

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 106

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

TUESDAY, 26 SEPTEMBER 2006

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Leader of the House on the 2007 Legislative Assembly sitting dates.

Paper

The following paper was presented and ordered to lie upon the Table of the House -

By the Leader of the House -

Sitting Dates 2007 - Parliament of Western Australia 2007 Sitting Dates (1926).

The Attorney General on the Government response to the recommendations of the Joint Standing Committee on the Corruption and Crime Commission Report No. 10. of 2006.

The Minister for Youth on the completion of an independent review of the Community Service Grant program.

The Minister for Corrective Services on the success of improved prison drug and weapons detection programs.

The Minister for Citizenship and Multicultural Interests on a new vocational training program to provide better employment and training opportunities for people from diverse cultural backgrounds.

The Minister for Energy on the first day of electricity trading in Western Australia's wholesale electricity market last Thursday.

The Minister for Seniors and Volunteering on the 'Thank a Volunteer Day' celebration grants program.

The Minister for Planning and Infrastructure on the success of the Public Transport Authority at the WA Engineering Excellence Awards last Friday.

3. Questions

Questions without notice were taken.

Paper

The following paper was presented and ordered to lie upon the Table of the House -

By the Minister for Health -

Question without Notice No. 683 - Reporting of Notifiable Communicable Diseases (1927).

Questions on notice Nos 1509 to 1511 were asked.

Questions on notice Nos 1337, 1399, 1429, 1455, 1456, 1459, 1460 and 1467 were answered.

Paper tabled by the Minister for the Environment -

Question on Notice No. 1399 - Water Quality Monitoring for Port Geographe (1924).

4. Suspension of Standing Orders

Dr J.M. Woollard, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith -

- (1) That this House establishes a select committee to inquire into and report upon whether, in the past six years –
 - (a) information made available by the Western Australian Electoral Commission, the Australian Electoral Commission or federal members of Parliament to the offices of members of the Western Australian Legislative Assembly for use in the Electrac or EMS database systems has been shared;
 - (b) persons not employed by members of Parliament have, or have had, access to that information; and, if so, for what purpose;
 - (c) persons outside the parliamentary system, including union officials, have been trained in the use of the facilities; and, if so, for what purpose;
 - (d) any other information gathered by such systems has been shared outside any member's office or become part of any national database for the use of any political party or other group, whether for state or national elections or any other purpose;
 - (e) use of this information contravenes general principles of privacy of information or improperly disseminates information given in confidence by constituents to members of Parliament; and

- (f) the extent to which the development and implementation of the database systems were publicly funded and the effect of that funding has been to unfairly discriminate between members of Parliament on the basis of party affiliation.
- (2) That, for the purpose of this inquiry, the Legislative Assembly directs that any member requested by the committee to appear is required to attend and to give evidence.

Debate ensued.

The Leader of the House moved,

That the motion be amended by the addition of the following –

“

Subject to the debate being conducted under the timing arrangements for a Matter of Public Interest with 15 minutes being allocated to the Member for Alfred Cove, 30 minutes for the Government, 20 minutes for the Opposition and 5 minutes for other independents.

”.

Amendment put and passed.

Question, as amended, put.

The Deputy Speaker having counted the House, and an absolute majority present and there being no dissentient voice, the motion, as amended, was declared by the Deputy Speaker to be carried with the concurrence of an absolute majority of the whole number of members of the House.

5. Select Committee into the Use of Electrac and EMS Database Systems

Dr J.M. Woollard, pursuant to the foregoing motion, moved,

- (1) That this House establishes a select committee to inquire into and report upon whether, in the past six years –
 - (a) information made available by the Western Australian Electoral Commission, the Australian Electoral Commission or federal members of Parliament to the offices of members of the Western Australian Legislative Assembly for use in the Electrac or EMS database systems has been shared;
 - (b) persons not employed by members of Parliament have, or have had, access to that information; and, if so, for what purpose;
 - (c) persons outside the parliamentary system, including union officials, have been trained in the use of the facilities; and, if so, for what purpose;
 - (d) any other information gathered by such systems has been shared outside any member's office or become part of any national database for the use of any political party or other group, whether for state or national elections or any other purpose;
 - (e) use of this information contravenes general principles of privacy of information or improperly disseminates information given in confidence by constituents to members of Parliament; and
 - (f) the extent to which the development and implementation of the database systems were publicly funded and the effect of that funding has been to unfairly discriminate between members of Parliament on the basis of party affiliation.
- (2) That, for the purpose of this inquiry, the Legislative Assembly directs that any member requested by the committee to appear is required to attend and to give evidence.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr T.R. Buswell
Mr G.M. Castrilli
Mr J.H.D. Day
Mr B.J. Grylls

