

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 44

THURSDAY, 15 NOVEMBER 2001, 9.00 a.m.

Prayers *	
Petitions	
Papers	
Giving Notice 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.

Memorandum: An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.

BILLS - NOTICES OF MOTION

1. Betting Legislation Amendment Bill 2001 (Notice given – 14/11/01)

The Treasurer: To move -

That a Bill for "An Act to –

- amend the Betting Control Act 1954;
 - amend the Totalisator Agency Board Betting Act 1960; and
 - validate certain acts of the manager of the Totalisator Agency Board, and for related purposes." be introduced and read a first time.
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GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. ***Revenue Laws Amendment (Assessment) Bill (No. 2) 2001** (The Treasurer) (No. 61, 2r. – 25/10/01)
Second reading. Adjourned debate (Mr Bradshaw).
 2. **Revenue Laws Amendment (Taxation) Bill (No. 2) 2001** (The Treasurer) (No. 61, 2r. – 25/10/01)
Second reading. Adjourned debate (Mr Bradshaw).
 3. ***Liquor Licensing Amendment Bill 2001** (Deputy Premier) (No. 27, 2r. – 27/6/01)
Consideration in detail of Legislative Council message No. 26.
 4. ***Gene Technology Bill 2001** (Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries) (No. 39, 2r. - 7/8/01)
Further consideration in detail – Clause 45 on the amendment moved by Mr Masters.
 5. **Gene Technology Amendment Bill 2001** (Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries) (No. 40, 2r. – 7/8/01)
Second reading.
 6. **Criminal Investigation (Exceptional Powers) and Fortification Removal Bill 2001** (The Premier) (No. 65, 2r. – 6/11/01)
Second reading. Adjourned debate (Mr Marshall).
 7. **Acts Amendment (Criminal Investigation) Bill 2001** (The Premier) (No. 66, 2r. – 6/11/01)
Second reading. Adjourned debate (Mr Marshall).
 8. **Criminal Code Amendment Bill 2001** (Attorney General) (No. 68, 2r. – 7/11/01)
Second reading. Adjourned debate (Mr Johnson).
 9. **Criminal Investigation (Identifying People) Bill 2001** (Minister for Police and Emergency Services) (No. 64, 2r. – 7/11/01)
Second reading. Adjourned debate (Mr Marshall).
 10. **Motor Vehicle Dealers Amendment Bill 2001** (Minister for Consumer and Employment Protection) (No. 72, 2r. – 7/11/01)
Second reading. Adjourned debate (Mr Johnson).
 11. **Mines Safety and Inspection Amendment Bill 2001** (Minister for State Development) (No. 57, 2r. – 24/10/01)
Second reading. Adjourned debate (Mr Bradshaw).
 12. **Transfer of Land Amendment Bill 2001** (Minister for Planning and Infrastructure) (No. 58, 2r. – 18/10/01)
Second reading. Adjourned debate (Mr McNee).
 13. **Acts Amendment (Lesbian and Gay Law Reform) Bill 2001** (Attorney General) (No. 73, 2r. – 14/11/01)
Second reading. Adjourned debate (Mr Bradshaw).
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PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

1. **Public and Private Hospital Systems Imbalance** (Notice given - 29/5/01, renewed 24/10/01)

Hon. M.F. Board: To move -

That the Minister for Health address the issue of the growing imbalance of use between our public and private hospital systems in Western Australia.

2. **Peel Deviation Project** (Notice given - 14/6/01, renewed 13/11/01)

Mr Marshall: To move -

That this House notes that the Government, in using the Dawesville Deviation, is not energetically pursuing its election promise to pursue the Peel Deviation which is urgently needed to open up the South West of Western Australia.

3. **Members of Parliament Entitlements and Guidelines** (Notice given - 27/6/01)

Hon. C.J. Barnett: To move -

That all Parliamentary and electoral entitlements, standards of conduct and travel guidelines be the responsibility of the Speaker and President, receiving independent advice from the Salaries and Allowances Tribunal, particularly with reference to staff employment, imprest travel, declaration of pecuniary interests and codes of conducts for MPs.

