WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 163

TUESDAY, 16 OCTOBER 2007, 2.00 p.m.

Prayers *
Petitions
Papers
Giving Notices of Motion
Brief Ministerial Statements *
Questions Without Notice * - approximately 2.00 p.m. each day
Matter of Public Interest - one per week on any day
Private Members' Business - 4.00 p.m. to 7.00 p.m. Wednesdays
Grievances - approximately 9.00 a.m. Thursdays
Private Members' Statements - 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.

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. Restoration of Bill - Botanic Gardens and Parks Amendment Bill 2006 (Notice given - 27/9/07)

Ms S.E. Walker: To move -

That the *Botanic Gardens and Parks Amendment Bill 2006* be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 28 August 2007.

2. Restoration of Bill - Police (Compensation for Injured Officers) Amendment Bill 2006 (Notice given - 27/9/07)

Mr M.J. Cowper: To move -

That the *Police (Compensation for Injured Officers) Amendment Bill 2006* be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 25 September 2007.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. *Prostitution Amendment Bill 2007 (Attorney General) (No. 226, 2r. - 29/8/07)

Further consideration in detail - Clause 4 on the amendment moved by Dr E. Constable.

- **2. Electricity Industry Amendment Bill 2007** (Minister for Energy) (No. 224, 2r. 15/8/07) Second reading. Adjourned debate (Mr A.J. Simpson).
- **3. Indigenous Conservation Title Bill 2007** (Deputy Premier) (No. 237, 2r. 26/9/07) Second reading. Adjourned debate (Mr A.J. Simpson).
- **4. Industrial and Related Legislation Amendment Bill 2007** (Minister for Employment Protection) (No. 238, 2r. 27/9/07)

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

5. Employment Dispute Resolution Bill 2007 (Minister for Employment Protection) (No. 239, 2r. - 27/9/07)

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

6. Contractual Benefits Bill 2007 (Minister for Employment Protection) (No. 240, 2r. - 27/9/07)

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

7. Premier's Statement

Adjourned debate (Leader of the House) on the question, That the statement be noted.

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

Further consideration in detail - Clause 58.

- **9. Freedom of Information Amendment Bill 2007** (Attorney General) (No. 191, 2r. 28/3/07) Second reading. Adjourned debate (Mr A.J. Simpson).
- **10. Information Privacy Bill 2007** (Attorney General) (No. 193, 2r. 28/3/07) Second reading. Adjourned debate (Mr T.R. Sprigg).
- ***Nuclear Facilities Prohibition Bill 2007** (Minister for Energy) (No. 212, 2r. 20/6/07) Second reading. Adjourned debate (Mr G.M. Castrilli).
- **12. Bail Amendment Bill 2007** (Attorney General) (No. 217, 2r. 20/6/07)

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

13. Acts Amendment (Justice) Bill 2007 (Attorney General) (No. 231, 2r. - 27/9/07) Second reading. Adjourned debate (Mr T.R. Sprigg).

14. Inheritance (Family and Dependants Provision) Amendment Bill 2007 (Attorney General) (No. 234, 2r. - 27/9/07)

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

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

- 1. Parliamentary Standards Commissioner (Notice given 21/11/06, renewed 21/6/07) Mr M.W. Trenorden: To move -
 - (1) The Parliament of Western Australia approves in principle the creation of an independent Commission for Parliamentary Standards (the Commission) and the appointment of an officer, to be known as the Parliamentary Standards Commissioner (the Commissioner), to a permanent position as part of the parliamentary service.