Dr K.D. Hames
Ms K. Hodson-Thomas
Dr G.G. Jacobs
Mr J.E. McGrath
Mr P.D. Omodei
Mr A.J. Simpson
Mr G. Snook

Dr S.C. Thomas
Mr T.K. Waldron
Mr G.A. Woodhams
Dr J.M. Woollard
Mr T.R. Sprigg (*Teller*)

Noes (29)

Mr P.W. Andrews
Mr J.J.M. Bowler
Mr A.J. Carpenter
Dr E. Constable
Mr J.B. D'Orazio
Dr J.M. Edwards
Mrs D.J. Guise
Mr J.N. Hyde
Mr J.C. Kobelke
Mr R.C. Kucera

Mr F.M. Logan
Ms A.J.G. MacTiernan
Mr J.A. McGinty
Mr M. McGowan
Ms S.M. McHale
Mr A.D. McRae
Mr N.R. Marlborough
Mrs C.A. Martin
Mr M.P. Murray
Ms M.M. Quirk

Ms J.A. Radisich
Mr E.S. Ripper
Mrs M.H. Roberts
Mr T.G. Stephens
Mr D.A. Templeman
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Question thus negatived.

6. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Corrective Services provided additional information relating to a Question without Notice No. 682 from Mr R.F. Johnson.

Paper

The following paper was presented and ordered to lie upon the Table of the House -

By the Minister for Corrective Services -

Question without Notice No. 682 - *Prisoners (International Transfer) Act 2000 (WA)* - complementary legislation to *International Transfer of Prisoner Act 1997 (Cth)* (1928).

7. Papers

The following papers were presented and ordered to lie upon the Table of the House -

By the Clerk -

Associations Incorporation Act 1987 - Regulations (Associations Incorporation Amendment Regulations 2006 G.G. 22/09/2006) (1880).

Business Names Act 1962 - Regulations (Business Names Amendment Regulations 2006 G.G. 22/09/2006) (1881).

Charitable Collections Act 1946 - Regulations (Charitable Collections Amendment Regulations 2006 G.G. 22/09/2006) (1882).

Chattel Securities Act 1987 - Regulations (Chattel Securities Amendment Regulations 2006 G.G. 22/09/2006) (1883).

- Companies (Co-operative) Act 1943 - Regulations (The Companies Amendment Regulations 2006 G.G. 22/09/2006) (1884).
- Consumer Affairs Act 1971 - Regulations (Consumer Affairs Amendment Regulations 2006 G.G. 22/09/2006) (1885).
- Consumer Credit (Western Australia) Act 1996 - Regulations (Consumer Credit (Western Australia) (Infringement Notices) Regulations 2006 G.G. 22/09/2006) (1886).
- Co-operative and Provident Societies Act 1903 - Regulations (Co-operative and Provident Societies Amendment Regulations 2006 G.G. 22/09/2006) (1887).
- Corruption and Crime Commission of Western Australia - Annual Report pursuant to the Telecommunications Interception Act 1979 (1888).
- Credit (Administration) Act 1984 - Regulations (Credit (Administration) Amendment Regulations 2006 G.G. 22/09/2006) (1889).
- Credit Act 1984 - Regulations (Credit Amendment Regulations 2006 G.G. 22/09/2006) (1890).
- Debt Collectors Licensing Act 1964 - Regulations (Debt Collectors Licensing Amendment Regulations 2006 G.G. 22/09/2006) (1891).
- Door to Door Trading Act 1987 - Regulations (Door to Door Trading Amendment Regulations 2006 G.G. 22/09/2006) (1892).
- Electricity Industry Act 2004 - Amending Rules to the Wholesale Electricity Market Rules (1893).
- Electricity Industry Act 2004 - Rules (Wholesale Electricity Market Amending Rules (September 2006) G.G. 19/09/2006) (1894).
- Employment Agents Act 1976 - Regulations (Employment Agents Amendment Regulations 2006 G.G. 22/09/2006) (1895).
- Equal Opportunity Commission - Annual Report 2005-2006 (1896).
- Fair Trading Act 1987 - Regulations (Fair Trading (Infringement Notices) Regulations 2006 G.G. 22/09/2006) (1897).
- Fair Trading Act 1987 - Regulations (Fair Trading (Retirement Villages Code) Regulations 2006 G.G. 22/09/2006) (1898).
- Gold Corporation - Annual Report 2005-2006 (1899).
- Health Act 1911 - Local Laws (Shire of Dandaragan - Health (Amendment) Local Law 2006 G.G. 19/09/2006) (1900).
- Health Promotion Foundation [Healthway], Western Australia - Annual Report 2005-2006 (1901).
- Hire-Purchase Act 1959 - Regulations (Hire-Purchase (General) Amendment Regulations 2006 G.G. 22/09/2006) (1902).
- Insurance Commission of Western Australia - Annual Report 2005-2006 (1903).
- Industrial Training Act 1975 - Regulations (Industrial Training Amendment Regulations 2006 G.G. 19/09/2006) (1904).
- Inspector of Custodial Services, Office of the - Annual Report 2005-2006 (1925).
- Land Valuers Licensing Act 1978 - Regulations (Land Valuers Licensing Amendment Regulations 2006 G.G. 22/09/2006) (1905).
- Law Reform Commission of Western Australia, The - Annual Report 2005-2006 (1906).
- Lotteries Commission of Western Australia [Lottery West] - Annual Report 2005-2006 (1923).
- Marine Parks and Reserves Authority - Annual Report 2005-2006 (1907).
- Painters' Registration Act 1961 - Regulations (Painters' Registration (Infringement Notices) Regulations 2006 G.G. 22/09/2006) (1908).