4. **Timber Industry Restructure** (Notice given - 31/7/01)

Hon. P.D. Omodei: To move -

That this House calls on the Labor Government of this State to treat South West timber communities with fairness and compassion when restructuring the timber industry, in deliberations over the next forest management plan, and in particular, the allocation of timber resources to the industry and timber towns.

5. **Federal Royal Commission into Building and Construction Industry** (Notice given - 31/7/01)

Hon. C.L. Edwardes: To move -

That this House supports the decision to establish a Royal Commission by the Federal Government into allegations of corruption into the building and construction industry and request the State Government to provide all necessary assistance and support including copies of all documentation held in the respective departments or agencies.

6. **Inner City Land and River-scape Protection** (Notice given - 2/8/01)

Hon. P.G. Pandal: To move -

That this House, while commending the Government on its commitment to greater use of public transport, nevertheless condemns the Government for its failure to protect inner city land and river-scapes and declares its opposition to such scarring of the landscape, given such practices are now regarded internationally as outdated and discredited.

7. **Electoral Reform** (Notice given - 11/9/01)

Mr Trenorden: To move -

That this House requires the Attorney General and the Minister for the South West to report to the House on the steps that were taken to protect the voting rights of the people of the South West, and in particular -

- (a) the nature and extent of consultation undertaken with Regional Development Commissions;
- (b) the content of the Regional Impact Statement required by Cabinet; and
- (c) the advice of the Cabinet Regional Subcommittee.

8. Outlaw Motorcycle Gangs (Notice given – 13/9/01)

Mr Graham: To move -

That this House –

- (a) congratulates the Minister for Police on her strong stand over organised crime, including outlaw motorcycle gangs;
- (b) expresses its support for any necessary legislative changes that would enable the Police to better deal with these matters;
- (c) notes with concern the move of organised crime into the regions of the State. This is especially true of outlaw motor cycle gangs;
- (d) calls on the Minister to ensure that there are sufficient funds allocated to regional policing initiatives in order that the Police in the regions can adequately combat the rising levels of organised crime.

9. Aged Health Care State Plan (Notice given – 16/10/01)

Mr Ainsworth: To move -

That this House calls on the Government to develop a State Plan for health care for the aged with particular emphasis on Dementia, Commonwealth funding arrangements and aged care infrastructure requirements.

10. Southern Metropolitan Rail Link Route (Notice given – 6/11/01)

Mrs Hodson-Thomas: To move -

That this House condemns the Government for its failure to consult with professional bodies and the general public on the preferred route for the southern rail link and for limiting the terms of reference of the Perth City Railway Advisory Committee to the proposed section of the rail link between the Narrows Bridge and the Perth CBD.

11. Investigation into Allegations of Missing Documents by State Records Commission (Notice given – 8/11/01)

Hon. P.G. Pental: To move -

That the House, noting serious allegations contained in the SBS program Dateline on 31 October 2001, and mindful of the will of Parliament in enacting the Royal Commission (Custody of Records) Act 1992 and the State Records Act 2000, requests the State Records Commission to investigate and then present a special report to each House of Parliament on –

- (a) whether any records of the Royal Commission into Commercial Activities of Government and Other Matters are missing, and
- (b) whether it recommends any further investigation to determine which, if any, person has acted contrary to the provisions of the Royal Commission (Custody of Records) Act 1992.