- (2) The functions of the Commission are to -
 - (a) examine and report as the Commissioner sees fit on the standards of conduct of holders of public office;
 - (b) investigate complaints in relation to standards of propriety in public life in Western Australia;
 - (c) make recommendations to Parliament on the optimum standards of conduct to be adopted; and
 - (d) any other matter it considers relevant these functions.
- (3) The Commission will have jurisdiction over the standards applicable to the performance of the public duties of -
 - (a) members of parliament;
 - (b) ministers and parliamentary secretaries in their role as part of the Executive;
 - (c) public servants;
 - (d) local government councillors and officers; and
 - (e) members and senior officers of any bodies that receive public funds.
- (4) The Commission will have powers of a parliamentary committee for the purposes of its inquiry functions and all those persons in paragraph (3) will be obliged to attend and answer questions if so required by the Commissioner.
- (5) The Commissioner will be appointed as follows -
 - (a) nominations will be put forward by the Parliamentary Oversight Committee referred to in paragraph (8);
 - (b) a secret ballot will be conducted in each House and the person who receives the majority of votes of all those members of the Legislative Assembly and the Legislative Council present and voting in their respective Chambers will be declared by the Speaker of the Legislative Assembly to be appointed. If no candidate achieves such a majority, the name of the candidate with the least number of votes will be withdrawn and fresh ballots taken until such time as a candidate achieves a majority of the total number of votes; and
 - (c) appointment will be for a term of five years, the Commissioner will be eligible for reappointment, and may only be dismissed by a majority vote of both Houses in a secret ballot determined in the same manner as the appointment.
- (6) The Commissioner is an officer of the Parliament answerable directly to each House of Parliament.
- (7) The appropriations for -
 - (a) the Commission for Parliamentary Standards;
 - (b) the Freedom of Information Commissioner;
 - (c) the Office of Public Service Sector Standards and its Commissioner;
 - (d) the Office of the Auditor General:
 - (e) the Parliamentary Commissioner for Administrative Investigations (the Ombudsman); and
 - (f) the Parliamentary Inspector for the oversight of the Crime and Corruption Commission,

will form separate divisions of the parliamentary appropriation, and will be determined after fully taking into account any recommendations by the Parliamentary Oversight Committee on the resources necessary for the effective execution of their respective functions.

- (8) A committee to be known as the Parliamentary Oversight Committee will be established, consisting of three members elected by a two-thirds majority of members of both Houses, present and voting in their respective Chambers in a secret ballot. Presiding Officers, Deputy Presiding Officers, Ministers, Parliamentary Secretaries and the Leaders and Deputy Leaders of Parliamentary Parties are ineligible to be members of the Committee.
- (9) The Legislative Council be acquainted accordingly and its concurrence sought herein.
- **2. Conferring of Honourable Title for Members of the Legislative Council** (Notice given 22/3/07, renewed 20/9/07)

Dr J.M. Woollard: To move -

That this House calls on the Premier to advise His Excellency the Governor that the conferring of the title "The Honourable" on Members of the Legislative Council by virtue alone of being a member of that House, should be discontinued.

3. Disallowance of the Fish Resources Management Amendment Regulations (No. 8) 2006 (Notice given - 27/3/07, renewed - 25/9/07)

Mr G. Snook: To move -

That regulations 3 and 10 of the Fish Resources Management Amendment Regulations (No. 8) 2006 under the Fish Resources Management Act 1994, a copy of which was laid upon the Table of the House on 21 November 2006, are hereby disallowed.

4. **Regulatory Constraints Imposed on Western Power** (Notice given - 8/5/07)

Mr D.T. Redman: To move -

That this House calls on the State Government to immediately review the regulatory constraints imposed on Western Power, especially as they apply to capital contributions to increase capacity in growing regional centres, where upgrades do not meet the "economic" test of the Electricity Network Access Code 2004.

5. Acting Principal and Deputy Principal Positions in Regional Schools (Notice given - 15/5/07)

Mr G.A. Woodhams: To move -

That in light of the considerable number of Acting Principal and Deputy Principal positions in regional schools, that this House calls on the Government to make urgent changes to appointment processes to secure improved continuity of leadership in rural and regional education.

6. Water Licenses and Fees (Notice given - 15/5/07)

Mr D.T. Redman: To move -

That this House calls on the Government to immediately review its water licenses and water license fees as described under the Government's response to the blueprint for water reform, with the view to licensing all private and commercial bores and charging a flat fee to recover administrative costs.

7. Retention of Small Police Stations in Country Western Australia (Notice given - 20/6/07)

Mr T.K. Waldron: To move -

That this House calls on the Government to retain existing two-person and three-person police stations in country Western Australia as a matter of providing safety and security for the residents of these communities.