Petroleum Products Pricing Act 1983 - Regulations (Petroleum Products Pricing Amendment Regulations 2006 G.G. 22/09/2006) (1909).

Real Estate and Business Agents Supervisory Board - Annual Report 2005-2006 (1910).

Residential Tenancies Act 1987 - Regulations (Residential Tenancies Amendment Regulations 2006 G.G. 22/09/2006) (1911).

Rural Business Development Corporation - Annual Report 2005-2006 (1912).

Settlement Agents Act 1981 - Regulations (Settlement Agents Amendment Regulations 2006 G.G. 22/09/2006) (1913).

Settlement Agents Supervisory Board - Annual Report 2005-2006 (1914).

State Coroner, Office of the - Annual Report 2005-2006 (1915).

State Government Insurance Corporation - Annual Report 2005-2006 (1916).

Stock (Identification and Movement) Act 1970 - Regulations (Stock (Identification and Movement) Amendment Regulations 2006 G.G. 19/09/2006) (1917).

Stock Diseases (Regulations) Act 1968 - Regulations (Enzootic Diseases Amendment Regulations 2006 G.G. 19/09/2006) (1918).

Street Collections (Regulation) Act 1940 - Regulations (Street Collections Amendment Regulations 2006 G.G. 22/09/2006) (1919).

Sunday Entertainments Act 1979 - Regulations (Sunday Entertainments Regulations 2006 G.G. 22/09/2006) (1920).

Travel Agents Act 1985 - Regulations (Travel Agents Amendment Regulations 2006 G.G. 22/09/2006) (1921).

Veterinary Surgeons' Board of Western Australia - Annual Report 2005-2006 (1922).

8. Notice of Motion

9. Matter of Public Interest - Housing Affordability in Western Australia

The Acting Speaker informed the Assembly that he was in receipt of a notice from Mr T.R. Buswell that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr T.R. Buswell moved,

That this House condemns the Labor Government for its failure to properly manage land supply issues and property based taxes, fees and charges, which has resulted in a housing affordability crisis in Western Australia.

Debate ensued.

Paper

The following paper was presented and ordered to lie upon the Table of the House -

By the Minister for Planning and Infrastructure -

Housing Affordability in Perth - Graph showing Perth and Peel Housing Lots Granted Final Approval (1929).

Question put.

The Assembly divided.

Ayes (18)

Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable

Mr M.J. Cowper
Mr J.H.D. Day
Mr B.J. Grylls
Dr K.D. Hames
Ms K. Hodson-Thomas
Mr J.E. McGrath

Mr P.D. Omodei
Mr A.J. Simpson
Mr G. Snook
Mr T.K. Waldron
Dr J.M. Woollard
Mr T.R. Sprigg (*Teller*)

Noes (25)

Mr J.J.M. Bowler
Mr A.J. Carpenter
Dr J.M. Edwards
Mrs D.J. Guise
Mr J.N. Hyde
Mr J.C. Kobelke
Mr R.C. Kucera
Mr F.M. Logan
Ms A.J.G. MacTiernan

Mr J.A. McGinty
Mr M. McGowan
Ms S.M. McHale
Mr N.R. Marlborough
Mrs C.A. Martin
Mr M.P. Murray
Ms M.M. Quirk
Ms J.A. Radisich
Mr E.S. Ripper

Mrs M.H. Roberts
Mr T.G. Stephens
Mr D.A. Templeman
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Question thus negatived.

