

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 94

TUESDAY, 10 AUGUST 2010, 2.00 p.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *

— approximately 2.00 p.m. each day

Matter of Public Interest

— one per week on any day

Private Members' Business

— 4.00 p.m. to 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.*

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **Petroleum and Energy Legislation Amendment Bill 2009** (Minister for Commerce) (LC No. 106)

To be read a first time.

2. **Iron Ore Agreements Legislation Amendment Bill 2010** (Minister for State Development) (No. 142, 2r. – 23/6/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

3. ***Cannabis Law Reform Bill 2009** (Minister for Police) (No. 087, 2r. – 14/10/09)

Second reading. Adjourned debate (Mr A. Krsticevic – continuation of remarks).

4. **Prohibited Behaviour Orders Bill 2010** (Attorney General) (No. 113, 2r. – 24/6/10)
Second reading. Adjourned debate (Mr D.A. Templeman).
5. **Railway (Roy Hill Infrastructure Pty Ltd) Agreement Bill 2010** (Minister for State Development) (No. 141, 2r. – 24/6/10)
Second reading. Adjourned debate (Mr D.A. Templeman).
6. **Misuse of Drugs Amendment Bill 2010** (Minister for Police) (No. 114, 2r. – 5/5/10)
Second reading. Adjourned debate (Ms R. Saffioti).
7. ***Retail Trading Hours Amendment (Armada Tourism Precinct) Bill 2010** (Minister for Commerce) (No. 139, 2r. – 17/6/10)
Second reading. Adjourned debate (Mr D.A. Templeman).
8. ***Retail Trading Hours Amendment (Midland Tourism Precinct) Bill 2010** (Minister for Commerce) (No. 140, 2r. – 17/6/10)
Second reading. Adjourned debate (Mr D.A. Templeman).
9. **Cement Works (Cockburn Cement Limited) Agreement Amendment Bill 2010** (Minister for State Development) (No. 138, 2r. – 17/6/10)
Second reading. Adjourned debate (Mr D.A. Templeman).
10. **Trade Measurement Legislation (Amendment and Expiry) Bill 2010** (Minister for Commerce) (No. 136, 2r. – 16/6/10)
Second reading. Adjourned debate (Mr D.A. Templeman).
11. **Child Support (Adoption of Laws) Amendment Bill 2009** (Attorney General) (No. 098, 2r. – 25/11/09)
Consideration in detail.
12. **Professional Combat Sports Amendment Bill 2009** (Minister for Sport and Recreation) (No. 074, 2r. – 14/10/09)
Second reading. Adjourned debate (Mr D.A. Templeman).
13. **Premier's Statement**
Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.
14. **Retail Trading Hours Amendment Bill 2009** (Premier) (No. 061, 2r. – 17/6/09)
Second reading. Adjourned debate (Leader of the House).
15. ***Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08)
Further consideration in detail – Clause 1.
16. **Agriculture and Related Resources Protection Amendment Bill 2010** (Minister for Agriculture and Food) (No. 129, 2r. – 19/5/10)
Second reading. Adjourned debate (Mr C.J. Tallentire).
17. **Health, Safety and Civil Liability (Children in Schools and Child Care Services) Bill 2010** (Minister for Health) (No. 126, 2r. – 16/6/10)
Second reading. Adjourned debate (Mr D.A. Templeman).
18. **Children and Community Services Amendment Bill 2010** (Parliamentary Secretary representing the Minister for Child Protection) (No. 130, 2r. – 22/6/10)
Second reading. Adjourned debate (Mr D.A. Templeman).
19. **Police Amendment Bill 2010** (Minister for Police) (No. 137, 2r. – 23/6/10)
Second reading. Adjourned debate (Mr M. McGowan).

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. **Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009** (Notice given – 17/6/09, renewed – 23/2/10)

Mr M.P. Murray: To move –

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009* under the *Genetically Modified Crops Free Areas Act 2003*, a copy of which was laid upon the Table of the House on 9 June 2009, is hereby disallowed.

