

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 157

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

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THURSDAY, 6 SEPTEMBER 2007

### 1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Deputy Speaker took the Chair.

Prayers were read.

### 2. Paper

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

By the Clerk -

Legal Contribution Trust, The - Financial Report for the six months ended 31 December 2006 (3082).

### 3. Notices of Motion Lapsed

The Deputy Speaker advised that in accordance with Standing Order No. 74, Private Members' Notices of Motion Nos 1 and 2, notice of which were given on 29 May 2006 and renewed for a further 30 sitting days on 1 March 2007, would be removed and would not appear on the next Notice Paper.

The Deputy Speaker also advised that Private Members' Notice of Motion No. 7 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

### 4. Brief Ministerial Statement

The following Brief Ministerial Statement was made by -

The Parliamentary Secretary to the Minister for Industry, and Enterprise, on behalf of the Minister for Industry and Enterprise, on the Government's response to the Recommendations in the Economics and Industry Standing Committee's Report - The State Government's Role in Developing and Promoting Information Communication Technology (ICT) in Western Australia.

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*Paper*

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

By the Parliamentary Secretary to the Minister for Industry and Enterprise, on behalf of the Minister for Industry and Enterprise, -

Economics and Industry Standing Committee - Government response to the Report of the Economics and Industry Standing Committee - The State Government's Role in Developing and Promoting Information Communications Technology (ICT) in Western Australia (3083).

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## 5. Grievances

The Deputy Speaker called for grievances which were then made.

## 6. Education and Health Standing Committee

Dr K.D. Hames, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House -

Education and Health Standing Committee - Inquiry into the Cause and Extent of Lead Pollution in the Esperance Area, Report No. 8 (3084).

Education and Health Standing Committee - Inquiry into the Cause and Extent of Lead Pollution in the Esperance Area, Report No. 8 - Submissions (3085).

Dr K.D. Hames, Mrs D.J. Guise, Mr T.K. Waldron, Mr M.P. Whitely, Dr G.G. Jacobs, Mr P. Papalia and Mr T.G. Stephens spoke on the report.

## 7. Parental Support and Responsibility Bill 2005

The Order of the Day for the consideration in detail of Legislative Council message No. 146 was read.

The message was as follows -

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”.

*CONSIDERATION IN DETAIL*

The Minister for the Environment moved, That amendment Nos 1 to 3 be agreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 4 be disagreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 5 be agreed to.

Question put and passed.

The Minister for the Environment moved, That amendment Nos 6 to 8 be disagreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 9 be agreed to.

Question put and passed.

The Minister for the Environment moved, That amendment Nos 10 to 12 be disagreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 13 be agreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 14 be disagreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 15 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) ”. ”.

Question put and passed.

The Minister for the Environment moved, That amendment No. 16 be disagreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 17 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* ”. ”.

Question put and passed.

The Minister for the Environment moved, That amendment Nos 18 and 19 be disagreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 20 be disagreed to and the following amendment be substituted –

“ Clause 17.

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

“ Discipline ”. ”.

Question put and passed.

The Minister for the Environment moved, That amendment No. 21 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; ”.

Question put and passed.

The Minister for the Environment moved, That amendment No. 22 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 order under the *Children and Community Services Act 2004* ”. ”.

Question put and passed.

The Minister for the Environment moved, That amendment Nos 23 to 36 be disagreed to.

Question put and passed.

The Minister for the Environment moved, That amendment Nos 37 and 38 be agreed to.

Question put and passed.

The Minister for the Environment moved, That amendment Nos 39 to 45 be disagreed to.

Question put and passed.

The Minister for the Environment moved, That amendment Nos 46 and 47 be agreed to.

Question put and passed.

The Minister for the Environment moved, That amendment No. 48 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. ”.

Question put and passed.

The Minister for the Environment moved, That amendment Nos 49 and 50 be disagreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

#### **8. Surrogacy 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 the Minister for Health moved, That the bill be now read a third time.

Question put and passed.

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

#### **9. Human Reproductive Technology Amendment Bill 2007**

The Order of the Day for the third reading of the bill having been read, the Minister for Health moved, That the bill be now read a third time.