10. Notice of Motion Lapsed - Removal from Notice Paper

The Acting Speaker advised that in accordance with Standing Order No. 74, Private Members' Notice of Motion No. 1, notice of which was given on 18 October 2005 and renewed for a further 30 sitting days on 11 May 2006, would be removed and would not appear on the next Notice Paper.

11. Speaker's Statement - Education and Health Standing Committee Recommendations

The Acting Speaker reported that a response by the Premier to the recommendations of the Education and Health Standing Committee's "Swimming Pool Program in Remote Communities" had not been received by the required time.

12. Message from the Governor

Message No. 41 from His Excellency the Governor was reported assenting to the following bills -

Misuse of Drugs Amendment Bill 2006, Act No. 40 of 2006.

Parole and Sentencing Legislation Amendment Bill 2006, Act No. 41 of 2006.

Terrorism (Preventative Detention) Bill 2006, Act No. 42 of 2006.

13. Message from the Governor

Message No. 42 from His Excellency the Governor was reported recommending the purpose of the appropriation for the Liquor and Gaming Legislation Amendment Bill 2006.

14. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment -

21 September 2006

Iron Ore FMG Chichester Pty Ltd) Agreement Bill 2006 (message No. 109) .

Perth International Centre for Application of Solar Energy Amendment Bill 2005 (Message No. 110).

Hospitals and Health Services Amendment Bill 2005 (Message No. 111).

15. Swan and Canning Rivers Management Bill 2005

Message No. 107 dated 21 September 2006 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Swan and Canning Rivers Management Bill 2005* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Swan and Canning Rivers Management Bill 2005

No. 1

Clause 3, page 3, lines 26 and 27 — To delete “*Town Planning and Development Act 1928*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 2

Clause 3, page 3, line 33 — To delete “*Metropolitan Scheme Act*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 3

Clause 3, page 4, lines 1 and 2 — To delete the lines.

No. 4

Clause 3, page 4, line 4 — To delete “*Metropolitan Scheme Act*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 5

Clause 3, page 6, lines 10 and 11 — To delete “*Western Australian Planning Commission Act 1985* section 4” and insert instead —

“ *Planning and Development Act 2005* section 7 ”.

No. 6

Clause 19, page 19, lines 22 and 23— To delete “*Western Australian Planning Commission Act 1985*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 7

Clause 23, page 24, line 4 — To delete “statements of planning policy” and insert instead —

“ State planning policies ”.

No. 8

Clause 65, page 52, line 7 — To delete “72” and insert instead —

“ 70 ”.

No. 9

Clause 89, page 70, lines 29 and 30 — To delete “Metropolitan Scheme Act section 36(3)(b)” and insert instead —

“ *Planning and Development Act 2005* section 177(1)(b) ”.

No. 10

Clause 89, page 71, line 6 — To delete “Metropolitan Scheme Act section 36(3)(a)” and insert instead —

“ *Planning and Development Act 2005* section 177(1)(a) ”.

No. 11

Clause 89, page 71, lines 21 and 22 — To delete “Metropolitan Scheme Act section 36(2)(b), (2a), (2b), (7) and (8)” and insert instead —

“ *Planning and Development Act 2005* sections 180, 187 and 188 ”.

No. 12

Clause 90, page 72, line 5 — To delete “values” and insert instead —

“ benefits ”.

No. 13

Clause 94, page 76, lines 5 and 6 — To delete “*Town Planning and Development Act 1928* section 20” and insert instead —

“ *Planning and Development Act 2005* section 135 ”.

No. 14

Schedule 5, page 113, after line 25 — To insert —

“
(ra) the *Planning and Development Act 2005*;
”.

No. 15

Schedule 5, page 114, line 3 — To delete the line.

No. 16

Schedule 5, page 115, line 6 — To delete “*Western Australian Planning Commission Act 1985*” and insert instead —

“ *Planning and Development Act 2005* ”.

Ordered, That consideration in detail of Legislative Council message No. 107 be made an Order of the Day for the next sitting of the Assembly.

16. Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005

Message No. 108 dated 21 September 2006 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005

No. 1

Clause 3, page 2, lines 15 and 16 — To delete “*Metropolitan Region Town Planning Scheme Act 1959*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 217

Clause 7, page 3, lines 19 to 24 — To delete the clause.

No. 3

Clause 17, page 9, lines 8 and 9 — To delete “*Metropolitan Region Town Planning Scheme Act 1959*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 4

Clause 17, page 9, lines 10 and 11 — To delete “*Metropolitan Region Town Planning Scheme Act 1959*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 5

Clause 22, page 10, line 28 — To delete “Scheme Act” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 18

Clause 22, page 12, lines 23 and 24 — To delete “*Western Australian Planning Commission Act 1985* section 18(4)” and insert instead —

“ *Planning and Development Act 2005* section 17 ”.

