

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 154

TUESDAY, 4 SEPTEMBER 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 8.00 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.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. **Child Support (Adoption of Laws) Amendment Bill 2007** (Attorney General) (No. 200, 2r. - 16/5/07)

Second reading. Adjourned debate (Mr G.M. Castrilli).

2. **National Environment Protection Council (Western Australia) Amendment Bill 2007** (Minister for the Environment) (No. 188, 2r. - 28/3/07)

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

3. **Terrorism (Preventative Detention) Amendment Bill 2007** (Minister for Police and Emergency Services) (No. 215, 2r. - 20/6/2007)

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

4. ***Surrogacy Bill 2007** (Minister for Health) (No. 190, 2r. - 1/3/07)

Further consideration in detail - Clause 13 on the amendment moved by Mr M.J. Birney.

5. ***Human Reproductive Technology Amendment Bill 2007** (Minister for Health) (No. 194, 2r. - 28/3/07)

Consideration in detail.

6. **Rottneest Island Authority Amendment Bill 2007** (Minister for Tourism) (No. 201, 2r. - 16/5/07)

To be read a third time.

7. **Premier's Statement**

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

8. ***Parental Support and Responsibility Bill 2005** (Minister representing the Minister for Child Protection) (No. 41, 2r. - 1/6/05)

Consideration in detail of Legislative Council message No. 146.

9. ***Biosecurity and Agriculture Management Bill 2006** (Parliamentary Secretary to the Minister for Agriculture and Food) (No. 118, 2r. - 31/8/06)

Consideration in detail of Legislative Council message No. 164.

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

Further consideration in detail - Clause 58.

11. **Freedom of Information Amendment Bill 2007** (Attorney General) (No. 191, 2r. - 28/3/07)

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

12. **Information Privacy Bill 2007** (Attorney General) (No. 193, 2r. - 28/3/07)

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

13. **Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007** (Minister for Housing and Works) (No. 203, 2r. - 13/6/07)

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

14. **Mines Safety and Inspection Amendment Bill 2007** (Minister for Employment Protection) (No. 210, 2r. - 13/6/07)

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

15. **Criminal Code Amendment (Drink and Food Spiking) Bill 2007** (Attorney General) (No. 218, 2r. - 20/6/2007)

Second reading. Adjourned debate (Mr G.M. Castrilli).

16. ***Nuclear Facilities Prohibition Bill 2007** (Minister for Energy) (No. 212, 2r. - 20/6/2007)

Second reading. Adjourned debate (Mr G.M. Castrilli).

17. **Bail Amendment Bill 2007** (Attorney General) (No. 217, 2r. - 20/6/2007)

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

18. **Judges' Salaries and Pensions Amendment Bill 2007** (Attorney General) (No. 214, 2r. - 20/6/2007)

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

19. **State Supply Commission Amendment Bill 2007** (Treasurer) (No. 225, 2r. - 15/8/07)

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

20. **Electricity Industry Amendment Bill 2007** (Minister for Energy) (No. 224, 2r. - 15/8/07)

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

21. **Petroleum Amendment Bill 2007** (Minister for Resources) (No. 227, 2r. - 16/8/07)

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

22. *Economic Regulation Authority Act 2003 Review* (Moved - 16/8/07)

Adjourned debate (Mr T.R. Sprigg) on the motion moved by the Treasurer,

- (1) That in accordance with section 64 of the *Economic Regulation Authority Act 2003*, the Joint Standing Committee on Audit be appointed to undertake the required legislative review.
- (2) That the Legislative Council be invited to pass a similar resolution.

23. *Occupational Safety and Health Legislation Amendment Bill 2007 (Minister for Employment Protection)* (No. 223, 2r. - 29/8/07)

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

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

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

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

1. *South West Yarragadee Aquifer* (Notice given - 29/8/06, renewed - 1/3/07)

Mr D.T. Redman: To move -

That this House -

- (a) recognises the social and environmental value, and regional use, of the South West Yarragadee aquifer;
- (b) acknowledges the vehement opposition by shire councils and residents in the State's south to the Water Corporation's plan to draw 45 gigalitres for piping to the metropolitan area; and
- (c) calls on the Water Corporation to abandon its plans to draw 45 gigalitres of water to supply Perth's water needs.

2. *Review of the Western Australian Tourism Commission (Tourism WA)* (Notice given - 29/8/06, renewed - 1/3/07)

Ms K. Hodson-Thomas: To move -

That this House -

- (a) condemns the Minister for Tourism for -
 - (i) failure to recognise the crisis in the WA tourism industry;
 - (ii) neglecting and mismanaging the WA tourism industry;
 - (iii) failure to exercise any direction or leadership of her department; and
 - (iv) the continued underperformance of her department; and
- (b) calls on the Government to establish an independent review of the Western Australian Tourism Commission (Tourism WA) and the governing Act, including -
 - (i) the performance and productivity of Tourism WA;
 - (ii) the situation surrounding the damaging closure of offices across Asia, the extent of the damage, and who, if anyone, was held accountable for this decision;
 - (iii) the true extent of the current tourism slump;
 - (iv) how many tourism operations have gone out of business under the Labor Government;
 - (v) why the major Labor tourism marketing strategy, Pathways Forward: Strategic Plan 2003-2008 has so far been a shocking failure;

- (vi) accountability of Tourism WA and the ineffectiveness of existing KPI's;
- (vii) the function of Tourism WA; and
- (viii) the continued loss of national tourism market share.

3. Plight of the Sri Lankan Tamil Community (Notice given - 13/9/06, renewed - 27/3/07)

Mr T.R. Sprigg: To move -

That this House –

- (a) recognises the plight of the Sri Lankan Tamil community living in the north and east of the country;
- (b) condemns the Sri Lankan Government for the killing of innocent civilians in an attempt to suppress the Tamil ethnic minority; and
- (c) supports the Norwegian Government's peace efforts so that the Tamil people can live with dignity and in peace.