8. Select Committee into the Dairy Industry in Western Australia (Notice given - 14/8/07)

Mr P.D. Omodei: To move -

That a Select Committee of the Legislative Assembly be appointed to inquire into and report on -

- (a) the price of milk and beef in Western Australia and as to whether farmers are receiving a fair price for their produce;
- (b) whether processors and retailers are providing milk and beef at a fair price to consumers;
- (c) whether processors and retailers are engaging in unconscionable conduct in discounting milk in WA;
- (d) whether abattoirs and retailers are engaging in unconscionable conduct in setting prices of beef in WA;
- (e) why beef on the hoof is sold at significantly lower prices in WA than in the eastern states of Australia;
- (f) whether retail prices of beef and milk are being passed on to farmers;
- (g) examine mechanisms to ensure farmers receive a fair proportion of retail revenue for milk and beef;
- (h) investigate the abattoir industry in WA and make recommendations to improve this sector;
- (i) investigate the closure of saleyards in regional WA and make recommendations as to their retention and location;
- (j) investigate the funding of the Federal Government's Dairy Adjustment Scheme and the 11.5 cents milk levy and as to which sector of the industry is paying the levy;
- (k) make recommendations as to which sector of the dairy industry should receive the 11.5 cents on the conclusion of the Dairy Adjustment Scheme; and
- (l) other matters where there is a perceived or actual negative impact on farmer returns in the dairy and beef industries.

That the Select Committee report back to this House no later that 31 January 2008.

9. Removal of the Member for Collie-Wellington as Parliamentary Secretary (Notice given - 28/8/07)

Mr C.J. Barnett: To move -

That this House calls on the Premier to stand down the Member for Collie-Wellington from his position as Parliamentary Secretary.

10. World Health Organisation Noise Parameters (Notice given - 18/9/07)

Mr T.R. Sprigg: To move -

That this House condemns the Labor Government for ignoring World Health Organisation noise parameters when building the Perth-Mandurah railway, Roe Highway Stage 7 and various other roadworks in the South Eastern suburbs, thereby putting the health of residents at risk.

11. **Distribution Headworks Scheme** (Notice given - 18/9/07)

Mr D.T. Redman: To move -

That this House condemns the Minister for Energy for implementing a 'tax on geography' under the guise of the Distribution Headworks Scheme for new and upgraded power connections in regional areas, and:

- (a) calls on the Minister to acknowledge that the terms of this Scheme, in which regional small businesses will pay tens of thousands of dollars for new connections, will be a disaster for the future of business development in country Western Australia; and
- (b) calls on the Minister to acknowledge that the State Government has a responsibility to provide backbone power infrastructure in regional areas, and that distribution infrastructure in the SWIS should be fully funded through Community Service Obligation support from Government.

12. Consistency in Water Reform Agenda (Notice given - 18/9/07)

Mr D.T. Redman: To move -

That this House calls on the State Government to show consistency and equity across its water reform agenda by:

- (a) licensing the 165,000 domestic bores in Perth; and
- (b) charging a flat annual fee across all categories of licence holders to recover the administrative costs associated with water licensing.

13. Licensing of Farm Dams (Notice given - 25/9/07)

Mr P.D. Omodei: To move -

That this House -

- (1) condemns the Carpenter Labor Government for failure to consult with landholders in relation to proposals to licence farm dams and calls on the Government to conduct a series of public meetings to clearly outline the intentions of the Government; and
- (2) calls on the Carpenter Government to allow management, control and dispute resolution of water licensing to reside locally with water committees and not with Government bureaucracy.

14. Strategic Community Located Saleyards (Notice given - 25/9/07)

Mr P.D. Omodei: To move -

That this House calls on the Carpenter Labor Government to directly intervene and stop the closure of strategic community located saleyards to ensure that these yards continue to operate as both transit facilities and for the conducting of sales by auction.