No. 7

Schedule 1, page 16, line 17 to page 17, line 15 — To delete the clause.

No. 8

Schedule 1, page 17, line 27 — To insert after “the” —

“ Metropolitan Region ”.

No. 9

Schedule 1, page 17, line 30 — To insert after “the” —

“ Metropolitan Region ”.

No. 10

Schedule 1, page 19, line 11 to page 20, line 7 — To delete the clause.

No. 11

Schedule 2, page 22, line 1 to page 24, line 25 — To delete the schedule.

Ordered, That consideration in detail of Legislative Council message No. 108 be made an Order of the Day for the next sitting of the Assembly.

17. Shipping and Pilotage Amendment Bill 2006

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Planning and Infrastructure moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

18. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 4 and 5 be next considered.

19. Commissioner for Children and Young People Bill 2005

The Order of the Day for the consideration in detail of Legislative Council message No. 106 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Commissioner for Children and Young People Bill 2005* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Commissioner for Children and Young People Bill 2005

No. 1

Clause 3, page 2, line 11 — To insert after “children” —

“ and young people ”.

No. 2

Clause 4, page 2, lines 16 to 22 — To delete the lines and insert instead —

“

- (a) children and young people are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation;
- (b) the contributions made by children and young people to the community should be recognised for their value and merit;
- (c) the views of children and young people on all matters affecting them should be given serious consideration and taken into account;
- (d) parents, families and communities have the primary role in safeguarding and promoting the wellbeing of their children and young people and should be supported in carrying out their role.

”.

No. 3

Clause 5, page 2, line 27 — To delete the line and insert instead —

“

“children and young people” means people under 18 years of age, and **“child or young person”** has a corresponding meaning;

”.

No. 4

Clause 5, page 3, lines 14 to 19 — To delete all words after the word “agency”.

No. 5

Clause 5, page 3, after line 25 — To insert —

“

“Standing Committee” means the committee referred to in section 50.

”.

No. 6

Clause 5, page 3, line 26 — To insert after “children” —

“ and young people ”.

No. 7

Clause 5, page 3, line 27 — To insert after “children” —

“ and young people ”.

No. 8

Clause 7, page 4, lines 12 to 14 — To delete the lines and insert instead —

“

7. Appointment and Selection of Commissioner

- (1) A person is to be appointed to the office of Commissioner for Children and Young People by the Governor by commission under the Public Seal of the State on the recommendation of the Premier.
- (2) Before making a recommendation under subsection (1) the Premier shall —
 - (a) advertise throughout Australia for expressions of interest from people with professional qualifications and substantive experience in matters affecting children;
 - (b) consult with the leader of any political party with at least 2 members in either House.
- (3) Children and young people must be involved in the selection process.

”.

No. 9

Clause 11, page 5, lines 16 to 28 — To delete the lines.

No. 10

Clause 13, page 6, line 26 — To delete “Minister” and insert instead —
“ Governor ”.

No. 11

Clause 13, page 7, line 3 — To delete “Minister” and insert instead —
“ Governor ”.

No. 12

Clause 18, page 9, line 4 — To insert after “children” —
“ and young people ”.

No. 13

Clause 18, page 9, line 5 — To insert after “children” —
“ and young people ”.

No. 14

Clause 18, page 9, line 8 — To insert after “children” —
“ and young people ”.

No. 15

Clause 18, page 9, line 10 — To insert after “children” —
“ and young people ”.

No. 16

Clause 18, page 9, lines 11 and 12 — To delete “and to monitor the trends in complaints made by and on behalf of children”.

No. 17

Clause 18, page 9, after line 12 — To insert —

- “
- (d) to monitor the way in which a government agency investigates or otherwise deals with a complaint made by a child or young person and the outcome of the complaint;
 - (e) to monitor the trends in complaints made by children and young people to government agencies;

”.

No. 18

Clause 18, page 9, line 15 — To insert after “children” —
“ and young people ”.

No. 19

Clause 18, page 9, line 18 — To insert after “children” —
“ and young people ”.

No. 20

Clause 18, page 9, line 20 — To insert after “children” —
 “ and young people ”.

No. 21

Clause 18, page 9, line 23 — To insert after “children” —
 “ and young people ”.

No. 22

Clause 18, page 9, line 26 — To insert after “Minister” the first time it occurs —
 “ or the Standing Committee ”.