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY
1. Law Reform (Miscellaneous Provisions (Asbestos Diseases)) Bill 2001 (Mr Graham) (No. 8, 2r. - 2/5/01)

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

2. Select Committee on Completion of Parliament House (Moved - 30/5/01)

Adjourned debate (Mr Bradshaw) on the motion moved by the Hon. P.G. Pental -

- (1) That a Select Committee be appointed to inquire into and report on the steps necessary to complete appropriate accommodation for the Parliament, and in particular -
 - (a) the viability of previous accommodation completion plans for the Parliament;

- (b) the value for Parliament and the public in covering the freeway between Malcolm and Hay Streets and thereby reuniting the Parliamentary precinct, West Perth and Kings Park with the city centre;
- (c) ways of funding the work, taking into account off-site assets, current leasing arrangements away from the Parliament, and the potential involvement of Ministerial offices in a wing of, or adjacent to the accommodation;
- (d) the impact of such work on the capital works budget of the State; and
- (e) a realistic date for completion of all such work in the Parliamentary precinct.

(2) That the committee finally report by 31 January 2002.

3. Government's Election Commitments (Moved - 27/6/01)

Adjourned debate (Mr Omodei - continuation of remarks) on the motion moved by Hon. C.J. Barnett -

That this House records that the Government has broken a number of significant election commitments during its first five months in office.

4. State Government Labour Relations Policy (Moved - 1/8/01)

Adjourned debate (Mr Johnson – continuation of remarks) on the motion moved by Hon. C.L. Edwardes –

That this House notes with regret the direction that the State Government is going in respect to labour relations and its impact on workers and workplaces, and in particular, the impact on small businesses, with its consequential social and economic costs.

5. Western Australian Health System (Moved - 22/8/01)

Adjourned debate (Mr Andrews – continuation of remarks) on the motion moved by Hon. M.F. Board -

That the Minister for Health acts urgently to rectify the current lack of management and direction in the WA Health System.

6. Fair Trading Amendment Bill 2001 (Hon. P.G. Pental) (No. 44, 1r. – 23/8/01)

To be read a second time.

7. Main Roads Amendment Bill 2001 (Mr Trenorden) (No. 48, 2r. – 29/8/01)

Second reading. Adjourned debate (Leader of the House)

8. Western Australia's Public Sector (Moved – 29/8/01)

Adjourned debate (Hon. C.J. Barnett – continuation of remarks) on the motion moved by Hon. C.L. Edwardes -

That this House expresses serious concern that -

- (a) the Labor Government's public sector pay policy does not restore fairness and equality in the public sector workplace;
- (b) the Labor Government has brought about an unacceptable loss of direction and experience across all departments and agencies; and
- (c) the Labor Government has failed to restore confidence in the public health system by failing to negotiate in good faith with W.A.'s health workers.

9. Air Services for Regional Western Australia (Moved – 19/9/01)

Adjourned debate (Mr Trenorden – continuation of remarks) on the motion moved by Mr Sweetman –

That the Government take immediate action to ensure the reinstatement of essential air services for regional Western Australia.

to which the Premier has moved the following amendment - To delete all words after "That" with a view to substitute the following -

“ this House supports the action taken by the Government to ensure the provision of essential air services for regional Western Australia.”.

10. Heathcote Hospital Site (Reservation) Bill 2001 (Dr Woollard) (No. 63, 2r. – 17/10/01)

Second reading. Adjourned debate (Mr Bradshaw).

11. Health Budget in Western Australia (Moved – 17/10/01)

Adjourned debate (Minister for Health – continuation of remarks) on the motion moved by Hon. M.F. Board -

That the Minister for Health explain to this House the true situation in regard to the Health Budget in Western Australia showing -

- (a) where is the announced \$380 million increase over the next 4 years;
- (b) where is the announced \$240 million nurses package over the next 4 years;
- (c) what is the true situation in regard to the added costs that hospitals will need to meet moving to full accrual accounting; and
- (d) how will hospitals meet wage increases out of their existing budgets?

12. Safe and Secure Homes and Communities in Western Australia (Moved – 7/11/01)

Adjourned debate (Mr Bowler – continuation of remarks) on the motion moved by Hon. C.L. Edwardes -

That this House expresses its serious concern over the Gallop Labor Government's failure to fulfil its election promise to make Western Australians safe and secure in their homes and in their community.

13. Southern Rail Link Redirection (Moved – 14/11/01)

Adjourned debate (Mr McRae – continuation of remarks) on the motion moved by Mrs Hodson-Thomas -

That this House condemns the Government for its failure to develop a comprehensive plan, addressing issues such as patronage potential, safety concerns, disruption to traffic flow, and its failure to undertake necessary community consultation before deciding to redirect the Southern Rail Link.

NOTICES AND AMENDMENTS

Gene Technology Bill 2001

Clause 45.

Mr Masters has moved –

Page 29, after line 8 – To insert the following –

“

- (2) While fully protecting the identities of applicants, the Regulator is to take reasonable steps to inform the first person of the application by another person in an attempt to overcome or reduce the need for identical or similar information to be duplicated by subsequent applicants.

”.

Clause 50.

Mr Masters: To move –

Page 32, lines 17 and 18 – To delete the lines and substitute the following –

“

- (e) the local government within whose boundaries approval for a field trial is being sought and all adjoining local governments.

”.

Clause 57.

Mr Masters: To move –

Page 37, lines 23 to 25 – To delete the lines and substitute the following –

“

- (1) The Regulator must not issue the licence unless the Regulator has given full and due regard to a policy principle in force under section 21.

”.

Clause 66.

Mr Masters: To move –

Page 43, line 2 – To delete “may” and substitute the following –

“ shall ”.

Clause 72.

Mr Masters: To move –

Page 46, line 13 – To delete “may” and substitute the following –

“ shall ”.

Clause 89.

Mr Masters: To move –

Page 55, line 14 – To delete “may” and substitute the following –

“ shall ”.

Clause 97.

Mr Masters: To move –

Page 58, line 19 – To delete “may” and substitute the following –

“ shall ”.

Clause 101.

Mr Masters: To move –

Page 60, lines 21 and 22 – To delete “, on the request of the Regulator or the Ministerial Council, ”.

Clause 107.

Mr Masters: To move –

Page 61, lines 24 and 25 – To delete “, on the request of the Regulator or the Ministerial Council, ”.

Clause 112.

Mr Masters: To move –

Page 62, lines 24 and 25 – To delete “, on request of the Regulator or the Ministerial Council, ”.

Clause 138.

The Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries: To move –

Page 69, line 27 – To delete “Record” and substitute the following –

“ Regulator ”.

Clause 147.

Mr Masters: To move –

Page 75, line 1 – To delete “or any other aggrieved person” and substitute the following –

“ or any person who may suffer damage as a result of the conduct ”.

Clause 152.

Mr Masters: To move –

Page 78, line 28 – To insert after “time” the following –

“

provided that, if the premises are a private residential property, then a warrant issued by a Justice of the Peace or a Magistrate and authorising entry into those premises shall be first obtained by the inspector

”.

Clause 153.

Mr Masters: To move –

Page 80, after line 25 – To insert the following –

“

- (4) No actions of the Inspector while carrying out activities authorised by this clause, including the removal of a storage device, shall materially interfere with or otherwise affect any lawfully approved GMO dealings.

”.

Clause 156.

Mr Masters: To move –

Page 83, after line 3 – To insert the following –

“

- (5) No actions of the Inspector while carrying out activities authorised by this clause, including the removal of a storage device, shall materially interfere with or otherwise affect any lawfully approved GMO dealings.

”.

Clause 158.

Mr Masters: To move –

Page 84, line 30 – To insert before “If” the following –

“

Except where there are reasonable grounds to believe that the actions of the Inspector were based on false, incorrect or misleading information provided to the Inspector,

”.

Clause 162.

The Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries: To move –

Page 86, line 11 – To delete “present” and substitute the following –

“ prevent ”.

Clause 166.

Mr Masters: To move –

Page 88, after line 19 – To insert the following –

“

- (3) No actions of the Inspector while carrying out activities authorised by this clause, including the removal of a storage device, shall materially interfere with or otherwise affect any lawfully approved GMO dealings.

