

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 194

WEDNESDAY, 7 MAY 2008, 12 noon

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

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#### BUSINESS OF THE ASSEMBLY - NOTICES OF MOTION

1. **Joint Standing Committee on Delegated Legislation – Committee Membership** (Notice given - 6/5/08)

The Leader of the House: To move –

- (1) That the appointment by the Speaker on 10 April 2008 of the Member for Murray to the Joint Standing Committee on Delegated Legislation to fill the vacancy caused by the Member for Serpentine-Jarrahdale's resignation is confirmed.
  - (2) That the Legislative Council be acquainted accordingly.
-

## GOVERNMENT BUSINESS - NOTICES OF MOTION

1. **Consumer Credit (Western Australia) Code Regulations Amendment Order 2008** (Notice given – 6/5/08)

The Minister for Consumer Protection: To move -

- (1) That this House approves the draft *Consumer Credit (Western Australia) Code Regulations Amendment Order 2008*, a copy of which was laid on the Table of the House on 6 May 2008.
- (2) That the Legislative Council be acquainted accordingly and be invited to pass a similar resolution.

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## GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **Fatal Accidents Amendment Bill 2008** (Attorney General) (No. 274, 2r. – 9/4/08)

To be read a third time.

2. **\*Road Traffic Amendment Bill 2008** (Minister for Community Safety) (No. 272, 2r. – 10/4/08)

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

3. **\*Criminal Law Amendment (Homicide) Bill 2008** (Attorney General) (No. 269, 2r. – 19/3/08)

Consideration in detail.

4. **Acts Amendment (Weapons) Bill 2008** (Attorney General) (No. 273, 2r. – 9/4/08)

Second reading. Adjourned debate (Dr G.G. Jacobs).

5. **\*Employment Dispute Resolution Bill 2007** (Minister representing the Minister for Employment Protection) (No. 239, 2r. – 27/9/07)

Consideration in detail of Legislative Council message No. 204.

6. **Premier's Statement**

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

7. **Equal Opportunity Amendment Bill 2008** (Attorney General) (No. 271, 2r. – 9/4/08)

Second reading. Adjourned debate (Mr C.J. Barnett).

8. **Real Estate and Business Agents Amendment Bill 2007** (Minister for Consumer Protection) (No. 247, 2r. – 14/11/07)

Second reading. Adjourned debate (Dr S.C. Thomas).

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## PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. **Disallowance of the Fish Resources Management Amendment Regulations (No. 8) 2006** (Notice given – 27/3/07, renewed – 25/9/07)

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.

**2. Regulatory Constraints Imposed on Western Power** (Notice given – 8/5/07, renewed – 23/10/07)

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.

**3. Acting Principal and Deputy Principal Positions in Regional Schools** (Notice given – 15/5/07, renewed – 13/11/07)

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.

**4. Retention of Small Police Stations in Country Western Australia** (Notice given – 20/6/07, renewed – 28/11/07)

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.

**5. Select Committee into the Dairy Industry in Western Australia** (Notice given – 14/8/07, renewed – 26/2/08)

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 Western Australia;
- (d) whether abattoirs and retailers are engaging in unconscionable conduct in setting prices of beef in Western Australia;
- (e) why beef on the hoof is sold at significantly lower prices in Western Australia 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 Western Australia and make recommendations to improve this sector;
- (i) investigate the closure of saleyards in regional Western Australia 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

- (1) 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.

**6. Distribution Headworks Scheme** (Notice given – 18/9/07, renewed – 1/4/08)

Mr D.T. Redman: To move –

That this House condemns the Minister for Energy for implementing a ‘tax on geography’ under the guise of the Distribution Headworks Scheme for new and upgraded power connections in regional areas, and:

- (1) calls on the Minister to acknowledge that the terms of this Scheme, in which regional small businesses will pay tens of thousands of dollars for new connections, will be a disaster for the future of business development in country Western Australia; and
- (2) calls on the Minister to acknowledge that the State Government has a responsibility to provide backbone power infrastructure in regional areas, and that distribution infrastructure in the SWIS should be fully funded through Community Service Obligation support from Government.

**7. High Voltage Overhead Power Lines to the Grange Resources Project in Wellstead** (Notice given – 23/10/07)

Dr G.G. Jacobs: To move –

That this Government, in its proposal to run high voltage overhead power lines to supply power to the Grange Resources Project in Wellstead (north east of Albany), undertake to power proof the communities of the region and to engage in a full consultation process with land owners as well as fair and just compensation.

**8. Housing Strategy and State’s Public Housing Waiting List** (Notice given – 23/10/07)

Mr T.R. Buswell: To move –

That this House condemns the Government for its failure to adequately implement a housing strategy and for failing the thousands of Western Australians who have been forced onto the State’s public housing waiting list as a result of the State’s unprecedented housing crisis.

**9. Trade Scheme for WA Grown Produce** (Notice given – 13/11/07)

Mr D.T. Redman: To move –

That this House calls on the State Government to implement a fair trade scheme for WA grown produce to benefit WA producers, modelled on the successful Fair Trade Foundation Scheme.

**10. Effective Leadership** (Notice given – 27/11/07)

Mr P.D. Omodei: To move –

That this House condemns the Carpenter Government for failing to provide effective leadership for the people of Western Australia.

**11. Rural Communities and Meat Producers** (Notice given – 27/11/07)

Mr P.D. Omodei: To move –

That this House calls on the State Government to support rural communities and meat producers in Western Australia by:

- (1) Quarantining the \$70 million proceeds of the sale of the Midland saleyards for the construction of new yards in Katanning, Kemerton and other centres;
- (2) Allocating some of the funds for regional yards as either selling facilities or transit yards;
- (3) Allocating funds to upgrade yards to meet work safe guidelines;
- (4) Allocating funds to facilitate the upgrade and or development of at least three modern abattoirs;

- (5) Freeing up approval processes to allow Government Departments and Industry to quickly and decisively address the lack of killing facilities and saleyards; and
- (6) Supporting the commitment by the Treasurer in 2002 “That all funds from the sale of Midland saleyards be quarantined for the building of a new saleyard complex at Muchea and upgrading and other regional facilities.

**12. Law and Order Portfolio** (Notice given – 27/11/07)

Mr R.F. Johnson: To move –

That this House condemns the Carpenter Government for its failures in the law and order portfolio and its lack of integrity in Government.

**13. Financial Management** (Notice given – 27/11/07)

Mr T.R. Buswell: To move –

That this House condemns the Carpenter Government for its financial mismanagement and for wasting the opportunities presented by the economic boom.

**14. Procedure and Privileges Committee Inquiry** (Notice given – 29/11/07)

Mr P.D. Omodei: To move –

- (1) That this House requires the Procedure and Privileges Committee to inquire into and report on allegations made by the Hon. Shelley Archer MLC that the Premier misled the House in regard to his actions in requesting the resignation of Hon. Shelley Archer MLC.
- (2) That the Committee report to the Legislative Assembly by 1 April 2008.

**15. Government Corporations** (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That this House calls on the State Government to initiate an inquiry into the State Government owned corporations, Water Corporation and Western Power and their capacity to deliver basic services to regional and rural Western Australia.

**16. Deregulated Shopping Hours** (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That this House calls on the State Government to honour the 2005 referendum on Trading Hours and undertake to maintain as government policy the current regulated trading hours.

**17. Water Needs of Great Southern Communities** (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That this House condemns the State Government for its failure to adequately plan for the water needs of Great Southern communities, necessitating the carting of water into Denmark, Walpole and Cranbrook.

**18. Regional Investment Fund** (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That this House calls on the State Government to immediately boost the Regional Investment Fund as an incentive to small businesses in regional communities who are unduly impacted by the new Western Power headworks charges.

**19. Disallowance of the Rights in Water and Irrigation Amendment Regulation (No. 3) 2007** (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That the *Rights in Water and Irrigation Amendment Regulation (No. 3) 2007* gazetted on 28 December 2007 be disallowed.

**20. Information Technology Services for Members and Electorate Offices** (Notice given – 11/3/08)

Dr S.C. Thomas: To move –

That this Assembly considers unacceptable the poor email and internet service including laptop computers provided to Members, and given that no improvement is envisaged until August 2008 the Assembly requests the Parliament take full control of computer hardware and software service delivery for Members and their electorate offices, including the role currently played by Department of Premier and Cabinet, from 1 July 2008.

**21. Railway Construction within the Reid and Tonkin Highway Road Reserves** (Notice given – 13/3/08)

Mr J.B. D’Orazio: To move –

That this House calls on the Government to:

- (1) prepare a feasibility study for the construction of a cross-regional railway to link the Northern, Midland and Armadale train lines using the Reid and Tonkin Highway road reservations; and
- (2) ensure any future upgrades to the Reid Highway Mirrabooka intersection and the Alexander Drive and Reid Highway intersection, take into consideration the possible development of a railway on those road reservations.

**22. Manning Road Southbound On-Ramp Kwinana Freeway** (Notice given – 18/3/08)

Mr J.E. McGrath: To move –

That this House calls on the State Government to commit in the 2008-2009 Budget to the construction of a southbound on-ramp to the Kwinana Freeway at the point where Manning Road connects with the freeway.

**23. Oilseed Varieties Trials in the Sub-Tropical Region of Western Australia** (Notice given – 18/3/08)

Mr B.J. Grylls: To move –

That this House calls on the State Government to implement trials of oilseed varieties, including palm oil cultivars, in the sub-tropical region of Western Australia, and that such a trial be overseen by the Frank Wise Institute of Tropical Agricultural Research in Kununurra.

**24. Financial Performance of Verve Energy** (Notice given – 8/4/08)

Mr M.W. Trenorden: To move –

That the Premier advise how he didn’t know that the “800 pound gorilla” called Verve would quickly lose money when the National Party knew from industry participants that it would.

**25. Disaggregation of Western Power** (Notice given – 8/4/08)

Mr M.W. Trenorden: To move –

That the Minister for Energy be required to explain, in detail, to the people of Western Australia why the disaggregation of Western Power had been proven to be such a massive financial disaster.

**26. Regional Public Sector Workers** (Notice given -6/5/08)

Mr M.W. Trenorden: To move –

That this House calls upon the State Government to explain why it has left regional public sector workers out in the economic cold by giving them a pay increase of just 4 per cent when the Consumer Price Index rate in regional Western Australia is currently higher than the state March 2008 rate of 4.3 per cent.

## PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

### 1. **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.

### 2. **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.

### 3. **Electricity Corporations Amendment Bill 2006** (Mr M.W. Trenorden) (No. 132, 2r. – 10/5/06)

Second reading. Adjourned debate (Mr M.P. Whitely).

### 4. **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.

### 5. **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.

### 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 (Mr T.R. Sprigg).

### 7. **Professional Combat Sports Amendment Bill 2007** (Mr T.R. Sprigg) (No. 235, 2r. – 26/9/07)

Second reading. Adjourned debate (Minister for Police and Emergency Services).

- 8. \*Misuse of Drugs (Methylamphetamine) Amendment Bill 2007** (Mr M.J. Cowper)  
(No. 222, 2r. – 26/9/07)

Second reading. Adjourned debate (Mr M.J. Cowper – continuation of remarks on the motion moved by Mr M.J. Cowper).

- 9. \*Botanic Gardens and Parks Amendment Bill 2006** (Ms S.E. Walker) (No. 157, 2r. – 23/8/06)

Second reading. Adjourned debate (Deputy Premier).

- 10. Lobbying Disclosure and Accountability Bill 2007** (Dr E. Constable) (No. 242, 2r. – 17/10/07)

Second reading. Adjourned debate (Minister for the Environment).

- 11. Health Service to Regional and Rural Western Australia** (Moved – 24/10/07)

Adjourned debate (Mr M.W. Trenorden – continuation of remarks) on the motion moved by Mr T.K. Waldron –

That this House calls on the Minister for Health to:

- (a) disband the hub and spoke model which is failing to deliver an adequate health service to regional and rural Western Australia; and
- (b) return to a model that adequately funds and resources country hospitals and nursing posts.

- 12. Criminal Code Amendment (Sale of Spray Paint Cans) Bill 2007** (Mr T.R. Sprigg)  
(No. 248, 2r. – 14/11/07)

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

- 13. Law and Order** (Moved – 14/11/07)

Adjourned debate (Mr R.C. Kucera – continuation of remarks) on the motion moved by Mr P.D. Omodei –

That the Opposition condemns the Government on its lack of commitment to the justice system and a failure to provide a level of law and order that is acceptable to the people of Western Australia.

- 14. Greater Bunbury Regional Scheme** (Moved – 21/11/07)

Adjourned debate (Mr M.P. Murray – continuation of remarks) on the motion moved by Dr S.C. Thomas –

That this House recognises the shortcomings of the Greater Bunbury Regional Scheme as tabled in October 2007, and calls on the Government to:

- (1) provide adequate resources as a matter of urgency to update the Scheme;
- (2) provide additional adequate resources to manage the current and additional lands acquired or listed as Regional Open Space;
- (3) extend the Scheme to include the Shires of Collie and Donnybrook–Balingup; and
- (4) address the concerns of private property owners more adequately.

- 15. Corruption and Crime Commission Amendment (Investigative Function) Bill 2007** (Mr P.D. Omodei) (No 262, 2r. – 27/11/07)

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

- 16. Western Australian Resources Heritage Fund Bill 2007** (Mr J.H.D. Day)  
(No. 197, 2r. – 4/4/07)

Second reading. Adjourned debate (Mr B.S. Wyatt – continuation of remarks).

- 17. 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.



**18. Road Traffic Amendment (Confiscation and Disposal of Vehicles) Bill 2008**

(Mr R.F. Johnson) (No. 268, 2r. – 2/4/08)

Second reading. Adjourned debate (Mr C.J. Barnett).

**19. Children and Community Services Amendment (Body Piercing) Bill 2007**

(Dr J.M. Woollard) (No. 230, 2r. – 29/8/07)

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

**20. Daylight Savings Amendment Bill (No. 3) 2007** (Mr G. Snook) (LC No. 246, 2r. – 9/4/08)

Second reading. Adjourned debate (Mr C.J. Barnett).

**21. \*Acts Amendment (Assaults on Police Officers) Bill 2008** (Mr R.F. Johnson) (No. 267, 2r. – 19/3/08)

Second reading. Adjourned debate (Mr P. Papalia – continuation of remarks).

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**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**

Public Accounts Committee:	–	1 June 2008
Funding Arrangements for Western Australian Infrastructure Projects		
Procedure and Privileges Committee:	–	19 June 2008
Review of Legislative Assembly's Committee System		
Education and Health Standing Committee:	–	9 September 2008
Inquiry into General Health Screening of Children at Pre-Primary and Primary School Levels		
Procedure and Privileges Committee:	–	16 October 2008
Inquiry into Allegations of Misconduct Referred to the Corruption and Crime Commission		
Education and Health Standing Committee:	–	20 November 2008
Inquiry into Successful Initiatives in Remote Aboriginal Communities		
Community Development and Justice Standing Committee:	–	27 November 2008
Collaborative Approaches in Government		
Joint Standing Committee on the Corruption and Crime Commission:	–	9 April 2009
Inquiry into the Efficacy of Public Hearings by the Corruption and Crime Commission		

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**GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS**

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Due Date</i>
Community Development and Justice Standing Committee – Inquiry into	Premier; Treasurer; Minister representing the Minister for Local	10 August 2007 [non-compliance reported]

Western Australia's Natural Disaster Relief Arrangements	Government; Minister representing the Minister for Regional Development; Minister for Heritage	15 August 2007]
Education and Health Standing Committee – Initiatives in Remote Indigenous Communities of the Torres Strait Region	Minister for Federal-State Relations; Minister for Indigenous Affairs; Minister representing the Minister for Local Government	4 May 2008
Economics and Industry Standing Committee – Water Licensing and Services	Minister for Water Resources; Treasurer	28 May 2008
Community Development and Justice Standing Committee – Inquiry into the Prosecution of Assaults and Sexual Offences	Premier; Attorney General; Minister for Health; Minister for Police and Emergency Services; Minister for Indigenous Affairs; Minister representing the Minister for Child Protection	10 July 2008

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## REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	Karrinyup Lakes Lifestyle Village Development	19 June 2008

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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

### *Acts Amendment (Assaults on Police Officers) Bill 2008 (No. 267 —1)*

Clause 4.

Mr R.F. Johnson: To move –

Page 3, lines 11 to 17 – To delete the lines.

Mr R.F. Johnson: To move –

Page 3, line 18 to page 4, line 3 – To delete the lines and substitute –

“

- (2) Section 297(4) is amended by inserting after paragraph (b) the following new paragraphs —

“

- (c) the victim is any person who is performing a function of a public nature conferred on him by law or on account of his performance of such a function; or
- (d) the victim is any person who is acting in aid of a public officer or other person referred to in paragraph (a), (b) or (c) or on account of his having so acted,

”.

Mr R.F. Johnson: To move –

Page 4, lines 4 to 8 – To delete the lines and substitute –

“

- (3) Section 297(4) is amended by inserting after “ the offender is liable to imprisonment for 14 years ” the following —

“

, and, a court sentencing such an offender shall impose a term of immediate imprisonment of not less than twelve months

”.

Clause 5.

Mr R.F. Johnson: To move –

Page 4, lines 11 to 28 – To delete the lines and substitute –

“

- (a) by inserting in the Summary conviction penalty after “imprisonment for 3 years and a fine of \$36,000” the following —

“

, and notwithstanding the provisions of the *Sentencing Act 1995*, where the person assaulted has suffered bodily harm the offender shall be sentenced to a term of immediate imprisonment of not less than 3 months

”.

- (b) by inserting after the Summary conviction penalty the following paragraph —

“

Where the person assaulted has suffered bodily harm, the offender shall be sentenced to a term of immediate imprisonment of not less than 9 months.

”

”

”

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***Botanic Gardens and Parks Amendment Bill 2006 (No. 157—1)***

Clause 4.

Ms S.E. Walker: To move —

Page 2, line 16 – To delete “1720” and substitute –

“ 1667 ”.

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***Criminal Law Amendment (Homicide) Bill 2008 (No. 269—1)***

Clause 2.

The Attorney General: To move –

Page 2, after line 7 – To insert –

“

- (b) section 25(2) — on a day fixed by proclamation, being a day that is the day, or after the day, on which the *Community Protection (Offender Reporting) Amendment Act 2007* section 11 comes into operation;

- (c) section 40(2) — on a day fixed by proclamation, being a day that is the day, or after the day, on which the *Community Protection (Offender Reporting) Amendment Act 2007* section 13(3) comes into operation;

”

”

Clause 6.

Mr C.C. Porter:

Page 5, line 17 to page 6, line 29 – To oppose the clause.

Clause 10.

Mr C.C. Porter: To move –

Page 9, lines 26 to 29 – To delete the lines and substitute –

“

- (b) the person intends to do the person killed or another person some grievous bodily harm; or

”

”

Mr C.C. Porter: To move –

Page 10, lines 11 to 20 – To delete the lines.

Clause 13.

Mr C.C. Porter:

Page 11, lines 27 and 28 – To oppose the clause.

Clause 14.

The Attorney General: To move –

Page 12, line 25 – To delete “18 months and a fine of \$18 000.” and substitute –

“ 3 years and a fine of \$36 000. ”.

Clause 17

The Attorney General: To move –

Page 15, lines 1 to 13 — To delete the lines and substitute —

“

## 2. Acts or omissions committed before commencement

(1) In this clause —

“**unamended Code**” means this Code as if it had not been amended by the amendment Act.

(2) Despite section 11, if a person does an act or makes an omission before commencement that is an element of or constitutes an offence under the unamended Code, then after commencement this Code applies to and in respect of the person and the act or omission as if it had not been amended by the amendment Act.

(3) Despite subclause (2) and the *Sentencing Act 1995* section 10, if —

- (a) a person is convicted of murder or wilful murder under the unamended Code before commencement but is not sentenced for the offence before commencement; or
- (b) a person is convicted of murder or wilful murder under the unamended Code as it applies under subclause (2), the person must be sentenced under section 279(4) to (6) as inserted by the amendment Act as if he or she had been convicted of murder under section 279(1) as inserted by that Act.

”.

Clause 24.

The Attorney General: To move –

Page 20, after line 7 – To insert –

“

(2) Section 7B(2)(a) is amended by deleting “wilful murder or”.

(3) Section 7B(4) is amended by deleting “wilful murder or”.

(4) Section 7C(1) is amended by deleting “wilful murder or”.

”.

The Attorney General: To move –

Page 20, after line 8 – To insert –

“

- (3) Section 54A(1)(a) is amended by deleting “wilful murder or”.
- (4) Schedule 1 Part C clause 3C is amended by deleting “wilful murder or” in the 2 places where it occurs.

”.

Clause 25.