No. 23

Clause 18, page 9, line 27 — To insert after “children” —
 “ and young people ”.

No. 24

Clause 18, page 9, line 31 — To insert after “children” —
 “ and young people ”.

No. 25

Clause 18, page 9, line 32 — To insert after “Minister” —
 “ or the Standing Committee ”.

No. 26

Clause 18, page 10, after line 3 — To insert —

“

- (l) to consult with children and young people from a broad range of socio-economic backgrounds and age groups throughout Western Australia each year;
- (m) to do anything which the Commissioner considers is necessary or convenient to further the principle in section 3 or any of the guiding principles in section 4.

”.

No. 27

Clause 19, page 10, line 9 — To insert after “children” —
 “ and young people ”.

No. 28

Clause 19, page 10, line 10 — To insert after “children” —
 “ and young people ”.

No. 29

Clause 19, page 10, line 11 — To insert after “children” —
 “ and young people ”.

No. 30

Clause 19, page 10, line 15 — To insert after “children” —
 “ and young people ”.

No. 31

Clause 19, page 10, after line 16 — To insert —

“

- (d) develop guidelines for government agencies and non-government agencies regarding the participation by children and young people in decisions which affect them;

”.

No. 32

Clause 19, page 10, line 17 — To delete “as far as practicable,”.

No. 33

Clause 19, page 10, line 19 — To insert after “children” —
 “ and young people ”.

No. 34

Clause 19, page 10, line 20 — To delete “children’s participation” and insert instead —
 “ the participation of children and young people ”.

No. 35

Clause 19, page 10, line 27 — To insert after “**children**” —
 “ **and young people** ”.

No. 36

Clause 19, page 10, line 27 — To insert after “children” —
 “ and young people ”.

No. 37

Clause 19, page 10, line 29 — To insert after “**children**” —
 “ **and young people** ”.

No. 38

Clause 19, page 10, line 29 — To insert after “children” —
 “ and young people ”.

No. 39

Clause 21, page 11, line 21 — To delete “law” and insert instead —
 “ prescribed written enactment ”.

No. 40

Clause 22, page 12, line 4 — To insert after “child” —
 “ or young person ”.

No. 41

Clause 22, page 12, line 6 — To delete “a child’s” and insert instead —
 “ young person or his or her ”.

No. 42

Clause 22, page 12, line 9 — To delete “a child’s” and insert instead —
 “ young person or his or her ”.

No. 43

Clause 22, page 12, line 12 — To insert after “children” —
 “ and young people ”.

No. 44

Clause 22, page 12, line 13 — To insert after “child” —
 “ or young person ”.

No. 45

Clause 25, page 13, line 14 — To delete “exceptional circumstances” and insert instead —
 “ reasonable grounds ”.

No. 46

Clause 26, page 13, line 26 to page 14, line 13 - To delete the lines and insert instead —

“

- (1) The Minister may request the Commissioner —
 - (a) to furnish information in the possession of the Commissioner to the Minister; or
 - (b) to give the Minister access to such information.
- (2) The Commissioner must comply with a request under subsection (1) unless, in the Commissioner’s opinion, there are reasonable grounds for not complying with the request.
- (3) If the Commissioner decides to comply with a request under subsection (1), the Commissioner must make the Commissioner’s staff and facilities available to the Minister for the purposes of obtaining the information and furnishing it to the Minister.

”.

No. 47

Clause 26, page 14, lines 15 to 17 — To delete the lines.

No. 48

Clause 28, page 15, line 5 — To insert after “children” —
 “ and young people ”.

No. 49

Clause 28, page 15, lines 6 and 7 — To delete the lines and insert instead —

“

- (2) Before conducting a special inquiry the Commissioner must inform the Minister in writing of his or her intention to do so.

”.

No. 50

Clause 30, page 16, lines 4 and 5 — To delete “children’s participation in, and” and insert instead —
 “ the participation of children and young people in, and their ”.

No. 51

Clause 35, page 17, line 28 to page 18, line 2 — To delete the line and insert instead —

“

- (1) Subject to subsection (2), nothing in this Part prevents a person from refusing to give an answer or produce a document because the answer would relate to, or the document contains, information in respect of which the person claims legal professional privilege.
- (2) A government agency, or an employee or officer of a government agency, may not refuse to answer a question or produce a document on the ground that the answer or the document is subject to legal professional privilege.
- (3) If a government agency, or an employee or officer of a government agency, answers a question or produces a document which is claimed to be subject to legal professional privilege the Commissioner may not include the answer or document or the substance of the answer or document, in any report to Parliament but may report the answer or document confidentially to the Standing Committee.
- (4) If the Commissioner reports an answer or document confidentially to the Standing Committee under subsection (3) the Standing Committee must consider in private session whether the answer or question should be reported to Parliament, and, if the Standing Committee considers it appropriate, the Standing Committee may report the answer or document to the Parliament.

