definitions are inserted in the appropriate alphabetical positions —

“

“electricity corporation” means Western Power Corporation or a body corporate that is a subsidiary, as defined in section 3 of the *Electricity Corporation Act 1994*, of Western Power Corporation;

”.

- (2) In section 4(1) the definition of “energy operator” is deleted and the following definition is inserted instead —

“

“energy operator” means an electricity corporation or —

- (a) in a prescribed provision as defined in section 45(1) of the *Electricity Industry Act 2004*, a person referred to in that section includes in a reference in that prescribed provision to an energy operator;
- (b) in a provision of this Act referred to in Schedule 2 Part 1 or 2 of the *Energy Coordination Act 1994*, a person referred to in section 11ZO of that Act includes in a reference in that provision to an energy operator; and
- (c) in a provision to which paragraphs (a) and (b) both apply, a person referred to in either of those paragraphs;

”.

- (3) In section 4(1) the definitions of “concessionaire” and “linking-up scheme” are deleted.

”.

No. 119

New Clause 106A, page 70, after line 28 - To insert the following new clause -

“

106A. Section 46 amended

Section 46(12) is amended as follows:

- (a) by inserting after “energy operator” where it first occurs —
“ responsible for the operation of existing distribution works ”;
- (b) by deleting “existing distribution” and inserting instead —
“ those ”.

”.

No. 120

New Clause 107A, page 75, after line 27 - To insert the following new clause -

“

107A. Section 123 amended

- (1) Section 123(1) is amended by deleting “or to facilitate the operation of the Electricity Corporation”.
- (2) Section 123(3)(a) is amended by deleting “the Electricity Corporation” and inserting instead —

“ an electricity corporation ”.

”.

No. 121

New Clause 107B, page 75, after line 27 - To insert the following new clause -

“

107B. Section 124 amended

- (1) Section 124(1) is amended as follows:
 - (a) by deleting “Electricity” and inserting instead —
“ Western Power ”.
 - (b) by deleting “its functions” and inserting instead —
“ the functions of an electricity corporation ”.
- (2) Section 124(1a) is amended by deleting “energy, or the supply of energy, of a kind which is within the corporation’s functions” and inserting instead —

“ electricity ”.

- (3) Section 124(4) is amended:
 - (a) by deleting “the corporation” in paragraphs (a), (b), (d)(i), (d)(ia), (d)(vii), (d)(xi), (e), (k), (n) and (p) and in the first place where it occurs in paragraphs (d)(iaa), (h), (j) and (o) and inserting instead —
“ an electricity corporation ”.
 - (b) in paragraph (d)(iaa) by deleting “the corporation” in the second and third places where it occurs and inserting instead —
“ the electricity corporation ”.
 - (c) in paragraphs (h), (j) and (o) by deleting “the corporation” in the second place where it occurs and inserting instead —
“ the electricity corporation ”.

- (4) Section 124(5) is amended by deleting “corporation” in both places where it occurs and inserting instead —

“ Western Power Corporation ”.

”.

No. 122

Long Title, page 1 - To delete all words after “An Act” and insert instead -

“

to amend the —

- *Electricity Act 1945;*
- *Electricity Corporation Act 1994;*
- *Electricity Industry Act 2004;*
- *Energy Operators (Powers) Act 1979; and*
- *Parliamentary Commissioner Act 1971.*

”.

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 ”.

Metropolitan Region Scheme (Fremantle) Bill 2004 (No. 321 — 1)

Clause 3.

Mr M.F. Board: To move –

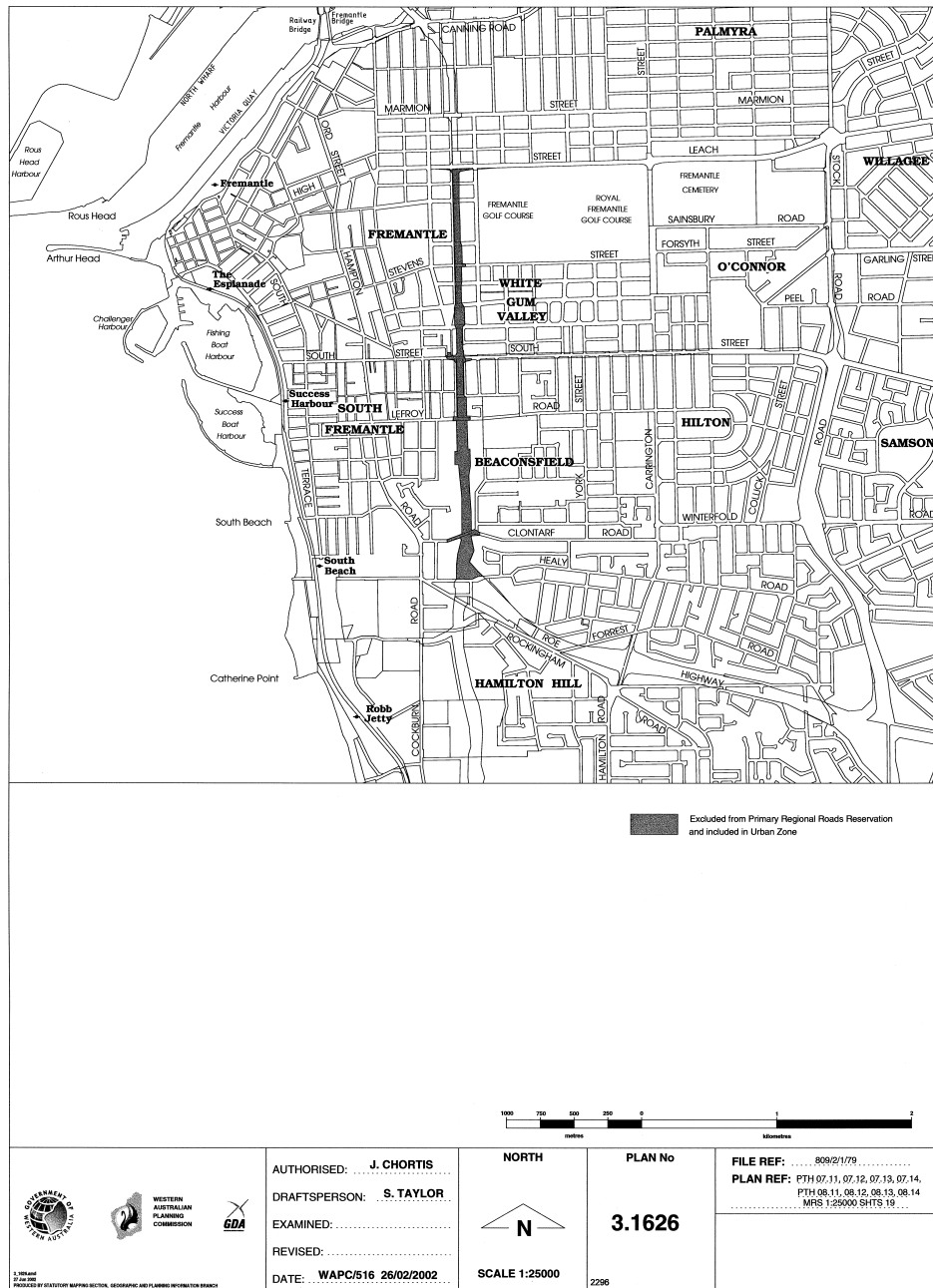
Page 2, line 9 – To delete “4.1244” and substitute –

“ 3.1626 ”.

Schedule 1.

Mr M.F. Board: To move –

Page 3, after line 2 – To delete the plan and substitute –



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*;

”.

Planning and Development Bill 2004 (No. 313—2)

Clause 159.

The Minister for Planning and Infrastructure: To move –

Page 115, line 13 – To insert after “road” –

“ to which there is access from the subdivided land ”.

The Minister for Planning and Infrastructure: To move –

Page 116, line 8 – To insert after “road” –

“ created under Part IVA of the *Transfer of Land Act 1893* or ”.

Clause 162.

The Minister for Planning and Infrastructure: To move –

Page 117, after line 18 – To insert –

“

- (2) Nothing in this section limits or otherwise affects a right or entitlement under any other written law.

”.

Clause 164.

The Minister for Planning and Infrastructure: To move –

Page 118, line 7 – To delete “development” and substitute –

“ planning ”.

Clause 167.

The Minister for Planning and Infrastructure: To move –

Page 119, line 28 to page 120, line 5 – To delete the lines.

The Minister for Planning and Infrastructure: To move –

Page 120, lines 7 and 8 – To delete “to which this section applies” and substitute –

“ or a plan lodged for registration under the *Strata Titles Act 1985* ”.

Clause 168.

The Minister for Planning and Infrastructure: To move –

Page 122, line 11 – To insert after “subdivision” –

“ or a plan lodged for registration under the *Strata Titles Act 1985* ”.

The Minister for Planning and Infrastructure: To move –

Page 122, line 17 – To insert after “subdivision” –

“ or a plan lodged for registration under the *Strata Titles Act 1985* ”.

Clause 174.

The Minister for Planning and Infrastructure: To move –

Page 127, line 23 – To delete “Act” and substitute –

“ section ”.

Clause 181.

The Minister for Planning and Infrastructure: To move –

Page 136, line 20 – To delete “memorial” and substitute –

“ notification ”.

The Minister for Planning and Infrastructure: To move –

Page 136, line 23 – To delete “memorial” and substitute –

“ notification ”.

The Minister for Planning and Infrastructure: To move –

Page 136, line 27 – To delete “Act” and substitute –

“ section ”.

The Minister for Planning and Infrastructure: To move –

Page 137, line 4 – To delete “Act” and substitute –

“ section ”.

The Minister for Planning and Infrastructure: To move –

Page 137, line 7 – To delete “Act” and substitute –

“ section ”.

Clause 295.

The Minister for Planning and Infrastructure: To move –

Page 209, line 4 – To delete “Act” and substitute –

“ section ”.

Schedule 8.

The Minister for Planning and Infrastructure: To move –

Page 236, line 28 – To insert after “road” –

“ created under Part IVA of the *Transfer of Land Act 1893* or ”.

Postponed Clause 87.

The Minister for Planning and Infrastructure: To move –

Page 60, line 8 — To insert after “to” where it first occurs —

“

—

(a)

”.

The Minister for Planning and Infrastructure: To move –

Page 60, after line 9 — To insert —

“

(b) advertise the scheme or amendment in accordance with the regulations;
and

(c) ensure that copies of the scheme or amendment are available to the public.

”.

Postponed Clause 103.

The Minister for Planning and Infrastructure: To move –

Page 70, line 22 — To insert after “proceed” —

“ , without the consent of the Minister, ”.

Planning and Development (Consequential and Transitional Provisions) Bill 2004
(No. 314—2)

Clause 2.

The Minister for Planning and Infrastructure: To move –

Page 2, lines 6 to 10 – To delete the lines and substitute –

“

(1) This Act comes into operation on a day to be fixed by proclamation.

(2) Different days may be fixed under subsection (1) for different provisions.

”.

Clause 3.

The Minister for Planning and Infrastructure: To move –

Page 2, line 13 – To delete “Act” and substitute –

“ section ”.

Clause 14.

The Minister for Planning and Infrastructure: To move –

Page 6, line 16 – To delete “Act” and substitute –

“ section ”.

Clause 59.

The Minister for Planning and Infrastructure: To move –

Page 26, line 25 – To insert after “by” –

“ a provision of ”.

The Minister for Planning and Infrastructure: To move –

Page 26, line 25 – To insert after “by this Act” –

“ (the “**amending provision**”) ”.

The Minister for Planning and Infrastructure: To move –

Page 26, line 27 – To delete “this Act” and substitute –

“ the amending provision ”.

Schedule 2.

The Minister for Planning and Infrastructure: To move –

Page 54, lines 24 to 26 – To delete the lines.

The Minister for Planning and Infrastructure: To move –

Page 59, line 26 – To delete “151(1)” and substitute –

“ 147(1) ”.

The Minister for Planning and Infrastructure: To move –

Page 59, line 28 – To delete “151(2)” and substitute –

“ 147(2) ”.

The Minister for Planning and Infrastructure: To move –

Page 71, line 28 to page 72, line 4 – To delete the lines.

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
