

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 159

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

WEDNESDAY, 19 SEPTEMBER 2007

1. Meeting of Assembly

The Assembly met at 12 noon pursuant to adjournment.

The Deputy Speaker took the Chair.

Prayers were read.

2. Petition

Multi Purpose Taxi Service - Dr G.G. Jacobs presented a petition from 744 persons requesting that the Legislative Assembly ensure that the Government urgently addresses the inadequacy of the existing Multi Purpose Taxi Service by requiring all taxis in Western Australia to have the capacity to transport people of all abilities, including people who need to travel in their wheelchair (P. 246).

3. Papers

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

By the Clerk -

Metropolitan Cemeteries Board - Annual Report 2006-2007 (3114).

Physiotherapists Registration Board of Western Australia - Annual Report and Financial Statements 2006 (3115).

4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Police and Emergency Services on the decreasing crime trend in Western Australia.

Paper

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

By the Minister for Police and Emergency Services -

Crime Prevention, Office of - Turning the Corner 2007: Recent Crime Trends in Western Australia (3116).

The Minister for the Environment on the signing of a Memorandum of Understanding between the University of Western Australia and the Department of Environment and Conservation as part of the State Government's commitment to native flora conservation.

The Minister for Energy on the prospects for a bio-energy industry to be developed in the Avon Valley over the next five to ten years.

5. Education and Health Standing Committee - Change of Membership

The Leader of the House, pursuant to notice, moved,

That, in accordance with Standing Order 249(3), the appointment by the Speaker on 7 September 2007 of the Member for Peel to the Education and Health Standing Committee to fill the vacancy caused by the Member for Wanneroo's resignation is confirmed.

Question put and passed.

6. Biosecurity and Agriculture Management Bill 2006

The Order of the Day for the further consideration in detail of Legislative Council message No. 164 was read.

The message was as follows -

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 remaining amendments made by the Legislative Council in the Biosecurity and Agriculture Management Bill 2006 to be considered in detail.

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 ”.

Postponed Amendment 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.

”.

CONSIDERATION IN DETAIL

The Parliamentary Secretary representing the Minister for Agriculture and Food moved, That amendment Nos 128 to 146 be agreed to.

Amendments put and passed.

The Parliamentary Secretary representing the Minister for Agriculture and Food moved, That postponed amendment No. 63 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

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

The Order of the Day for the consideration in detail of Legislative Council message No. 166 was read.
The message was as follows -

Message No. 166.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Biosecurity and Agriculture Management (Repeal and Consequential Provisions) 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 (Repeal and Consequential Provisions) Bill 2006

No. 1

Clause 4, page 6, after line 3 — To insert —

“

- (6) Regulations made under subsection (4) in relation to a matter referred to in subsection (5)(a) or (c) must be made within such period as is reasonably and practicably necessary to deal with a transitional matter that arises as a result of the enactment of this Act or the BAM Act.

”.

No. 2

Clause 5, page 7, after line 4 — To insert —

“

- (6) Regulations made under subsection (1) in relation to a matter referred to in subsection (2) must be made within such period as is reasonably and practicably necessary to deal with a transitional matter that arises as a result of the enactment of this Act or the BAM Act.

”.

No. 3

Clause 12, page 9, after line 19 — To insert —

“

“**Authority**” means the Western Australian Agriculture Authority established under the *Biosecurity and Agriculture Management Act 2006*;

”.

No. 4

Clause 12, page 9, lines 25 to 27 — To delete the lines.

No. 5

Clause 13, page 10, line 3 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 6

Clause 14, page 10, line 8 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 7

Clause 14, page 10, line 11 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 8

Clause 14, page 10, line 17 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 9

Clause 14, page 10, line 19 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 10

Clause 15, page 10, lines 25 and 26 — To delete “performing the Ministerial Body’s functions under”.

No. 11

Clause 15, page 10, line 30 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 12

Clause 16, page 11, lines 2 to 5 — To delete the lines and insert instead —

“

- (1) On the commencement day any intellectual property, or right to apply for, hold, receive, exploit or dispose of intellectual property, that the State has immediately before that day is, by operation of this section, assigned to the Authority.

- (2) In subsection (1) —

“**intellectual property**” means intellectual property created in the
 performance of functions under the repealed Act.

”.

No. 13

Clause 16, page 11, line 6 — To delete “Ministerial Body” and insert instead —
 “ Minister ”.

No. 14

Clause 17, page 11, line 16 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 15

Clause 17, page 11, line 21 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 16

Clause 36, page 17, line 6 — To delete “*Administration and Audit Act 1985*” and insert instead —
 “ *Management Act 2006* ”.

No. 17

Clause 38, page 19, lines 9 to 16 — To delete the lines.