”.

No. 52

Clause 45, page 21, line 5 — To insert after “children” —

“ and young people ”.

No. 53

Clause 47, page 21, line 15 — To delete “require” and insert instead —

“ request ”.

No. 54

Clause 47, page 21, lines 16 and 17 — To delete “, and the Commissioner must comply with the requirement”.

No. 55

Clause 47, page 21, lines 18 to 22 — To delete the lines and insert instead —

“

- (4) The Commissioner is not required to —
 - (a) undertake consultation in response to a request under subsection (3); or

- (b) make changes to a draft report as a result of any comments issued under subsection (2) or consultation undertaken in response to a request under subsection (3).

”.

No. 56

Clause 49, page 22, lines 7 to 9 — To delete “that, to the extent the Commissioner considers appropriate, is suitable for children” and insert instead —

“

suitable for children and young people unless the Commissioner considers that it is not appropriate to do so

”.

No. 57

Clause 49, page 22, after line 12 — To insert —

“

- (2) The version referred to in subsection (1)(a) may consist of the whole report or such parts of the report as the Commissioner considers appropriate.

”.

No. 58

Clause 50, page 23, lines 3 to 14 — To delete the lines and insert instead —

“

- (1) Subject to subsection (2), the Commissioner may establish advisory committees and reference groups to assist in the performance of the Commissioner’s functions.
- (2) The Commissioner must establish advisory committees consisting of children and young people, who the Commissioner considers are from a broad range of socio-economic and cultural backgrounds and age groups, to assist in the performance of the Commissioner’s functions. These committees should be established in regional areas as well as the metropolitan area.
- (3) The membership of advisory committees and reference groups should include representatives of non-government agencies concerned with the rights, interests and well being of children.
- (4) The Commissioner may discharge, alter or reconstitute an advisory committee.
- (5) Subject to subsection (2), an advisory committee is to consist of such people as the Commissioner determines.

”.

No. 59

Clause 51, page 23, lines 20 to 23 — To delete “, relevant to children, in one or more of the fields of health, education, child protection, child advocacy, child development, disabilities, law, employment, sport and recreation, and culture and arts.” and insert instead —

“

in a field that the Commissioner considers relevant to the well being of children and young people.

”.

No. 60

Clause 51, page 23, lines 24 to 26 — To delete the lines.

No. 61

Clause 52, page 23, line 28 — To delete “(a) and (b)”.

No. 62

Clause 57, page 26, line 1 — To insert after “Act” —

“ , the *Public Interest Disclosure Act 2003* ”.

No. 63

Clause 58, page 26, line 19 — To delete “or 48”.

No. 64

Clause 58, page 26, line 23 — To delete “or the Commissioner, as the case requires,”.

No. 65

Clause 58, page 26, after line 24 — To insert —

“

(2) If —

- (a) at the commencement of a period referred to in section 48(1) in respect of a document a House of Parliament is not sitting; and
 - (b) the Commissioner is of the opinion that that House will not sit during that period,
- the Commissioner must transmit a copy of the document to the Clerk of that House.

”.

No. 66

New Clause 8, page 4, after line 14 — To insert the following new clause —

“

8. Removal or suspension of Commissioner

- (1) The Commissioner may, at any time, be suspended or removed from his office by the Governor on addresses from both Houses of Parliament.
- (2) Where the Governor is satisfied that the Commissioner —
 - (a) is incapable of properly performing the duties of his office;
 - (b) has shown himself incompetent properly to perform, or has neglected, those duties;
 - (c) has applied to take, or has taken, advantage of any law relating to bankruptcy, or has compounded, or entered into any arrangement, with his creditors; or
 - (d) has been guilty of misconduct,
 he may suspend the Commissioner from his office.

- (3) When the Commissioner has been suspended from his office under subsection (2) he shall be restored to office unless —
- (a) a statement of the grounds of his suspension is laid before each House of Parliament during the 7 sitting days of that House following the suspension; and
 - (b) each House of Parliament, during the session in which the statement is so laid, and within 30 sitting days of that statement being so laid, passes an address praying for his removal.

”.

No. 67

New Clause 55, page 25, after line 1 — To insert the following new clause —

“

55. Recommendations by the Standing Committee

In the determination of the budget for the Commissioner for a financial year regard is to be had to any recommendation as to that budget made to the Treasurer by the Standing Committee.