4. Contamination of Off-site Properties by the South Cardup Landfill Operation (Notice given - 13/9/06, renewed - 27/3/07)

Mr A.J. Simpson: To move -

That this House calls on the Government to immediately investigate and report on repeated allegations that the south Cardup landfill operation is contaminating off-site properties.

5. Launch of the State of the World Population Report (Notice given - 19/9/06, renewed - 29/3/07)

Mr J.N. Hyde: To move -

That this House -

- (a) recognises that -
 - (i) a report from the United Nations Population fund (UNFPA) State of the World Population 2006 - A Passage to Hope: Women and International Migration - was released on 6 September 2006; and
- (b) encourages -
 - (i) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse; and
 - (ii) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the 'push' factors that compel many migrants, particularly women, to leave their own countries, and at the same time helping achieve a more orderly migration program.

6. 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.

7. Referral to the Joint Standing Committee on the Corruption and Crime Commission
(Notice given - 1/3/07)

Mr M.W. Trenorden: To move -

That this House refers to the Joint Standing Committee on the Corruption and Crime Commission for consideration and report by 30 June 2007 the claims made by Mr Kevin Reynolds that the Left faction of the Australian Labor Party (ALP) had been tipped off about the telephone tapping activities of the Corruption and Crime Commission, and in particular -

- (a) who was in a position to know that the telephone tapping was taking place;
- (b) why Mr Reynolds believed that some members of the ALP knew that telephone tapping was taking place;
- (c) whether any State parliamentary members of the ALP were aware, prior to revealing evidence being adduced in the Corruption and Crime Commission, that the telephone tapping was taking place, and if so, how they came by that information; and
- (d) whether State Parliamentary members of the Left faction of the ALP were advised to stop calling Mr Brian Burke prior to the revealing evidence being adduced in the Corruption and Crime Commission, that the telephone tapping was taking place, and if so, why?

8. Conferring of Honourable Title for Members of the Legislative Council (Notice given - 22/3/07)

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.

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

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.

10. 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.

11. 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.

12. 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 licence 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.

13. 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.

14. 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 than 31 January 2008.

15. Abuse in Fitzroy Crossing (Notice given - 14/8/07)

Dr K.D. Hames: To move -

That the Minister for Health be required to present before the appropriate parliamentary committee to investigate his lack of response and deception of the people of Western Australia, in relation to letters received by his office, outlining allegations of sexual and alcohol abuse in Fitzroy Crossing.

16. Relocation of Busselton Hospital (Notice given - 16/8/07)

Mr T.R. Buswell: To move -

That this House calls on the Minister for Health to -

- (a) acknowledge the outcome of the referendum recently conducted by the Shire of Busselton, which showed overwhelming public opposition to the Government's plans to relocate the existing Busselton Hospital to Vasse;
- (b) reconsider, in light of the referendum result and the Government's own specialist reports, the decision to relocate the Busselton Hospital to Vasse; and
- (c) initiate an independent probity audit of the processes utilised and decisions made in relation to the relocation of the Busselton Hospital, with the outcome on the audit to be publicised.

17. Removal of the Member for Collie 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 from his position as Parliamentary Secretary.

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

Second reading. Adjourned debate (Dr S.C. Thomas - continuation of remarks).

7. 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.

8. 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.

9. 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.

10. 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.

11. Daylight Saving Amendment Bill (No. 2) 2007 (Mr M.J. Birney) (No. 196, 2r. - 21/3/07)

Second reading. Adjourned debate (Deputy Premier).

12. 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).

13. 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.

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

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

15. Misuse of Drugs (Methylamphetamine) Amendment Bill 2007 (Mr M.J. Cowper) (No. 222, 1r. - 21/6/07)

To be read a second time.

16. 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.

17. 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).

AWAITING GOVERNOR'S MESSAGE**1. Police (Compensation for Injured Officers) Amendment Bill 2006** (Mr M.J. Cowper) (No. 159, 2r. - 23/8/06)

Second reading.

COMMITTEES TO REPORT

Joint Standing Committee on the Corruption and Crime Commission – Inquiry into Legislative Amendments to the <i>Corruption and Crime Commission Act 2003</i>	–	27 September 2007
Procedure and Privileges Committee – Review of Legislative Assembly's Committee System	–	25 October 2007
Education and Health Standing Committee – Inquiry into Successful Initiatives in Remote Aboriginal Communities	–	29 November 2007
Procedure and Privileges Committee – E-Petitions and E-Parliament Feasibility Study	–	28 March 2008
Joint Standing Committee on the Corruption and Crime Commission - Inquiry into the Efficacy of Public Hearings by the Corruption and Crime Commission	–	March 2008
Public Accounts Committee - Funding Arrangements for Western Australian Infrastructure Projects	–	1 June 2008
Community Development and Justice Standing Committee - Collaborative Approaches in Government	–	27 November 2008

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Community Development and Justice Standing Committee - Inquiry into Western Australia's Natural Disaster Relief Arrangements	Premier; Treasurer; Minister representing the Minister for Local Government; Minister representing the Minister for Regional Development; Minister for Heritage	10 August 2007 [non-compliance reported 15 August 2007]
Joint Standing Committee on the Corruption and Crime Commission - Interim Report on Amendments to the Corruption and Crime Commission Act 2003 - A Public Interest Monitor	Attorney General	17 August 2007 [non-compliance reported 29 August 2007]
Joint Standing Committee on the Corruption and Crime Commission - Inquiry into the Future Operation of Witness Protection Programmes in Western Australia	Attorney General; Minister for Police and Emergency Services	14 September 2007
Economics and Industry Standing Committee - Inquiry into the State Government's Role in Developing and Promoting Information Communications Technology (ICT) in Western Australia	Minister for Energy; Resources; Industry and Enterprise	14 September 2007

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Education and Health Standing Committee	Cause and Extent of Lead Pollution in the Esperance Area	6 September 2007
Community Development and Justice Standing Committee	Prosecution of Assaults and Sexual Offences	29 November 2007

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- * 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.
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NOTICES AND AMENDMENTS

Biosecurity and Agriculture Management Bill 2006 (No. 118—2)

Message No. 164.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Biosecurity and Agriculture Management Bill 2006* 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 Biosecurity and Agriculture Management Bill 2006

No. 1

Clause 3, page 2, after line 22 — To insert —

“

(c) the *Environmental Protection Act 1986*;

”.