2. **Sixtieth Anniversary of the Geneva Conventions** (Notice given – 12/8/09, renewed – 9/3/10)

Mr J.N. Hyde: To move –

That the House:

- (a) notes the sixtieth anniversary of the Four Geneva Conventions of 1949;
- (b) congratulates the International Red Cross and Red Crescent Movement on its continuous fostering of the principles of international humanitarian law to limit human suffering in times of armed conflict and to prevent atrocities, especially against civilian populations, the wounded, and prisoners of war;
- (c) recalls Australia's ratification of the Conventions and of the two Additional Protocols of 1977;
- (d) affirms all parliamentary measures taken in support of such ratification at the national level with cross-party support;
- (e) encourages the fullest implementation of the Conventions and Additional Protocols by the military forces and civilian organisations of all nations;
- (f) acknowledges that many of the obligations found in the Geneva Conventions require implementation at a State (Territory) level;
- (g) encourages ratification by all nations of the Conventions and Additional Protocols;
- (h) notes that Red Cross was formed in Australia in 1914 and that Australia Red Cross is represented on the Governing Board of the International Federation of Red Cross and Red Crescent Societies; and
- (i) recognises the extraordinary contribution made by many individual Australians, including Australian Red Cross members, volunteers and staff, in the State of Western Australia to the practical carrying into effect of the humanitarian ideals and legal principles expressed in the Conventions and Additional Protocols.

3. **The Impact of Alcohol-Fuelled Violence in Western Australia** (Notice given – 18/8/09, renewed – 11/3/10)

Ms M.M. Quirk: To move –

- (1) That the following matter be referred to the Standing Committee on Community Development and Justice to inquire and report to the Legislative Assembly by 30 April 2010 on –
 - (a) the impact of alcohol-fuelled violence in Western Australia;
 - (b) focusing on community safety and preventative measures to reduce levels of alcohol-related violence, including its ramifications;
 - (c) consideration of –
 - (i) best practice harm minimisation measures in other Australian and international jurisdictions, including specific measures such as restrictions on the use of glass;

- (ii) the impact of late opening hours on incidences of alcohol-related violence;
- (iii) any contributing or multiplier effect on alcohol-fuelled violence caused by illicit drugs;
- (iv) the flow-on issues for emergency service workers, police and front-line health workers of alcohol-related violence;
- (v) education campaigns and their role in cultivating effective social change in terms of community attitudes to alcohol consumption;
- (vi) the role of parents in influencing the attitudes of young Western Australians towards alcohol consumption;
- (vii) the economic cost of alcohol-related violence; and
- (viii) any other related matters.

- (2) Further, the committee should take public submissions and consult with community leaders, educators, law enforcement, medical professionals and the liquor industry.

4. Burmese Constitution and Planned 2010 Elections (Notice given – 25/11/09)

Mr J.N. Hyde: To move –

That this House rejects the Burmese junta's newly adopted Constitution and planned 2010 elections and notes:

- (1) The Constitution was designed to institutionalise military rule; was drafted by the junta's hand-picked delegates rather than elected representatives; and was approved by coercion in a sham referendum held in the midst of devastation caused by Cyclone Nargis in May 2008.
- (2) The 2010 elections will be held only in accordance with the catastrophically flawed 2008 Constitution; will go ahead with the strict intention to nullify the 1990 democratic general elections, which Aung San Suu Kyi's party won by a landslide; and will guarantee a military-dominated parliament and military-controlled government.

5. Appointment of a Select Committee into the Increases to State Debt Since 2000 (Notice given – 22/6/10)

Mr B.S. Wyatt: To move –

That a Select Committee be appointed to inquire into and report on the level of increases to the State debt since 2000, particularly borrowings which are growing State debt to extraordinary levels, and the effects that these and other borrowings may have on the future financial management of Western Australia, and in particular, to –

- (a) ascertain the overall level of debt of the State, its agencies and business enterprises, and the amount of its increase since 2000;
- (b) estimate the level of likely borrowings over the next six years which will be needed to cover existing or foreseeable liabilities;
- (c) identify any contingent liabilities which may require borrowings during the next six years;
- (d) identify the contributions of individual Government departments, agencies and business enterprises to this level of debt and future or contingent liabilities;
- (e) ascertain whether the debt of individual Government departments, agencies or business enterprises is fully, partially or not matched by realistically valued assets;
- (f) assess the impact of the debt on the revenue and expenditure of the State over the next six years;

- (g) recommend strategies for management of the debt over the next six years which will minimise the adverse effect of the debt on the revenues and expenditures of the State, and on the taxpayers of the State; and
- (h) recommend a long-term policy approach to the management and reporting of Government debt.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. **Recreational Fishing Fees** (Moved – 12/8/09) (last debated – 19/8/09)

Adjourned debate (Leader of the House) on the motion moved by Mr E.S Ripper –

That the House condemns the Barnett Government's unjustified attack on recreational fishing and calls upon the Government to withdraw the huge fees it is imposing on ordinary West Australian families.