”.

No. 68

New Part 7, page 22, after line 12 — To insert the following new Part —

“

Part 7 — Standing Committee**50. Standing committee of Houses of Parliament**

- (1) The Houses of Parliament are to establish a joint standing committee comprising an equal number of members appointed by each House.
- (2) The functions and powers of the Standing Committee are determined by agreement between the Houses and are not justiciable.

”.

CONSIDERATION IN DETAIL

The Minister for Community Development moved, That amendments Nos 1 to 68 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

20. Retail Shops and Fair Trading Legislation Amendment Bill 2005

The Order of the Day for the consideration in detail of Legislative Council message No. 92 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Retail Shops and Fair Trading Legislation Amendment Bill 2005* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Retail Shops and Fair Trading Legislation Amendment Bill 2005

No. 1

Clause 5, page 4, line 10 — To insert after “14B(4)” —

“ as if the order were a regulation ”.

No. 2

Clause 6, page 4, line 26 — To delete “10” and insert instead —

“ 13 ”.

No. 3

Clause 6, page 4, after line 26 — To insert —

“

(da) in paragraph (bc) after “shop”, in the first place where it occurs, by inserting —

“

but excluding any person who is employed at the retail shop as an apprentice, as defined in the *Industrial Training Act 1975* section 4(1)

”.
,
”.

No. 4

Clause 9, page 11, line 29 to page 12, line 2 — To delete “in relation to a day or days within the period from 28 days before a public holiday or public half-holiday to 28 days after the public holiday or public half-holiday.” and insert instead —

“

- (a) in relation to a day or days within the period of 28 days ending on 1 January; or
- (b) to extend the trading hours of general retail shops on a particular day to no later than 9 p.m. for the purpose of compensating for trading hours that are lost by general retail shops in the metropolitan area on a particular day in the same week between 6 p.m. and 9 p.m. because of a public holiday or public half-holiday.

”.

No. 5

Clause 23, page 26, line 34 — To delete “or” and insert instead —

“ and ”.

No. 6

Clause 23, page 29, line 5 — To delete “or” and insert instead —

“ and ”.

No. 7

Clause 27, page 36, line 16 — To delete “or” and insert instead —

“ and ”.

No. 8

Clause 27, page 38, line 6 — To delete “or” and insert instead —

“ and ”.

CONSIDERATION IN DETAIL

The Minister for Consumer Protection moved, That amendment No. 1 be agreed to.

Amendment put and passed.

The Minister for Consumer Protection moved, That amendment No. 2 be agreed to.

Amendment put.

The Assembly divided.

Ayes (32)

Mr C.J. Barnett	Mr R.C. Kucera	Mr A.J. Simpson
Mr D.F. Barron-Sullivan	Ms A.J.G. MacTiernan	Mr G. Snook
Mr M.J. Birney	Mr M. McGowan	Mr T.R. Sprigg
Mr T.R. Buswell	Mr J.E. McGrath	Mr T.G. Stephens
Mr G.M. Castrilli	Ms S.M. McHale	Mr D.A. Templeman
Dr J.M. Edwards	Mr A.D. McRae	Dr S.C. Thomas
Dr K.D. Hames	Mr N.R. Marlborough	Mr P.B. Watson
Ms K. Hodson-Thomas	Mrs C.A. Martin	Mr M.P. Whitely
Mr J.N. Hyde	Ms M.M. Quirk	Mr B.S. Wyatt
Dr G.G. Jacobs	Ms J.A. Radisich	Mr S.R. Hill (<i>Teller</i>)
Mr J.C. Kobelke	Mrs M.H. Roberts	

Noes (3)

Mr D.T. Redman	Mr G.A. Woodhams	Mr T.K. Waldron (<i>Teller</i>)
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Amendment thus passed.

The Minister for Consumer Protection moved, That amendments Nos 3 to 8 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

21. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 6 be next considered.

22. Biosecurity and Agriculture Management Bill 2006**Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006****Biosecurity and Agriculture Management Rates and Charges Bill 2006**

The Order of the Day for the resumption of the debate upon the second reading of the bills was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

23. Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006

The Order of the Day for the second reading of the bill was read.

Question put and passed.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

24. Biosecurity and Agriculture Management Rates and Charges Bill 2006

The Order of the Day for the second reading of the bill was read.

Question put and passed.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

25. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly, at 9.46 p.m. until Wednesday, 27 September at 12.00 p.m.

Members present during any part of the day's proceedings - All the members except Mrs J. Hughes, Mr A.P. O’Gorman, Mr M.W. Trenorden and Ms S.E. Walker.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly