

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 157

TUESDAY, 18 SEPTEMBER 2007, 2.00 p.m.

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Prayers \*

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements \*

Questions Without Notice \* - approximately 2.00 p.m. each day

Matter of Public Interest - one per week on any day

Private Members' Business - 4.00 p.m. to 7.00 p.m. Wednesdays

Grievances - approximately 9.00 a.m. Thursdays

Private Members' Statements - 12.50 p.m. Thursdays

*\*Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

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*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](http://www.parliament.wa.gov.au).*

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### GOVERNMENT BUSINESS - ORDERS OF THE DAY

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

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

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

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

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

Further consideration in detail of Legislative Council message No. 164 - Amendment No. 94.

4. **\*Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006** (Parliamentary Secretary to the Minister for Agriculture and Food) (No. 117, 2r. - 31/8/06)

Consideration in detail of Legislative Council message No. 166.

5. **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).

6. **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).

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

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

8. **Premier's Statement**

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

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

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

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. **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).

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

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

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

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

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

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

17. ***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.

18. **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).

## PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

### 1. **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.

### 2. **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.

### 3. **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.

### 4. **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.

**5. 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?

**6. 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.

**7. 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.

**8. 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.

**9. 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.

**10. 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.

**11. 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.

**12. 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.

**13. 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.

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## 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

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## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<b><i>Committee</i></b>	<b><i>Ministers to Respond</i></b>	<b><i>Date Due</i></b>
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 - 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 Health Standing Committee – Inquiry into the Cause and Extent of Lead Pollution in the Esperance Area	Minister for Health; Minister for the Environment; Minister for Health; Minister for Employment Protection	6 December 2007

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**REFERENCES TO COMMITTEES**

<i><b>Committee</b></i>	<i><b>Reference</b></i>	<i><b>Date Due</b></i>
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. 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 ”.

**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.

”.

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***Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006 (No. 117—1)***

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;

”.

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

Clause 4.

Mr P.D. Omodei: To move —

Page 4, line 31 — To insert after the word “suspicion” the following —

“ to ”.

Mr P.D. Omodei: To move —

Page 5, line 2 — To delete the word “Officer” where it occurs a second time.

Mr P.D. Omodei: To move —

Page 8, line 12 — To delete “30(B)(2)” and substitute -

“ 30B(2) ”.

***Medical Practitioners Bill 2006 (No. 183—1)***

Clause 62.

The Minister for Health: To move –

Page 44, lines 24 and 25 – To delete the lines and substitute –

“

- (e) if the terms or conditions of the professional indemnity insurance are changed such that the terms or conditions do not comply with the minimum terms and conditions approved by the Board for the purpose of the definition of “professional indemnity insurance” in section 40(1).

”.

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***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 ”.

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**PETER J. MCHUGH**

Clerk of the Legislative Assembly