No. 2

Clause 3, page 3, line 1 — To delete “If” and insert instead —

“ Except as provided in section 39(3), if ”.

No. 3

Clause 5, page 3, line 11 — To delete “and viticulture,” and insert instead —

“ , viticulture and the raising or supply of plants or animals, ”.

No. 4

Clause 5, page 4, after line 20 — To insert —

“

“**Authority**” means the Western Australian Agriculture Authority established under section 150;

”.

No. 5

Clause 5, page 4, before line 21 — To insert —

“

“**biosecurity**” means protection from the adverse effect an organism has or may have on —

- (a) another organism; or
- (b) a human being; or
- (c) the environment, or part of the environment; or
- (d) agricultural activities, fishing or pearling activities, or related commercial activities carried on, or intended to be carried on, in the State or part of the State;

”.

No. 6

Clause 5, page 9, after line 12 — To insert —

“

“**Land Titles Register**” means the Register as defined in the *Transfer of Land Act 1893*;

”.

No. 7

Clause 5, page 9, lines 28 and 29 — To delete the lines.

No. 8

Clause 6, page 14, lines 20 and 21 — To delete “specified by the regulations” and insert instead —

“ prescribed ”.

No. 9

Clause 12, page 18, lines 26 and 27 — To delete “, other than a declaration relating to a fish,”.

No. 10

Clause 12, page 18, line 28 to page 19, line 1 — To delete the lines.

No. 11

Clause 12, page 19, line 2 — To delete “other”.

No. 12

Clause 12, page 19, lines 8 to 16 — To delete the lines.

No. 13

Clause 13, page 19, lines 18 to 19 — To delete “has not been declared as a permitted organism or as a prohibited organism” and insert instead —

“ is not a permitted organism or a declared pest ”.

No. 14

Clause 21, page 24, lines 6 and 7 — To delete “, other than a declaration relating to a fish,”.

No. 15

Clause 21, page 24, lines 8 and 9 — To delete the lines.

No. 16

Clause 21, page 24, lines 16 to 24 — To delete the lines.

No. 17

Clause 23, page 26, lines 10 and 11 — To delete the lines and insert instead —

“

- (c) a potential carrier of an organism that is —
 - (i) a declared pest for the first-mentioned area; and
 - (ii) prescribed by the regulations or specified in the management plan.

”.

No. 18

Clause 23, page 26, lines 24 and 25 — To delete the lines and insert instead —

“

- (c) a potential carrier of an organism that is —
 - (i) a declared pest for the area; and
 - (ii) prescribed by the regulations or specified in the management plan.

”.

No. 19

Clause 27, page 29, line 21 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

No. 20

Clause 28, page 29, line 27 to page 30, line 6 — To delete the lines.

No. 21

Clause 29, page 31, lines 9 to 18 — To delete the lines.

No. 22

Clause 31, page 33, line 27 to page 34, line 6 — To delete the lines.

No. 23

Clause 36, page 36, line 29 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

No. 24

Clause 51, page 43, line 10 — To insert after “owner” —

“ or occupier ”.

No. 25

Clause 51, page 43, line 14 — To insert after “owner” —

“ or occupier ”.

No. 26

Clause 51, page 43, line 25 — To insert after “owner” —
 “ or occupier ”.

No. 27

Clause 51, page 43, line 28 — To insert after “owner” —
 “ or occupier ”.

No. 28

Clause 51, page 43, line 29 — To insert after “owner” —
 “ or occupier ”.

No. 29

Clause 51, page 44, line 6 — To delete “memorial” and insert instead —
 “ notification ”.

No. 30

Clause 51, page 44, lines 8 and 9 — To delete “notice of release in respect of the memorial is registered by the Registrar of Titles” and insert instead —
 “ removal of notification is registered under that section ”.

No. 31

Clause 51, page 44, line 9 — To insert after “owner” —
 “ or occupier ”.

No. 32

Clause 54, page 45, line 2 — To delete “memorial” and insert instead —
 “ notification ”.

No. 33

Clause 54, page 45, line 5 — To delete “memorial” and insert instead —
 “ notification ”.

No. 34

Clause 54, page 45, lines 6 and 7 — To delete “notice of release in respect of the memorial” and insert instead —
 “ removal of notification ”.

No. 35

Clause 55, page 45, lines 8 to 25 — To delete the clause.

No. 36

Clause 74, page 63, line 14 — To delete “specify circumstances” and insert instead —
 “ prescribe circumstances relating to a matter of emergency or urgent need ”.

No. 37

Clause 75, page 63, line 21 — To delete “specify circumstances” and insert instead —
 “ prescribe circumstances relating to a matter of emergency or urgent need ”.

No. 38

Clause 77, page 64, line 31 — To delete “or potential carrier” and insert instead —

“ , potential carrier, agricultural product, animal feed, fertiliser, chemical product or other substance or thing ”

No. 39

Clause 77, page 64, lines 31 and 32 — To delete “the organism or potential carrier” and insert instead —

“ it ”.

No. 40

Clause 78, page 65, line 29 — To delete “specify circumstances” and insert instead —
 “ prescribe circumstances relating to a matter of emergency or urgent need ”.

No. 41

Clause 80, page 67, line 18 — To delete “specify circumstances” and insert instead —
 “ prescribe circumstances relating to a matter of emergency or urgent need ”.

No. 42

Clause 83, page 68, line 14 — To delete “specify circumstances” and insert instead —
 “ prescribe circumstances relating to a matter of emergency or urgent need ”.

No. 43

Clause 86, page 70, line 24 — To delete “specify circumstances” —
 “ prescribe circumstances relating to a matter of emergency or urgent need ”.

No. 44

Clause 93, page 73, line 4 — To delete “individual” and insert instead —
“ person ”.

No. 45

Clause 94, page 73, after line 19 — To insert —

“

- (2) If the Director General is to take remedial action under section 37 or 87 or under the regulations, an inspector may exercise any of the powers specified in section 65(1)(b), (c), (d), (e) and (f) that are necessary or expedient for the purposes of taking the remedial action, as if the remedial action were an inspection purpose.

”.

No. 46

Clause 94, page 73, after line 21 — To insert —

“

- (a) the procedure for taking remedial action;

”.

No. 47

Clause 95, page 74, lines 11 to 15 — To delete the lines.

No. 48

Clause 97, page 75, lines 7 to 9 — To delete the lines.

No. 49

Clause 97, page 75, line 10 — To delete “may” and insert instead —

“ is to ”.

No. 50

Clause 97, page 75, line 11 — To delete “other”.

No. 51

Clause 97, page 75, lines 13 and 14 — To delete “notice of release from the charge and the notice” and insert instead —

“ withdrawal of the memorial and the withdrawal ”.

No. 52

Clause 97, page 75, lines 15 to 24 — To delete the lines.

No. 53

Clause 98, page 75, line 29 — To delete “powers” and insert instead —

“ functions ”.

No. 54

Clause 98, page 76, line 4 — To delete “powers” and insert instead —
 “ functions ”.

No. 55

Clause 98, page 76, line 10 — To delete “powers” and insert instead —
 “ functions ”.

No. 56

Clause 98, page 76, after line 12 — To insert —

“

- (4) The Director General must not exercise a power of sale in relation to land referred to in this section unless the Director General is satisfied that other reasonable means of recovering the amount charged on the land have been exhausted.
- (5) The existence of a charge or registration of a memorial of a charge on land does not affect the Director General’s discretion to proceed for recovery of the unpaid amount in proceedings unrelated to the charge.

”.

No. 57

Clause 100, page 77, lines 4 and 5 — To delete “give a notice of release to the owner of the land to be lodged for registration under section 101” and insert instead —

“ lodge a withdrawal of memorial with the Registrar of Titles ”.

No. 58

Clause 101, page 77, after line 8 — To insert the following —

“

- (1) In this Division —

“**land document**” means —

- (a) a notification or removal of notification lodged with the Registrar of Titles under Part 3 Division 1; or
- (b) a memorial or withdrawal of memorial lodged with the Registrar of Titles under Part 4 Division 6;

“**register**”, in relation to a land document, means —

- (a) endorse the particulars of the document on the certificate of title for the land to which the document relates; and
- (b) register or enter the particulars of the document in the Land Titles Register;

”.

No. 59

Clause 101, page 77, lines 9 to 10 — To delete “A memorial or notice lodged with the Registrar of Titles under this Act” and insert instead —

“ A land document ”.

No. 60

Clause 101, page 77, lines 12 and 13 — To delete “memorials and notices lodged with the Registrar under this Act” and insert instead —

“ land documents ”.

No. 61

Clause 101, page 77, line 15 — To delete “form” and insert instead —

“ land document ”.

No. 62

Clause 101, page 77, line 17 — To delete “memorial or notice” and insert instead —

“ land document ”.

No. 63

Clause 101, page 77, lines 18 and 19 — To delete the lines and insert instead —

“

- (3) The Registrar of Titles may, on the lodging of a land document and payment of any relevant fee, register the document.

”.

No. 64

Clause 102, page 77, line 21 — To delete “The registration of a memorial or notice under this Act” and insert instead —

“ A land document registered under section 101 ”.

No. 65

Clause 102, page 77, line 22 — To delete “and registration fees”.

No. 66

Clause 103, page 77, line 24 — To delete “or notice in relation to land is registered” and insert instead —

“ is registered under section 101 ”.

No. 67

Clause 108, page 79, line 27 — To insert after “section 71” —
 “ , in relation to an offence committed under this Act ”.

No. 68

Clause 108, page 79, line 29 — To delete “under this Act”.

No. 69

Clause 121, page 88, line 24 — To delete “Unless the contrary is proved” and insert instead —
 “ In the absence of evidence to the contrary ”.

No. 70

Clause 121, page 88, line 30 — To delete “Unless the contrary is proved” and insert instead —
 “ In the absence of evidence to the contrary ”.

No. 71

Clause 123, page 89, lines 26 to 29 — To delete the lines.

No. 72

Clause 123, page 90, line 15 — To delete “unless the contrary is proved, evidence” and insert instead —
 “ in the absence of evidence to the contrary, proof ”.

No. 73

Clause 129, page 93, lines 8 to 10 — To delete the lines and insert instead —

“
 “operating account” means an agency special purpose account established and maintained
 under the *Financial Management Act 2006* section 16;
 ”.

No. 74

Clause 134, page 95, line 21 — To delete “that”.

No. 75

Clause 139, page 99, line 9 — To delete “Fund” and insert instead —
 “ Account ”.

No. 76

Clause 139, page 99, line 18 — To delete “Fund” and insert instead —
 “ Account ”.

No. 77

Clause 141, page 99, lines 29 and 30 — To delete “a sector of agricultural activity specified in the regulations” and insert instead —
 “ a prescribed sector of agricultural activity ”.

No. 78

Clause 141, page 100, line 6 — To delete “management” and insert instead —
 “ activity ”.

No. 79

Clause 145, page 102, line 21 — To delete “specified” and insert instead —
 “ prescribed ”.

No. 80

Clause 145, page 102, line 27 — To insert after “control of” —
 “ , or for the advancement and improvement of control measures for, ”.

No. 81

Clause 145, page 102, line 27 — To delete “specified” and insert instead —
 “ prescribed ”.

No. 82

Clause 145, page 103, line 6 — To delete “Fund” and insert instead —
 “ Account ”.

No. 83

Clause 145, page 103, line 6 — To delete “specified” and insert instead —
 “ prescribed ”.

No. 84

Clause 145, page 103, line 21 — To delete “Fund” and insert instead —
 “ Account ”.

No. 85

Clause 145, page 103, line 31 — To delete “specified” and insert instead —
 “ prescribed ”.

No. 86

Clause 147, page 104, line 25 — To delete “specified” and insert instead —
 “ prescribed ”.

No. 87

Clause 147, page 104, line 28 — To delete “specified” and insert instead —
 “ prescribed ”.

No. 88

Division 1 Heading, page 107, lines 2 and 3 — To delete “**Minister and the Western Australian Agriculture Ministerial Body**” and insert instead —

“ **Western Australian Agriculture Authority** ”.

No. 89

Clause 150, page 107, line 5 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 90

Clause 150, page 107, line 7 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 91

Clause 150, page 107, line 9 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 92

Clause 150, page 107, line 11 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 93

Clause 150, page 107, line 12 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 94

Clause 151, page 107, lines 14 to 24 — To delete the clause and substitute the following clause —

“

151. Purpose of Western Australian Agriculture Authority

The Authority is established —

- (a) to further and promote the best interests of biosecurity and agriculture management; and
- (b) to perform such other functions as are conferred on it under this or any other Act.

”.

No. 95

Clause 152, page 108, line 4 — To insert after “arrangement” —

“ but does not include a research body ”.

No. 96

Clause 152, page 108, after line 14 — To insert —

“

“research body” means a body, whether incorporated or not, which —

- (a) has its principal office within the Commonwealth; and
- (b) has among its principal objects the carrying out of research, investigation, inquiries or studies into biosecurity, agricultural activities or management or related matters within the Commonwealth.

”.

No. 97

Clause 152, page 108, before line 15 — To insert —

“

- (2) The Authority has all the powers it needs to perform its functions.

”.

No. 98

Clause 152, page 108, lines 15 and 16 — To delete “Minister may, for the purpose of furthering the best interests of biosecurity or agriculture management” and insert instead —

“ Authority may ”.

No. 99

Clause 152, page 108, line 20 — To insert after “concern” —

“ or research body ”.

No. 100

Clause 152, page 108, line 21 — To insert after “concern” —
 “ or research body ”.

No. 101

Clause 152, page 108, lines 24 and 25 — To delete “that relates to that purpose” and insert instead —
 “ and, for that purpose, apply for, hold, receive, exploit and dispose of any intellectual property ”.

No. 102

Clause 152, page 108, line 29 — To delete “Minister” and insert instead —
 “ Authority ”.

No. 103

Clause 152, page 109, lines 3 and 4 — To delete the lines.

No. 104

Clause 153, page 109, line 6 — To delete “Minister” and insert instead —
 “ Authority ”.

No. 105

Clause 153, page 109, line 7 — To delete “the Minister” and insert instead —
 “ in relation to a business concern, the Authority ”.

No. 106

Clause 153, page 109, line 11 — To delete “or is of a kind referred to in section 155”.

No. 107

Clause 153, page 109, line 13 — To delete “Minister” and insert instead —
 “ Authority ”.

No. 108

Clause 153, page 109, line 16 — To delete “Minister” and insert instead —
 “ Authority ”.

No. 109

Clause 154, page 109, lines 19 to 26 — To delete the lines and insert instead —
 “

- (1) Any intellectual property, or right to apply for, hold, receive, exploit or dispose of intellectual property, that the State acquires on or after the day on which this section comes into operation is, by operation of this section, assigned to the Authority.

(2) In subsection (1) —

“**intellectual property**” means intellectual property —

- (a) created in the course of the performance of functions under this Act; or
- (b) otherwise created in the course of the performance of functions by a person in that person’s capacity as a person employed or engaged in the department.

”.

No. 110

Clause 155, page 109, line 27 to page 110, line 18 — To delete the clause.

No. 111

Clause 156, page 110, line 20 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 112

Clause 156, page 110, line 21 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 113

Clause 156, page 110, line 22 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 114

Clause 156, page 110, line 24 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 115

Clause 156, page 110, line 26 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 116

Clause 156, page 110, line 29 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 117

Clause 156, page 110, line 30 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 118

Clause 156, page 111, line 1 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 119

Clause 156, page 111, line 4 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 120

Clause 156, page 111, line 6 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 121

Clause 156, page 111, lines 12 and 13 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 122

Clause 156, page 111, line 16 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 123

Clause 156, page 111, line 17 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 124

Clause 156, page 111, line 20 — To delete “Ministerial Body’s” and insert instead —

“ Authority’s ”.

No. 125

Clause 157, page 111, lines 31 and 32 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* ”.

No. 126

Clause 157, page 112, lines 1 and 2 — To delete “Part II Division 14” and insert instead —

“ Part 5 ”.

No. 127

Clause 158, page 112, line 13 — To delete “may” and insert instead —

“ must ”.

No. 128

Clause 178, page 122, lines 11 and 12 — To delete “business day 5 days” and insert instead —

“ 5th business day ”.

No. 129

Clause 178, page 122, line 15 — To delete “business day 10 days” and insert instead —

“ 10th business day ”.

No. 130

Clause 182, page 123, line 15 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 131

Clause 187, page 128, line 9 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 132

Clause 187, page 128, lines 21 to 23 — To delete the lines.

No. 133

Clause 189, page 129, line 15 — To delete “satisfied” and insert instead —

“ advised by the Minister ”.

No. 134

Clause 189, page 129, line 19 — To delete “Governor is advised by the Minister that” and insert instead —

“ organism ”.