”.

Clause 179.

Mr Masters: To move –

Page 98, To insert into the numerically appropriate place in the Table the following –

“

9	To vary or revoke the guidelines	Section 90	the holder of the certification
13	To vary or revoke the guidelines	Section 98	the holder of the accreditation
14	To give directions to the license holder	Section 146	the license holder

”.

Clause 181.

Mr Masters: To move –

Page 99, after line 20 – To insert the following –

“

- (5) Until the Regulator has reviewed any decision as provided for in Clause 179, the operative decision of the Regulator shall be put on hold.

”.

Mr Masters: To move –

Page 99, after line 20 – To insert the following –

“

- (5) In all circumstances relevant to Part 12, the eligible person in relation to a reviewable decision may apply to the Administrative Appeals Tribunal for a stay order to be placed on the operative decision of the Regulator.
- (6) Should such an order be sought, the Regulator shall not enforce the operative decision unless the Regulator has reasonable grounds for suspecting that it is necessary to enforce the operative decision in order to avoid an imminent risk of death, serious illness, serious injury, or to protect the environment.

”.

Clause 185.

Mr Masters: To move –

Page 101, line 22 – To delete all words after “that” and insert the following –

“

- (a) significant damage to the health and safety of people, the environment or property would be likely to occur if the locations were disclosed, including the likelihood and consequences of interference with the GMOs; and
- (b) significant adverse implications for the owner of land on which GMO dealings are proposed would be likely to occur.

”.

Mr Masters: To move –

Page 102, after line 21 – To insert the following –

“

- (5) If the Regulator refuses an application under Section 184(1) in relation to information, the Regulator will advise the applicant that the specified information can be made publicly available at the expiration of 30 days from the date of refusal.

- (6) The applicant can choose to advise the Regulator that information provided to the Regulator as a consequence of the application of Clause 185 is deemed to be withdrawn from the Regulator, requiring that the Regulator shall return all copies of information provided by the applicant and the Regulator shall destroy all electronic and other copies of the information otherwise held by the Regulator.

”.

Clause 192.

Mr Masters: To move –

Page 109, line 5 - To delete “one year or \$6 600” and substitute the following –

“ 10 years or \$66 000 ”.

Clause 192A.

Mr Masters: To move –

Page 109, line 24 - To delete “2 year or \$13 200” and substitute the following –

“ 20 years or \$132 000 ”.

Liquor Licensing Amendment Bill 2001

Message No. 26

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Liquor Licensing Amendment Bill 2001 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 Liquor Licensing Amendment Bill 2001

No. 1

Clause 4, page 2, lines 9 to 15 – To delete the Clause.

No. 2

Clause 5, page 3, lines 1 to 3 – To delete subclause (2).

No. 3

Clause 8, page 4, line 25 to page 5, line 9 – To delete the Clause.

No. 4

Clause 9, page 5, line 10 to page 7, line 12 – To delete the Clause.

Revenue Laws Amendment (Assessment) Bill (No.2) 2001

New Part.

Dr Woollard: To move –

Page 9, after line 29 – To insert the following –

“

Part 4 – *Pay-roll Tax Assessment Act 1971* – Partial Exemption

10. The Act amended

The amendments in this Part are to the *Pay-roll Tax Assessment Act 1971**.

[Reprinted as at 12 November 1996.

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p329, and Acts Nos. 3 and 10 of 2001.]

11. New section 10A

After section 10 the following section is inserted –

“

10A. Partial exemption from Pay-roll Tax

(1) In this section –

“**aged care provider**” means a person who is an approved provider of a certified residential care service in accordance with the *Aged Care Act 1997* (Commonwealth).

(2) The pay-roll tax payable by an aged care provider will not exceed the amount which would have been payable at the rate which applied immediately prior to the commencement of section 9 of the *Revenue Laws Amendment (Taxation) Act (No. 2) 2001*.

”.

PETER J. McHUGH

Clerk of the Legislative Assembly