No. 18

Clause 38, page 19, line 25 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 19

Clause 38, page 19, line 26 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 20

Clause 38, page 19, after line 28 — To insert the following —

“
 (2) In this section —
 “Authority” means the Western Australian Agriculture Authority
 established under the *Biosecurity and Agriculture Management Act*
 2006.”.

No. 21

Clause 40, page 20, after line 11 — To insert —

“
 “Authority” means the Western Australian Agriculture Authority
 established under the *Biosecurity and Agriculture Management Act*
 2006;”.

No. 22

Clause 40, page 20, lines 19 to 21 — To delete the lines.

No. 23

Clause 41, page 20, line 26 — To delete “Fund” and insert instead —
 “ Account ”.

No. 24

Clause 41, page 21, line 1 — To delete “Fund” and insert instead —
 “ Account ”.

No. 25

Clause 42, page 21, lines 7 and 8 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 26

Clause 42, page 21, line 11 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 27

Clause 42, page 21, line 17 — To delete “Ministerial Body” and insert instead —
 “ Authority ”.

No. 28

Clause 42, page 21, lines 18 and 19 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 29

Clause 43, page 21, line 21 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 30

Clause 43, page 21, line 27 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 31

Clause 43, page 22, line 1 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 32

Clause 45, page 22, line 12 to page 23, line 13 — To delete the clause.

No. 33

Clause 46, page 23, line 20 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 34

Clause 46, page 23, line 24 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

No. 35

Clause 64, page 28, after line 22 — To insert —

“

- (2) A person must not enter an orchard under subsection (1) unless —
 - (a) the person has taken reasonable steps to give the owner or occupier of the orchard notice of the intended entry; or
 - (b) the owner or occupier of the orchard consents to the entry.
- (3) The notice must specify the purpose for which the entry is required and successive entries for that purpose are to be regarded as entries to which the notice relates.
- (4) The notice must be given not less than 24 hours before the power of entry is exercised. ”.

No. 36

Clause 89, page 41, after line 21 —

“

“Crown land” means land other than —

- (a) land alienated from the Crown; or
- (b) land that the Crown has lawfully agreed to alienate; or
- (c) land held under a lease lawfully granted by the Crown; ”.

CONSIDERATION IN DETAIL

The Parliamentary Secretary representing the Minister for Agriculture and Food moved, That amendment Nos 1 to 36 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

8. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be postponed to a later stage of the sitting.

9. Petroleum Amendment Bill 2007

The Order of the Day for the third reading of the bill having been read, the Leader of the House, on behalf of Minister for Resources moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

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

10. Prostitution Amendment Bill 2007

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

Debate resumed.

Debate interrupted by the Chair (Mr R.F. Johnson speaking) and adjourned until a later stage of the sitting.

11. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Employment Protection -

Fair Employment Advocate WA - Unfair Dismissal: Fair Employment Discussion Paper 1 (3117).

Questions on Notice Nos 2698 to 2704 were asked.

Questions on Notice Nos 2496, 2506, 2509, 2510, 2515, 2521, 2529, 2530, 2536, 2539, 2544 to 2547, 2549, 2554, 2556, 2558 to 2560, 2562, 2581, 2604, 2614 and 2631 were answered.

12. Unanswered Question on Notice

Under Standing Order 80, Mr A.J. Simpson asked why no answer had been received in respect of his Question on Notice Nos 2599 and 2608.

13. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 5 be resumed.

14. Prostitution Amendment Bill 2007

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

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

15. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

16. Judges' Salaries and Pensions Amendment Bill 2007

The Order of the Day for the consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

The Attorney General moved,

Page 3, line 3 – To delete “, (2ab) or (2ba)” and substitute –

“ or (2ab) ”.

Page 3, lines 4 to 17 – To delete the lines.

Amendments put and passed.

Clause, as amended, agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

17. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 5 be resumed.

18. Prostitution Amendment Bill 2007

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

Debate resumed.

Debate interrupted by the Chair (Mr D.F. Barron-Sullivan speaking) and adjourned until a later stage of the sitting.

19. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day No. 6 and Private Members' Business Notice of Motion No. 16 be next considered.

20. Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005

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

Debate resumed.

Mr T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

21. Waste Water Treatment Facilities in Hopetoun

Dr G.G. Jacobs, pursuant to notice, moved,

That this House calls on the Government to provide adequate waste water treatment facilities to allow much needed commercial and residential development to take place in Hopetoun.

Debate ensued.

Debate interrupted by the Chair (Dr G.G. Jacobs speaking) and adjourned until a later stage of the sitting.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 7.00 pm until Thursday, 20 September 2007 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Ms K. Hodson-Thomas, Ms A.J.G. MacTiernan, Mr A.P. O'Gorman and Mr F. Riebeling.

PETER J. McHUGH

Clerk of the Legislative Assembly

DIANNE GUISE

Deputy Speaker of the Legislative Assembly