2. **Renewable Energy in Western Australia** (Moved – 19/8/09)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Ms A.J.G. MacTiernan –

That the House condemns the Barnett Government for its lack of leadership in driving forward renewable energy in Western Australia.

3. **Job Losses and Cuts to Core Services** (Moved – 9/9/09)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Ms R. Saffioti –

That the House condemns the Barnett Government for budget cuts that are leading to job losses and cuts to core services.

4. ***Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009** (Mr E.S. Ripper) (No. 072, 2r. – 16/9/09)

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

5. **Butane Products Control Bill 2009** (Mr R.H. Cook) (No. 041, 2r. – 16/9/09)

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

6. **Planning and Development Amendment Bill 2009** (Mr J.N. Hyde) (No. 080, 1r. – 23/9/09)

To be read a second time.

7. **Heritage of Western Australia Amendment Bill 2009** (Mr J.N. Hyde) (No. 079, 1r. – 23/9/09)

To be read a second time.

8. **Implementation of Government's Hundred Day Plan** (Moved – 3/12/08) (last debated – 23/9/09)

Adjourned debate (Mr W.J. Johnston – continuation of remarks) on the motion moved by Mr M. McGowan –

That the House condemns the Barnett Government for its failure to implement the election promises contained within its first 100-day plan document.

9. **Commercial Tenancy (Retail Shops) Amendment Bill 2009** (Mr F.M. Logan) (No. 081, 2r. – 14/10/09)

Second reading. Adjourned debate (Mr J.E. McGrath).

10. Directions 2031 Planning Document (Moved – 14/10/09)

Adjourned debate (Ms A.S. Carles – continuation of remarks) on the motion moved by Mr M. McGowan –

That this House calls on the Minister for Planning to reconsider key elements of the Directions 2031 Planning Document, and the draft Activities Centres policy, with particular reference to:

- (a) the unreliable demographic data underpinning the plan;
- (b) the downgrading of the Armadale and Midland Regional Centres; and
- (c) the miscalculation of opportunities to implement growth strategies in the Peel.

11. South-West Infrastructure Projects (Moved – 21/10/09)

Adjourned debate (Mr W.J. Johnston – continuation of remarks) on the motion moved by Ms A.J. MacTiernan –

That this House acknowledges the importance of infrastructure projects such as the Perth to Bunbury Highway for the development of the South-West and calls on the Barnett Government to continue work on Labor's initiatives for strategic infrastructure development in the South-West.

12. Criminal Code (Rock Throwing and Laser Pointing) Amendment Bill 2009

(Mr J.R. Quigley) (No. 99, 2r. – 11/11/09)

Second reading. Adjourned debate (Premier).

13. Criminal Code (Identity Theft) Amendment Bill (No. 2) 2009 (Mr J.R. Quigley) (No. 92, 2r. – 14/10/09) (last debated – 11/11/09)

Second reading. Adjourned debate (Attorney General – continuation of remarks).

14. *Matter of Public Interest – Government Wages and Funding Cuts (Moved – 18/11/09)

On the question, That the words be inserted, in the amendment moved by the Minister for Police to the motion moved by Mr E.S. Ripper.

15. Public Funding of the State's Critical Port Infrastructure (Moved – 18/11/09)

Adjourned debate (Premier – continuation of remarks) on the motion moved by Ms A.J. MacTiernan –

That this House calls upon the Premier to explain:

- (a) his contradictory position on public funding of the State's critical port infrastructure;
- (b) his Government's clear intention not to proceed with the publicly owned Fremantle Outer Harbour container facility – a decision which imposes unsustainable traffic burden on the local communities and jeopardises the State's economic growth.

16. Administration of Education and Tourism Portfolios (Moved – 25/11/09)

Adjourned debate (Mr J.M. Francis – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That this House condemns the Minister for Education; Tourism for the poor administration of her portfolios and her failure to stand up for democratic principles in the House.

17. Uranium Mining Prohibition (Keeping WA free from the Nuclear Fuel Chain) Bill 2009

(Ms A.S. Carles) (No. 112, 1r. – 23/2/10)

To be read a second time.

18. Logging of Native Forests under the Existing Management Plan in South West Region of Western Australia (Moved – 17/3/10)

Adjourned debate (Dr J.M. Woollard – continuation of remarks) on the motion moved by Dr J.M. Woollard –

- (1) That this House refers to the Standing Committee on Economics and Industry for consideration and report by 30 November 2010 the following:

To inquire into and report on the costs and benefits, including the broader community costs and considerations, of logging of native forests under the existing Forest Management Plan in the South West region of Western Australia.

- (2) That this House calls on the Government to place a moratorium on any further logging of those native forests until the Government has reported to the Assembly its response to the report of the Committee.

19. Perth Theatre Trust Amendment Bill 2009 (Mr J.N. Hyde) (No. 35, 1r. – 11/3/09) (restored – 18/3/10)

To be read a second time.

20. No Privatisation of Hospitals and Schools Bill 2010 (Mr R.H. Cook) (No. 127, 2r. – 21/4/10)

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

21. Equal Opportunity (Members of Parliament) Amendment Bill 2010 (Mr M.P. Whitely) (No. 124, 2r. – 21/4/10)

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

22. Household Fees and Charges, 2010–2011 Budget and Forward Estimates (Moved – 5/5/10)

Adjourned debate (Minister for Water – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That the House demands that the Premier:

- (a) limit further increases in household fees and charges after the record increases contained in the 2009 – 2010 Budget;
- (b) ensure that the 2010 – 2011 Budget is an honest reflection of the State's finances; and
- (c) ensure that the forward estimates contain all of the projects announced by the Liberal-National Government.

23. Years 11 and 12 at District High Schools (Moved – 19/5/10)

Adjourned debate (Ms J.M. Freeman) on the motion moved by Mrs M.H. Roberts –

That this House –

- (a) acknowledges that the Minister for Education's plan to cut year 11 and 12 from 21 district high schools will force students to travel long distances or study through the School of Isolated and Distance Education or attend boarding schools;
- (b) notes that this plan will particularly disadvantage country students and has the potential to cause them to completely abandon their education at just 16 years of age contrary to the requirement for them to remain in education or training until age 17; and
- (c) calls on the Minister for Education to immediately reverse her decision and to report to the House on how she can genuinely improve education opportunities for the students concerned.

24. Schools of Isolated and Distance Education Courses for Years 11 and 12 Students
(Moved – 26/5/10)

Adjourned debate (Minister for Agriculture and Food – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That the Government immediately cancel all bills sent to secondary schools for Year 11 and 12 students doing courses through Schools of Isolated and Distance Education (SIDE).

25. Justice Reinvestment Strategy (Moved – 16/6/10)

Adjourned debate (Mr P. Abetz – continuation of remarks) on the motion moved by Mr P. Papalia –

That this House calls on the Barnett Government to implement a ‘justice reinvestment’ strategy to lower the rate of re-offending and make our communities safer.

26. Legislative Control of Handguns (Moved – 23/6/10)

Adjourned debate (Minister for Police – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House –

- (a) condemns the Barnett government for its proposed dilution of controls on handguns under the *Firearms Act 1973* with the potential that access to handguns by organized crime may be facilitated;
- (b) further condemns the Barnett government for its failure to manage and resource the implementation of the new firearms licensing regime causing delays, uncertainty, incomplete record keeping, lack of transparency and inconsistent application of law and policy; and
- (c) calls on the Barnett government to immediately implement and resource the recommendations of the Auditor General’s Third Public Sector Performance Report 2009 (Regulation of Firearms; Managing Staff Attendance in the Public Sector; and Evaluation in Government) dated 21 October 2009.

COMMITTEES TO REPORT

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into How the Corruption and Crime Commission Can Best Work Together with the Western Australian Police Force to Combat Organised Crime

– 12 August 2010

Economics and Industry Standing Committee:

Inquiry into the Department of Environment and Conservation’s Management of Former Pastoral Leases

– 19 August 2010

Public Accounts Committee:

Inquiry into Project Planning and Funding Applications for Major Western Australia Infrastructure Projects

– 21 October 2010

Education and Health Standing Committee:

Inquiry into the Adequacy and Appropriateness of Prevention and Treatment Services for Alcohol and Illicit Drug Problems in Western Australia

– 25 November 2010

Community Development and Justice Standing Committee:
Inquiry into the Efficiency and Effectiveness of Prisoner
Education, Training and Employment Strategies

– 25 November 2010

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Joint Standing Committee on the Review of the Racing and Wagering WA Acts	Review of the Racing and Wagering WA Acts	15 October 2010
Economics and Industry Standing Committee	Domestic Gas Prices for Industry and Consumers	28 February 2011

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Education and Health Standing Committee: Invest Now or Pay Later: Securing the Future of Western Australia's Children	Minister for Health	11 June 2010 (Non compliance reported 16/6/10)
Joint Standing Committee on the Commissioner for Children and Young People: Review of the 2008 – 2009 Annual Report of the Commissioner for Children and Young People	Attorney General	22 July 2010
Education and Health Standing Committee: Destined to Fail: Western Australia's Health System	Premier; Minister for Health; Minister for Indigenous Affairs; Minister for Mental Health; and Treasurer	6 August 2010
Public Accounts Committee: Inquiry into Government Payments to Ms Tirzah Bell	Premier	24 September 2010
Community Development and Justice Standing Committee: Interim Report, Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies	Minister for Corrective Services	24 September 2010

* 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.

NOTICES AND AMENDMENTS

Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 (No. 072—1)

Clause 4.

Ms M.M. Quirk: To move –

Page 3, line 9 – To delete “**Show Cause Notice**” and substitute:

“ **Enforcement notices** ”.

Ms M.M. Quirk: To move –

Page 4, lines 27 to 30 – To delete the lines and substitute:

“

the Inspector may issue either an improvement notice under subsection (2) or a prohibition notice under subsection (3).

- (2) An improvement notice shall –
 - (a) state that the Inspector has reasonable grounds to suspect that a person –
 - (i) is contravening a provision referred to in subsection (1); or
 - (ii) has contravened a provision referred to in subsection (1) in circumstances that make it likely that the contravention will continue or be repeated;
 - (b) state reasonable grounds for forming that suspicion;
 - (c) specify the provision referred to in subsection (1) in respect of which that suspicion is held;
 - (d) state that the CEO is required by the notice to remedy the contravention or likely contravention or the matters or activities occasioning the contravention or likely contravention before a specified time; and
 - (e) be in the prescribed form.
- (3) A prohibition notice shall –
 - (a) state that the Inspector has reasonable grounds to suspect that there is occurring or may occur an activity which involves or will involve a contravention of a provision referred to in subsection (1);
 - (b) state reasonable grounds for forming that suspicion;
 - (c) specify the activity which in the Inspector’s opinion involves or will involve the contravention;

- (d) state that the activity is prohibited until the Inspector is satisfied that the matters which give or will give rise to the contravention are remedied; and
- (e) be in the prescribed form.

”.

Clause 8.

Ms M.M. Quirk: To move –

Page 6, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 6, after line 28 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 7A(1) in each calendar year.

”.

Clause 12.

Ms M.M. Quirk: To move –

Page 8, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Mr E.S. Ripper: To move –

Page 8, line 13 – To delete “prisoner’s imprisonment” and substitute:

“ person in custody ”.

Ms M.M. Quirk: To move –

Page 8, after line 28 – To insert:

“

- (6) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this

Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 29A(1) in each calendar year.

”.

Clause 15.

Mr E.S. Ripper: To move –

Page 9, line 21 – To delete “held in custody or”.

Clause 16.

Ms M.M. Quirk: To move –

Page 10, line 9 – After “treatment” insert:

“

; and

- (a) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 10, after line 27 – To insert:

“

- (7) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 24A(1) in each calendar year.

”.

Clause 20.

Ms M.M. Quirk: To move –

Page 12, line 9 – After “treatment” insert:

“

; and

- (a) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 12, after line 27 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least

10% of the total population of persons notified under section 9A(1) in each calendar year.

”.

Cannabis Law Reform Bill 2009 (No. 087 – 1)

Clause 5.

Dr J.M. Woollard: To move –

Page 4, after line 6 – To insert:

“ ***adult*** means a person who is not a young person; ”.

Clause 6.

Dr J.M. Woollard: To move –

Page 5, after line 8 – To insert:

“ ***community work option*** means a community work option referred to in section 8N; ”.

Dr J.M. Woollard: To move –

Page 5, after line 28 – To insert:

“ ***CWO*** for community work option. ”.

Dr J.M. Woollard: To move –

Page 5, before line 29 – To insert:

“

- (3) If a term has a meaning in the *Sentencing Act 1995* or the *Sentence Administration Act 2003*, it has the same meaning in this Part unless the contrary intention appears in this Part.

”.

Dr J.M. Woollard: To move –

Page 7, lines 6 to 16 – To delete the lines and substitute:

“

- (b) informing the alleged offender that he or she may, in writing, elect to be prosecuted for the alleged offence, or offences, in a court, and informing the alleged offender how to make that election; and
- (ca) informing the alleged offender that if he or she does not wish to be prosecuted for the alleged offence or offences in a court, the alleged offender may —
 - (i) complete a CIS within a period of 28 days after the giving of the CIR; or

- (ii) if the alleged offender is an adult who is not subject to a community service requirement in a community order imposed under the *Sentencing Act 1995* — complete a CWO within 3 months after the giving of the CIR;

”.

Dr J.M. Woollard: To move —

Page 7, line 20 — To delete “CIS.” and substitute:

“ CIS and a CWO. ”.

Dr J.M. Woollard: To move —

Page 7, line 21 — To delete “CIS” and substitute:

“ CIS, or a single CWO, ”.

Dr J.M. Woollard: To move —

Page 7, after line 26 — To insert:

“

- (aa) was a young person at the time the new offence was allegedly committed;
and

”.

Dr J.M. Woollard: To move —

Page 7, line 27 — To delete “is a young person who,”.

Dr J.M. Woollard: To move —

Page 9, line 7 — To insert after “CIS”:

“ or a CWO, ”.

Dr J.M. Woollard: To move —

Page 11, after line 7 — To insert:

“

Division 4 — Community work option

8N. Community work option

- (1) To complete a community work option an alleged offender must —
 - (a) do unpaid community work for 30 hours (the *required hours*); and
 - (b) do at least 12 of the required hours in any 7 day period; and
 - (c) perform community corrections activities if and as ordered by the CEO (corrections) under the *Sentence Administration Act 2003* Part 7.
- (2) The alleged offender must —
 - (a) report to a community corrections centre within 7 days after being given a CIR, or as otherwise ordered by a community corrections officer; and
 - (b) comply with the *Sentence Administration Act 2003* section 76.

- (3) A community work option has been completed by an alleged offender when the alleged offender finishes working the required hours to the satisfaction of a community corrections officer.

8O. Benefit of completing CWO

- (1) If the alleged offender has completed a CWO in respect of a CIR within 3 months after being given a CIR, the bringing of proceedings and the imposition of penalties are prevented to the same extent that they would be prevented if the alleged offender had been convicted by a court of, and punished for, the alleged offence.
- (2) Completion of a CWO is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

8P. Certificate of completion of CWO

- (1) The CEO (corrections) is to —
- (a) give to a person who has completed a CWO a certificate of completion; and
 - (b) send a copy of the certificate to the Commissioner.
- (2) A certificate of completion is to set out —
- (a) the name and address of the person who has completed the CWO; and
 - (b) the date of completion; and
 - (c) the details of the CIR in respect of which the CWO was completed.

”.

Clause 7.

Mr R.H. Cook: To move —

Page 11, line 15 – To delete “ in ” and substitute:

“ exclusively for ”.

Mr R.H. Cook: To move —

Page 11, lines 20 to 25 – To delete the lines and substitute:

“

- (2)(a) A person selling, offering to sell, or authorising a person to sell cannabis smoking paraphernalia must ensure that the cannabis smoking paraphernalia, packaging or advertising and/or promotional material is not displayed in the premises or able to be viewed from outside the premises in which it is sold.
- (b) If a person is charged with an offence under subsection (2)(a) it is a defence to prove that the display was made to a specific customer at the customer’s request.

”.

New Clauses.

Dr J.M. Woollard: To move –

Page 16, after line 28 – To insert:

“

Part 6 — *Sentence Administration Act 2003* amended

14. Act amended

This Part amends the *Sentence Administration Act 2003*.

15. Section 4 amended

- (1) In section 4(2) insert in alphabetical order:

community work option has the meaning given in the *Misuse of Drugs Act 1981* section 8B(1);

- (2) In section 4(3) insert in alphabetical order:

CWO for community work option;

16. Section 75 amended

In section 75 in the definition of ***community corrections order*** delete “an RRO” and insert:

a CWO, an RRO

17. Section 76 amended

Delete section 76(1) and insert:

- (1) In this section and section 77 —

offender means an offender who is subject to a pre-sentence order, or an offender, or alleged offender, who is subject to a community corrections order.

18. Section 77 amended

In section 77:

- (a) in paragraph (d) delete “1994.” and insert:

1994; or

- (b) after paragraph (d) insert:

- (e) if the offender is subject to a CWO, report the matter to the Commissioner of Police and recommend that the relevant cannabis intervention

requirement as defined in the *Misuse of Drugs Act 1981* section 8B(1) be withdrawn under section 8I of that Act.

(c) after each of paragraphs (a), (b) and (ba) insert:

or

19. Section 78 amended

(1) In section 78(1) in the definition of *minimum hours requirement* after paragraph (c) insert:

(d) in relation to a CWO — means the requirement in the *Misuse of Drugs Act 1981* section 8N(1)(b) to do at least 12 hours unpaid community work in any 7 day period;

(2) In section 78(1) delete the definition of *offender* and insert:

offender means an offender, or alleged offender, who is subject to a community corrections order.

(3) In section 78(2):

(a) in paragraph (d) delete “weeks.” and insert:

weeks;

(b) after paragraph (d) insert:

(e) if the offender is subject to a CWO — may, in relation to the minimum hours requirement, permit the offender to do less than 12 hours community work in a 7 day period, the actual number of hours to be decided by the CEO, but it must be at least 6 hours.

(4) After section 78(5) insert:

(6) An alleged offender’s duty under a CWO to do unpaid community work for the required hours is not affected by a decision made under subsection (2).

20. Section 79 amended

(1) Delete section 79(1) and insert:

(1) In this section —

offender means —

(a) an offender who is subject to a community service requirement in a community order but not subject to a programme requirement in the order; and

(b) an alleged offender who is subject to a CWO.

(2) In section 79(2) delete “court.” and insert:

court, or more than 15 hours if the offender is subject to a CWO.

21. Section 81 amended

Before section 81(1) insert:

(1A) In this section —

offender includes an alleged offender who is subject to a CWO.

22. Section 83 amended

(1) In section 83 in the definition of *community corrections order* delete “an RRO” and insert:

a CWO, an RRO

(2) In section 83 in the definition of *offender* delete “offender who” and insert:

offender, or alleged offender, who

”.

Long title.

Dr J.M. Woollard: To move —

Page 1, after bullet point 1 – To insert:

“

- amend the *Sentence Administration Act 2003*; and

”.

Matter of Public Interest – Government Wages and Funding Cuts (Moved – 18/11/09)

The Minister for Police moved,

To delete all words after “House” and insert:

“supports decent and fair pay rates for education assistants, gardeners and cleaners employed in cleaning government buildings and offices and also supports the fair and equitable distribution of the funds allocated for the original Redress WA scheme to all eligible applicants.”

on the motion moved by Mr E.S. Ripper:

That this House condemns the Barnett Government for its lack of care and compassion towards those Western Australians most in need including:

1. Its failure to support the state's education assistants, gardeners and cleaners secure a fair pay increase; and
2. Its decision to cut Redress WA funding at a time when the Federal Government and opposition has apologised and recognised the struggle of those abused in care.

Retail Trading Hours Amendment (Armadale Tourism Precinct) Bill 2010 (No. 139 — 1)

Clause 1.

The Minister for Commerce: To move —

Page 2, line 3 — To delete “*Tourism*” and substitute:

“ *Special Trading* ”.

Clause 4.

The Minister for Commerce: To move —

Page 2, line 14 — To delete “*tourism*” and substitute:

“ *special trading* ”.

The Minister for Commerce: To move —

Page 2, lines 17 to 21 — To delete the lines and substitute:

“

- (2) In section 12A(4) in the definition of *special trading precinct* after “means the” insert:

Armadale special trading precinct,

”.

Retail Trading Hours Amendment (Midland Tourism Precinct) Bill 2010 (No. 140 — 1)

Clause 1.

The Minister for Commerce: To move —

Page 2, line 2 — To delete “*Tourism*” and substitute:

“ *Special Trading* ”.

Clause 4.

The Minister for Commerce: To move –

Page 2, line 14 — To delete “*tourism*” and substitute:

“ *special trading* ”.

The Minister for Commerce: To move –

Page 2, lines 17 to 21 — To delete the lines and substitute:

“

- (2) In section 12A(4) in the definition of *special trading precinct* delete “Joondalup special trading precinct” and insert:

Joondalup special trading precinct, Midland special trading precinct

”.

Royal Perth Hospital Protection Bill 2008 (No. 008—1)

Clause 1.

Mr R.H. Cook: To move –

Page 2, line 2 – To insert after “the”:

“ *Tertiary* ”.

Mr R.H. Cook: To move –

Page 2, line 2 – To delete “*Protection*” and substitute:

“ *Health Services* ”.

Clause 3.

Mr R.H. Cook: To move –

Page 2, after line 9 – To insert alphabetically:

“

continued operation means to remain in existence and provide ongoing health services at the current level at Royal Perth Hospital, other health institutions, hospitals and health services in Western Australia;

for the time being means at the time of the Act coming into operation;

Protection means the safeguarding of existing health services provided by Royal Perth Hospital and other health institutions, hospitals and health services in Western Australia;

tertiary means tertiary health care which may include but is not limited to, services provided by state-designated trauma centres, a burn centre, trauma surgery neurosurgery, cardiothoracic surgery, organ transplant, paediatric surgery, magnetic resonance imaging and positron emissions tomography, and include secondary, primary and emergency care;

the entity means the Board of a public hospital;

”.

Mr R.H. Cook: To move –

Page 2, line 11 – To insert after “being”:

“ any of the following ”.

Mr R.H. Cook: To move –

Page 2, line 15 – To insert after “whole”:

“ or part ”.

Clause 6.

Mr R.H. Cook: To move –

Page 2, line 26 – To insert before “tertiary”:

“ 400 bed ”.

Mr W.J. Johnston: To move –

Page 3, after line 2 – To insert:

“

- (2) For the purpose of maintaining Royal Perth Hospital, future annual appropriations shall not be reduced to levels below the allocation to the hospital as at 6 September 2008.

”.

Clause 7.

Mr R.H. Cook: To move –

Page 3, after line 8 – To insert:

“

- (2) No development is to take place at Royal Perth Hospital to the extent that development will impact on proposed services, resources and scope of services at the Fiona Stanley Hospital.

”.

Mr A.P. O’Gorman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Joondalup Health Campus.

”.

Mr W.J. Johnston: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Armadale-Kelmscott Hospital.

”.

Mr P. Papalia: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Rockingham General Hospital.

”.

Mrs M.H. Roberts: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the new Midland Health Campus.

”.

Mr D.A. Templeman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Peel Health Campus.

”.

Mr M.P. Murray: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the South West Regional Health Campus and Associated South West Hospitals.

”.

Mrs C.A. Martin: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Broome Regional Health Campus.

”.

Mr T.G. Stephens: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not negatively impact on the services, resources and scope of services at the Hedland Hospital (Hedland’s Regional Resource Centre), Newman Hospital, Tom Price Hospital, and Paraburdoo Hospital.

”.

Mr J.C. Kobelke: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Osborne Park Hospital.

”.

Ms J.M. Freeman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on the development of planned or anticipated health services in the Mirrabooka area.

”.

Mr R.H. Cook: To move –

Page 3, lines 9 to 11 – To delete the lines and substitute:

“

- (2) ***Development*** means improving and advancing the health facilities at Royal Perth Hospital in a manner which ensures its continued operation as a tertiary hospital without undue interruption to service.

”.

Clause 9.

Ms J.M. Freeman: To move –

Page 3, lines 17 to 20 – To delete all words after “prescribing” and substitute:

“ medical and support services for the purpose of Section 6 ”.

Long title.

Mr R.H. Cook: To move –

Page 1, line 10 – To insert after “**Hospital**”:

“ and other associated Western Australian hospitals ”.

PETER J. MCHUGH

Clerk of the Legislative Assembly