Debate ensued.

Debate interrupted by the Chair (Mr P.W. Andrews speaking) and adjourned until a later stage of the sitting.

#### **10. Members' Statements**

The Acting Speaker called for members' statements which were then made.

#### **11. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2669 to 2673 were asked.

Question on Notice No. 2612 was answered.

#### **12. Message from the Governor**

Message No. 27 from His Excellency the Governor was reported assenting to the Election of Senators Amendment Bill 2007, Act No. 20 of 2007.

#### **13. Additional Information under Standing Order No. 82A**

In accordance with Standing Order No. 82A, the Premier provided additional information relating to Question on Notice No. 1882 from Mr T.R. Buswell.

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#### *Paper*

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

By the Premier -

Question on Notice No. 1882 - Management Initiated Retirements Statistics (3086).

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#### **14. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 3 be resumed.

#### **15. Human Reproductive Technology Amendment Bill 2007**

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

Debate resumed.

On the question, That the bill be read a third time,  
The Assembly divided.

## Ayes (26)

Mr C.J. Barnett  
Mr M.J. Birney  
Mr A.J. Carpenter  
Dr E. Constable  
Mr J.H.D. Day  
Dr J.M. Edwards  
Mrs D.J. Guise  
Dr K.D. Hames  
Mr S.R. Hill

Mr J.N. Hyde  
Mr J.C. Kobelke  
Mr R.C. Kucera  
Mr J.A. McGinty  
Mr M. McGowan  
Mr J.E. McGrath  
Ms S.M. McHale  
Mr A.D. McRae  
Mrs C.A. Martin

Mr A.P. O’Gorman  
Mr P. Papalia  
Ms J.A. Radisich  
Mr A.J. Simpson  
Mr D.A. Templeman  
Dr J.M. Woollard  
Mr B.S. Wyatt  
Mr T.R. Sprigg (*Teller*)

## Noes (16)

Mr P.W. Andrews  
Mr D.F. Barron-Sullivan  
Mr T.R. Buswell  
Mr G.M. Castrilli  
Mr M.J. Cowper  
Dr G.G. Jacobs

Mr P.D. Omodei  
Mr J.R. Quigley  
Ms M.M. Quirk  
Mrs M.H. Roberts  
Mr G. Snook  
Mr T.G. Stephens

Dr S.C. Thomas  
Ms S.E. Walker  
Mr M.P. Whitely  
Ms K. Hodson Thomas (*Teller*)

Question thus passed.

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

## 16. Biosecurity and Agriculture Management Bill 2006

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

The message was as follows -

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 —  
 “ 5<sup>th</sup> business day ”.

**No. 129**

Clause 178, page 122, line 15 — To delete “business day 10 days” and insert instead —  
 “ 10<sup>th</sup> 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 10<sup>th</sup> 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 ”.

*CONSIDERATION IN DETAIL*

The Parliamentary Secretary to the Minister for Agriculture moved, That amendment Nos 1 to 62 be agreed to.

Question put and passed.

The Parliamentary Secretary to the Minister for Agriculture moved, That amendment No. 63 be postponed until a later stage of the sitting.

Question put and passed.

The Parliamentary Secretary to the Minister for Agriculture moved, That amendment Nos 64 to 93 be agreed to.

Question put and passed.

The Parliamentary Secretary to the Minister for Agriculture moved, That the debate be adjourned.

**17. Papers**

By the Minister for Planning and Infrastructure -

Land Administration Amendment Bill 2007 - Draft Bill for Public Comment (3087).

Rangelands Council Bill 2007 - Draft Bill for Public Comment (3088).

**18. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 18 September 2007 at 2.00 p.m.

Question put and passed.

**19. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 5.12 p.m. until Tuesday, 18 September 2007 at 2.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr J.J.M. Bowler, Mr J.B. D'Orazio, Mr B.J. Grylls, Mr F.M. Logan, Mr D.T. Redman, Mr F. Riebeling, Mr E.S. Ripper, Mr M.W. Trenorden, Mr P.B. Watson and Mr G.A. Woodhams.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**MS D. GUISE**

Deputy Speaker of the Legislative Assembly