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY

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

Adjourned debate (Mr B.J. Grylls - continuation of remarks) on the amendment moved by Mr G.A. Woodhams, To insert after "in our regions" the following -

"by ensuring that the equivalent of 25 per cent of all mining and petroleum royalties collected each year by the State Government is placed into a special fund to be reinvested each year in regional Western Australia to provide for further economic and social development".

in the motion moved by Mr B.J. Grylls -

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

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

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

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

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

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

Adjourned debate (Mr R.F Johnson) on the motion moved by Dr G.G. Jacobs -

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

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

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

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

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

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

- (a) the shortage of suitable childcare services in regional areas of Western Australia;
- (b) the problems caused by the introduction of unworkable regulations governing the operation of childcare centres in country areas; and
- (c) the need for a more flexible model for childcare arrangements in regional Western Australia, while still providing for the safety and well-being of all children in care.
- 6. CEO Recruitment and Selection Report by the Public Sector Standards Commissioner (Moved 22/11/06)

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

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

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

To be read a second time.

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

To be read a second time.

9. Suspension of Standing Orders (Moved - 27/2/07)

Adjourned debate until the Member for Murchison-Eyre has completed his evidence today at the CCC (Deputy Premier), on the motion moved by Mr P.D. Omodei, That so much of the Standing Orders be suspended as to allow the House to consider the following motion -

That this House calls on the Premier to immediately dismiss the Minister for Local Government; Employment Protection; Racing and Gaming; Goldfields-Esperance and Great Southern for his failure to uphold the integrity required of a Minister of the Crown.

- **10. Daylight Saving Amendment Bill (No. 2) 2007** (Mr M.J. Birney) (No. 196, 2r. 21/3/07) Second reading. Adjourned debate (Deputy Premier).
- **11. Western Australian Resources Heritage Fund Bill 2007** (Mr J.H.D. Day) (No. 197, 2r. 4/4/07)

Second reading. Adjourned debate (Leader of the House).

12. Suspension of Standing Orders - Taxi Amendment Bill 2007 (Moved - 9/5/07)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Dr J.M. Woollard, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved without notice –

That the scope of the *Taxi Amendment Bill 2007* be extended to allow amendments to be moved requiring all new taxis to be run on LPG or renewable fuels or to be hybrid vehicles, thereby reducing greenhouse gas emissions.

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

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

14. Industrial Relations (Prohibition of Bargaining Services Fees) Amendment Bill 2007 (Mr M.J. Cowper) (No. 221, 1r. - 21/6/07)

To be read a second time.

15. Children and Community Services Amendment (Body Piercing) Bill 2007 (Dr J.M. Woollard) (No. 230, 2r. - 29/8/07)

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

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

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

17. Professional Combat Sports Amendment Bill 2007 (Mr T.R. Sprigg) (No. 235, 2r. - 26/9/07)

Second reading. Adjourned debate (Minister for Police and Emergency Services).

18. Misuse of Drugs (Methylamphetamine) Amendment Bill 2007 (Mr M.J. Cowper) (No. 222, 2r. - 26/9/07)

Second reading. Adjourned debate (Mr M.J. Cowper - continuation of remarks on the motion moved by Mr M.J. Cowper).

COMMITTEES TO REPORT

Joint Standing Committee on the Corruption and Crime Commission – 18 October 2007 Inquiry into Legislative Amendments to the *Corruption and Crime Commission Act 2003* Procedure and Privileges Committee – 25 October 2007 Review of Legislative Assembly's Committee System Procedure and Privileges Committee – 28 March 2008 E-Petitions and E-Parliament Feasibility Study Joint Standing Committee on the Corruption and Crime Commission -March 2008 Inquiry into the Efficacy of Public Hearings by the Corruption and Crime Commission Public Accounts Committee -1 June 2008 Funding Arrangements for Western Australian Infrastructure Projects Education and Health Standing Committee – 20 November 2008 Inquiry into Successful Initiatives in Remote Aboriginal Communities Community Development and Justice Standing Committee -27 November 2008

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

Collaborative Approaches in Government

Committee	Ministers to Respond	Date Due
Community Development and	Premier; Treasurer;	10 August 2007
Justice Standing Committee -	Minister representing the	[non-compliance reported
Inquiry into Western Australia's	Minister for Local Government;	15 August 2007]
Natural Disaster Relief Arrangements	Minister representing the Minister	
	for Regional Development;	
	Minister for Heritage	
Education and Health Standing	Minister for Health; Minister	6 December 2007
Committee – Inquiry into the	for the Environment; Minister	
Cause and Extent of Lead	for Health; Minister for	
Pollution in the Esperance Area	Employment Protection	

REFERENCES TO COMMITTEES

CommitteeReferenceDate DueCommunity Development and
Justice Standing CommitteeProsecution of
Assaults and Sexual Offences29 November 2007

* Denotes amendments appear in the Notices and Amendments section of the Notice Paper.

† Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.

Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.

NOTICES AND AMENDMENTS

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

Clause 4. Mr P.D. Omodei: To move – Page 4, line 31 – To insert after the word "suspicion" the following – " to ". Mr P.D. Omodei: To move – Page 5, line 2 – To delete the word "Officer" where it occurs a second time. Mr P.D. Omodei: To move – Page 8, line 12 – To delete "30(B)(2)" and substitute -" 30B(2) ". Medical Practitioners Bill 2006 (No. 183—1) Clause 62. The Minister for Health: To move – Page 44, lines 24 and 25 – To delete the lines and substitute – (e) if the terms or conditions of the professional indemnity insurance are changed such that the terms or conditions do not comply with the minimum terms and conditions approved by the Board for the purpose of the definition of "professional indemnity insurance" in section 40(1).

Nuclear Facilities Prohibition Bill 2007 (No. 212—1)

Clause 8.

The Minister for Energy: To move –

Page 5, line 12 – To delete "referred to in paragraph (a)" and substitute –

" within the meaning of section 3 of that Act ".

Assembly Notice Paper No. 163 - Tuesday, 16 October 2007

Prostitution Amendment Bill 2007 (No. 226—1)

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Clause 4.
Dr E. Constable had moved –
Page 3, lines 5 and 6 – To delete all words after "by" and substitute –
      deleting "Prostitution Act" and inserting instead —
      " Sex Services Act".
If leave is granted for the above amendment to be withdrawn -
Dr E. Constable: To move –
Page 3, lines 5 and 6 – To delete all words after "by" and substitute –
      deleting "Prostitution Act" and inserting instead —
      " Sexual Services Act ".
Ms S.E. Walker: To move –
Page 3, lines 5 and 6 – To delete all words after "by" and substitute –
      deleting "Prostitution" and inserting instead —
      " Decriminalisation of Brothels and the Living Off the Commercial Sexual Use and Abuse
         of Young People and Others Pursuant to s. 190 and s. 191 of the Criminal Code ".
Clause 5.
The Attorney General: To move –
Page 3, line 14 – To insert after "act as a prostitute", " –
" act of prostitution", ".
Mr M.W. Trenorden: To move –
Page 4, line 11 – To delete "individual sex worker" and substitute in correct alphabetical order –
" prostitute ".
Ms S.E. Walker: To move –
Page 5, after line 22 – To insert –
" "sex worker user" has the meaning given to it in section 4; ".
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Clause 6.
Ms S.E. Walker: To move –
Page 6, after line 5 – To insert –
                  (b) by deleting "("the client")" and inserting instead —
                       " ("the sex worker user") ".
                  (c) by deleting "client" and inserting instead —
                       " sex worker user ".
Clause 19.
Mr M.W. Trenorden: To move –
Page 12, line 19 – To delete "individual sex worker" and substitute –
" prostitute ".
Clause 20.
Mr M.W. Trenorden: To move –
Page 14, lines 20 and 21 – To delete "individual sex worker" and substitute –
" prostitute ".
The Attorney General: To move –
Page 17, lines 15 and 16 – To delete "offence alleged to have been committed in this State" and
substitute -
               alleged offence under the law of this State, the Commonwealth, another State or a
               Territory
                                                                                                ".
Mr M.W. Trenorden: To move –
Page 24, lines 7 and 8 – To delete "individual sex worker" and substitute –
" prostitute ".
Mr M.W. Trenorden: To move –
Page 24, line 24 – To delete "individual sex worker" and substitute –
" prostitute ".
Mr M.W. Trenorden: To move –
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Page 24, lines 25 and 26- To delete "individual sex worker" and substitute -

" prostitute ".

Clause 22.

Mr M.W. Trenorden: To move –

Page 35, lines 27 and 28 – To delete "individual sex worker" and substitute –

" prostitute ".

PETER J. MCHUGH

Clerk of the Legislative Assembly