No. 135

Clause 189, page 129, line 20 — To delete “the organism”.

No. 136

Clause 189, page 129, line 22 — To delete “the organism”.

No. 137

Clause 190, page 130, line 14 — To delete “specify” and insert instead —

“ prescribe ”.

No. 138

Clause 193, page 132, line 11 — To insert after “affect” —

“ the environment of the district, ”.

No. 139

Clause 194, page 133, lines 4 and 5 — To delete “the expiration of 10 years from” and insert instead —

“ every 10th anniversary of ”.

No. 140

New Clause 3, page 2, after line 7 — To insert the following new clause —

“

3. Objects of Act

- (1) The objects of this Act are to provide effective biosecurity and agriculture management for the State by providing the means to —
 - (a) control the entry, establishment, spread and impact of organisms that have or may have an adverse effect on —
 - (i) other organisms; or
 - (ii) human beings; or
 - (iii) the environment or part of the environment; or
 - (iv) agricultural activities, fishing or pearling activities, or related commercial activities, carried on, or intended to be carried on, in the State or part of the State;
 - and
 - (b) control the use of agricultural and veterinary chemicals; and
 - (c) establish standards to ensure the safety and quality of agricultural products; and
 - (d) raise funds for biosecurity-related purposes.
- (2) Nothing in this Act empowers the regulation of diseases which affect only human health.

”.

No. 141

New Clause 187, page 128, after line 4 — To insert the following new clause —

“

187. Compliance statements

- (1) The Director General must prepare —

- (a) a statement for the period 1 January to 30 June in each year; and
 - (b) a statement for the period 1 July to 30 December in each year,
- on the performance of public authorities that have failed to comply with a pest exclusion notice, section 29(2) or (3) or a pest control notice during that period.
- (2) Before preparing a statement the Director General must consult with each public authority whose performance is to be referred to in the statement.
 - (3) Each statement is to be included in the department's next annual report after the period for which it is prepared.
 - (4) Each statement is to be given to the Minister not later than 3 months after the end of the period for which it is prepared.
 - (5) The Minister must cause a copy of the statement to be laid before each House of Parliament, or dealt with under subsection (6), within 14 days after the report is received by the Minister.
 - (6) If —
 - (a) at the commencement of the period referred to in subsection (5) a House of Parliament is not sitting; and
 - (b) the Minister is of the opinion that that House will not sit during that period,
 the Minister must transmit a copy of the statement to the Clerk of that House.
 - (7) A copy of a statement transmitted to the Clerk of a House is to be regarded as having been laid before that House.
 - (8) The laying of a copy of a direction that is regarded as having occurred under subsection (7) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

”.

No. 142

Schedule 1, page 134, line 9 — To delete “specifying” and insert instead —

“ prescribing ”.

No. 143

Schedule 1, page 135, line 11 — To delete “land” and insert instead —

“ places ”.

No. 144

Schedule 1, page 136, line 2 — To delete “a notice” and insert instead —

“ a land document ”.

No. 145

Schedule 1, page 136, after line 6 — To insert —

“

25. The use, management, supply, purchase, handling, movement and treatment of agricultural products, animal feeds, fertilisers and other things that are, or are reasonably suspected to be, contaminated.

”.

No. 146

Schedule 1, page 139, line 11 — To delete “specified” and insert instead —

“ prescribed ”.

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) ”.

Human Reproductive Technology Amendment Bill 2007 (No. 194—1)

Clause 8.

Mr T.G. Stephens: To move —

Page 5, lines 20 to 22 — To delete the lines and substitute —

“

- (a) the creation of a single cell containing 2 pro-nuclei following the fertilisation of a human oocyte by a human sperm; or

”.

Mr T.G. Stephens: To move —

Page 5, line 28 — To delete “the primitive streak appears” and substitute —

“ it forms a blastocyst ”.

Clause 31.

Mr T.G. Stephens: To move –

Page 13, lines 20 to 28 – To delete the lines and substitute –

“

A person commits a crime if the person uses precursor cells taken from a human embryo or a human foetus, intending to create a human embryo, or develops an embryo so created.

”

Clause 32.

Mr T.G. Stephens: To move –

Page 14, lines 11 to 14 – To delete the lines.

Clause 36.

Mr T.G. Stephens: To move –

Page 20, lines 15 to 18 – To delete the lines.

Clause 37.

Mr T.G. Stephens: To move –

Page 21, lines 26 to 28 – To delete the lines.

Mr T.G. Stephens: To move –

Page 22, lines 1 to 8 – To delete the lines.

Mr T.G. Stephens: To move –

Page 22, line 9 – To delete “, (c) or (d)” and substitute –

“ and (c) ”.

Clause 39.

Mr T.G. Stephens: To move –

Page 24, lines 16 to 30 – To delete the lines.

New Clause.

Mr T.G. Stephens: To move –

Page 25, after line 4 – To insert the following new clause –

“

41. After Division 5 of Part 4B the following new division is inserted –

“

Division 5B—Additional requirements for research involving gametes and other cells

53ZIA Definitions

In this Division –

dependent relationship means a relationship where unequal power exists between the persons in the relationship including a relationship between –

- (a) students and teachers; and
- (b) employees and their employers or supervisors; and
- (c) persons with chronic conditions or disabilities and their carers; and
- (d) patients and health care professionals;

National Statement means the NHMRC National Statement on Ethical Conduct in Research Involving Humans, as in force from time to time.

53ZIB Obtaining a gamete for research

- (1) A gamete may be obtained for research only in accordance with the National Statement.
- (2) If the obtaining of a gamete for research requires the person donating the gamete to undergo a medical procedure, the person carrying out the medical procedure must not be a person involved in conducting the research.
- (3) Donation of a gamete for research must be voluntary and free from exploitation and coercion.
- (4) If the donation by a person of a gamete for research involves more than low risk from non-therapeutic procedures, the person donating the gamete must not be in a dependent relationship with the person or other body conducting the research.
- (5) For the purposes of subsection (4), research involves low risk only if the only foreseeable risk is one of discomfort.

53ZIC Information to be given to person donating a gamete or other cell

A person must be given the following information before consenting, or being asked to consent, to the obtaining or use of a gamete, or the obtaining or use of any other cell for the creation of a human embryo, for research –

- (a) a statement that consent to the obtaining or use of the gamete or other cell for research is voluntary;
- (b) a description of the research for which the gamete or other cell and any products derived from it will be used and any likely benefits from the research, including an estimate of when the benefits might be realised;
- (c) a statement of the potential risks of obtaining and donating the gamete or other cell, including details of any risks to the future fertility of the person;
- (d) a description of the procedures for obtaining the gamete or other cell from the person;
- (e) a statement about how the person may withdraw from the obtaining or the use of the gamete or other cell, including details of any risks that may arise or additional procedures that may be required as a result of the withdrawal;
- (f) information about counselling services available to the person;
- (g) a statement about how the person's privacy will be protected;
- (h) a statement about the potential financial interests of researchers in the outcome of the research program, including any future financial gains the researchers may receive if the research gives rise to a commercial product;

- (i) any other information the National Statement requires the person to be given.

”
.”

Clause 42.

Mr T.G. Stephens: To move –

Page 25, lines 20 to 30 – To oppose the clause.

Clause 43.

Mr T.G. Stephens: To move –

Page 26, lines 1 to 6 – To oppose the clause.

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 ”.

Parental Support and Responsibility Bill 2005 (No. 41—1)

Message No. 146.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Parental Support and Responsibility 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 Parental Support and Responsibility Bill 2005

No. 1

Clause 3, page 2, line 13 — To delete “**(Community Development)**” and insert instead —
 “ **(Child Protection)** ”.

No. 2

Clause 3, page 2, line 15 — To delete “*Community Services Act 1972*” and insert instead —
 “ *Children and Community Services Act 2004* ”.

No. 3

Clause 3, page 2, line 19 — To delete “**(Justice)**” and insert instead —
 “ **(Corrective Services)** ”.

No. 4

Clause 3, page 2, line 23 — To delete the line.

No. 5

Clause 3, page 3, line 8 — To delete “*Community Services Act 1972*” and insert instead —
 “ *Children and Community Services Act 2004* ”.

No. 6

Clause 3, page 3, lines 26 and 27 — To delete the lines.

No. 7

Clause 3, page 4, lines 11 and 12 — To delete the lines.

No. 8

Clause 4, page 4, line 18 — To delete “, government agency or court” and insert instead —
 “ or government agency ”.

No. 9

Clause 5, page 5, after line 9 — To insert —

“

For the purposes of this section, “**responsibility**” includes but is not limited to all the duties, powers, responsibilities and authority which, by law, parents have in relation to children.

”.

No. 10

Clause 6, page 5, line 12 — To delete “or a court”.

No. 11

Clause 7, page 5, lines 24 and 25 — To delete “or any responsible parenting order directed towards them”.

No. 12

Clause 8, page 5, line 28 — To delete “or a court”.

No. 13

Clause 9, page 6, after line 26 — To insert —

“

- (6) The *Interpretation Act 1984* sections 41, 42, 43 and 44 apply to the guidelines as if the guidelines were regulations.

”.

No. 14

Clause 9, page 7, line 5 — To delete ‘or responsible parenting order’.

No. 15

Clause 12, page 10, lines 3 to 16 — To delete the clause.

No. 16

Clause 13, page 10, line 17 to page 11, line 12 — To delete the clause.

No. 17

Clause 14, page 11, line 13 to page 12, line 13 — To delete the clause.

No. 18

Clause 15, page 12, lines 14 to 18 — To delete the clause.

No. 19

Clause 16, page 12, lines 19 to page 13, line 2 — To delete the clause.

No. 20

Clause 17, page 13, lines 3 to 27 — To delete the clause.

No. 21

Clause 18, page 13, line 28 to page 15, line 22 — To delete the clause.

No. 22

Clause 19, page 15, line 23 to page 16, line 3 — To delete the clause.

No. 23

Clause 20, page 16, lines 4 to 28 — To delete the clause.

No. 24

Clause 21, page 17, lines 2 to 13 — To delete the clause.

No. 25

Clause 22, page 17, lines 14 to 28 — To delete the clause.

No. 26

Clause 23, page 18, lines 1 to 11 — To delete the clause.

No. 27

Clause 24, page 18, lines 12 to 30 — To delete the clause.

No. 28

Clause 25, page 19, lines 2 to 8 — To delete the clause.

No. 29

Clause 26, page 19, lines 9 to 12 — To delete the clause.

No. 30

Clause 27, page 19, lines 13 to 22 — To delete the clause.

No. 31

Clause 28, page 19, line 23 to page 20, line 3 — To delete the clause.

No. 32

Clause 29, page 20, lines 4 to 21 — To delete the clause.

No. 33

Clause 30, page 20, line 22 to page 21, line 7 — To delete the clause.

No. 34

Clause 31, page 21, lines 8 to 20 — To delete the clause.

No. 35

Clause 32, page 21, line 21 to page 22, line 4 — To delete the clause.

No. 36

Clause 33, page 22, lines 5 to 7 — To delete the clause.

No. 37

Clause 34, page 23, line 3 — To delete “(Community Development)” and insert instead —
“ (Child Protection) ”.

No. 38

Clause 34, page 23, line 4 — To delete “(Justice)” and insert instead —
 “ (Corrective Services) ”.

No. 39

Clause 35, page 23, line 9 to page 24, line 3 — To delete the clause.

No. 40

Clause 36, page 24, lines 11 to 15 — To delete the lines.

No. 41

Clause 41, page 28, line 4 to page 29, line 26 — To delete the clause.

No. 42

Clause 42, page 30, line 11 — To delete “provide —” and insert instead —

“

provide an appointed person or body with information relating to a person who is,
 or was, a young offender or detainee, for the purposes of section 37 of the *Parental
 Support and Responsibility Act 2005*.

”.

No. 43

Clause 42, page 30, line 12 to line 20 — To delete the lines.

No. 44

Clause 42, page 30, line 21 — To delete “(b)”.

No. 45

Clause 42, page 30, line 31 to page 31, line 5 — To delete the lines.

No. 46

Clause 43, page 31, line 8 to page 32, line 17 — To delete the clause.

No. 47

New Clause 9, page 5, after line 30 — To insert the following new clause —

“

9. Principle of shared responsibility

In performing a function or exercising a power under this Act in relation to a child,
 a person or a court must have regard to the shared responsibility that parents,
 family and the community have for the wellbeing of the child.

”.

No. 48

New Clause 37, page 24, after line 29 — To insert the following new clause —

“

37. Restriction on publication of certain information or material

- (1) A person must not, except in accordance with a written authorisation given under this section, publish information or material that identifies, or is likely to lead to the identification of, another person (the **“identified person”**) as —
- (a) a person who is or was a parent who entered into a responsible parenting agreement;
 - (b) a person who is or was a child in respect of whom a responsible parenting agreement was entered into; or
 - (c) a person who the parent of a child is to ensure, or take all reasonable steps to ensure, the child avoids contacting, under a responsible parenting agreement.

Penalty: \$12 000 and imprisonment for one year.

- (2) If the identified person is under 18 years of age, written authorisation for the publication of information or material to which subsection (1) applies may be given by both the CEO and a parent of the identified person.
- (3) If the identified person has reached 18 years of age, written authorisation for the publication of information or material to which subsection (1) applies may be given —
- (a) by the identified person; or
 - (b) if the identified person is dead or cannot be found after reasonable inquiries, by the CEO.

- (4) In this section —

“CEO” means the CEO of the department of which the authorised officer who entered into the agreement is a public service officer;

“publish” means to bring to the notice of the public or a section of the public by means of newspaper, television, radio, the internet or any other form of communication.

”

No. 49

Long Title, page 1, lines 5 and 6 — To delete “and responsible parenting orders”.

No. 50

Long Title, page 1, line 7 — To delete “the *Children’s Court of Western Australia Act 1988* and”.

On consideration of the Legislative Council amendments, the Minister for the Environment: To move –

Amendment No. 15

That the amendment be disagreed to and the following amendments be substituted –

Clause 12.

Page 10, line 5 – To delete “(Community Development)” and substitute –

“ (Child Protection) ”.

Page 10, line 6 – To delete “(Justice)” and substitute –

“ (Corrective Services) ”.

Amendment No. 17

That the amendment be disagreed to and the following amendment be substituted –

Clause 14.

Page 12, lines 9 and 10 – To delete “an order under section 30 of the *Child Welfare Act 1947*” and substitute –

“ a protection order under the *Children and Community Services Act 2004* ”.

Amendment No. 20

That the amendment be disagreed to and the following amendment be substituted –

Clause 17.

Page 13, line 23 – To delete “Disciplinary” and substitute –

“ Discipline ”.

Amendment No. 21

That the amendment be disagreed to and the following amendment be substituted –

Clause 18.

Page 14, lines 5 to 9 – To delete the lines and substitute –

“

- (c) no protection order under the *Children and Community Services Act 2004* is in force in respect of the child;
- (d) no protection proceedings under the *Children and Community Services Act 2004* are pending in respect of the child;

”.

Amendment No. 22

That the amendment be disagreed to and the following amendment be substituted –

Clause 19.

Page 16, lines 1 and 2 – To delete “an order under section 30 of the *Child Welfare Act 1947*” and substitute –

“ a protection under the *Children and Community Services Act 2004* ”.

Amendment No. 48

That the amendment be agreed to subject to the following amendments –

New clause 37(1) is amended after paragraph (b) by deleting “or” and inserting –

“

(c) a person who is or was a parent to whom a responsible parenting order is or was directed or in respect of whom an application for such an order has been made;

(d) a person who is or was a child in respect of whom a responsible parenting order was made or an application for such an order has been made; or

”.

New clause 37(1)(c) is amended by inserting after “agreement” –

“ , interim responsible parenting order or responsible parenting order ”.

After new clause 37(3) the following subclause is inserted –

“

(4) Subsection (1) does not apply to information or material contained in a report of proceedings to which section 35(1) of the *Children’s Court of Western Australia Act 1988* applies.

”.

Surrogacy Bill 2007 (No. 190—1)

Clause 13.

Mr Birney had moved -

Page 5, after line 12 - To insert -

“

(2) For the purpose of this Act it is deemed to be in the best interests of the child for the arranged parents to be responsible for the care of the child, unless the contrary can be proved.

”.

Clause 17.

The Minister for Health: To move –

Page 8, line 5 – To insert before “the child” –

“ except in circumstances identified in subsection (5), ”.

The Minister for Health: To move –

Page 8, line 25 – To insert before “if” –

“ In circumstances identified in subsection (5) or ”.

The Minister for Health: To move –

Page 9, after line 4 – To insert –

“

(5) The circumstances this subsection identifies are that –

- (a) the birth mother is not the child’s genetic parent; and
- (b) at least one arranged parent is the child’s genetic parent.

”.

New Clause.

Dr E. Constable: To move –

Page 22, after line 30 – To insert the following new clause –

“

41. Review of Act

- (1) The Minister shall carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiry of 4 years from its commencement.
- (2) The Minister shall prepare a report based on the review made under subsection (1) and shall, as soon as is practicable after that preparation, cause that report to be laid before each House of Parliament.

”.

PETER J. MCHUGH

Clerk of the Legislative Assembly