The Attorney General: To move –

Page 20, after line 19 – To insert –

“

- (2) Schedule 1 is amended by deleting the entry relating to *The Criminal Code* section 278.

”.

Clause 27.

The Attorney General: To move –

Page 21, line 12 – To delete the line and substitute –

“

- (2) Section 3(2) is amended by deleting “the crimes of wilful murder, and murder, and each of them:” and inserting instead —

“

include the crime that was called wilful murder under the Code as it was before the commencement of the *Criminal Law Amendment (Homicide) Act 2008*:

”.

”.

Clause 38.

The Attorney General: To move –

Page 25, line 6 – To delete “360 PU” and substitute –

“ 720 PU ”.

Clause 40.

The Attorney General: To move –

Page 28, after line 25 — To insert —

“

- (2) Schedule 2 is amended by deleting the entry relating to *The Criminal Code* section 278.

”.

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***Employment Dispute Resolution Bill 2007 (No. 239—1)***

Message No. 204.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Employment Dispute Resolution Bill 2007* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendment made by the Legislative Council in the Employment Dispute Resolution Bill 2007*

**No. 1**

Clause 3, page 2, line 18 – To insert after “Act” –

“

or any other agreement or arrangement prescribed under the IR Act section 113 for the purposes of this definition

”.

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***Misuse of Drugs (Methylamphetamine) Amendment Bill 2007 (No .222—1)***

Clause 3.

Mr M.J. Cowper: To move –

Page 3, line 3 – To delete “1979” and substitute –

“ 1981 ”.

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***Road Traffic Amendment Bill 2008 (No. 272 -1)***

Clause 5

Mr Johnson to move:

Page 3, after line 2 - To insert –

“

(a) by inserting after the definition of “Commissioner” –

“

**“drink driving offence”** means any of the following –

- (a) an offence against section 63; or
- (b) an offence against section 59, 59A, 60 or 61 where the circumstance of aggravation is driving under the influence of alcohol; ”.

”.

New Clauses

Mr Johnson to move:

Page 10, after line 12 – To insert -

“

**12. Section 80 amended**

Section 80 (1) is repealed and the following subsection is inserted instead –

“

(1) A court that convicts a person of an impounding offence (driving) shall, by order, impound the vehicle used in the offence for a period of 3 months starting on the date on which -

- (a) the vehicle is surrendered; or
- (b) under section 78C, the vehicle is conveyed to the place where it is to be stored. ”.

**13. Section 80A amended**

Section 80A is amended by deleting “may” and inserting instead –

“ shall ”.

”.

Clause 12

Mr Johnson to move:

Page 10, lines 14 to 16 - To delete the words after “Section 80B(1) is “ and substitute -

“

is repealed and the following subsection inserted instead –

“

(1) A court that convicts a person of an impounding offence (driver’s licence) shall, by order, impound a vehicle referred to in section 80GA for a period of 3 months starting on the date on which –

- (a) the vehicle is surrendered; or
- (b) under section 78C, the vehicle is conveyed to the place where it is stored.

”.

”.



## Clause 13

Mr Johnson to move:

Page 10, lines 18 to 20 - To delete the words after “is amended” and substitute -

“

by -

- (a) deleting “may’ and inserting instead –  
“ shall ”; and
- (b) deleting “the vehicle used in the offence.” and inserting instead –  
“ a vehicle referred to in section 80GA. ”.

”.

## Clause 14

Mr Johnson to move:

Page 10, lines 22 to 27 - To delete all words after “Section 80CA(1) is “ and substitute -

“

is repealed and the following subsection is inserted instead –

“

- (1) A court that convicts a person of a road rage offence shall, by order, impound a vehicle referred to in section 80GA for a period of 6 months starting on the date on which –

- (a) the vehicle is surrendered; or
- (b) under section 78C, the vehicle is conveyed to the place where it is to be stored. ”.

”.

## Clause 15

Mr Johnson to move:

Page 11, lines 2 to 4 - To delete the words after “is amended” and substitute -

“

by -

- (a) by deleting “may’ and inserting instead –  
“ shall ”; and
- (b) deleting “the vehicle that the offender was using.” and inserting instead –  
“ a vehicle referred to in section 80GA. ”.

”.

New Clause

Mr Johnson to move:

Page 11, after line 5 – To insert –

“

**16. Section 80CC inserted**

After section 80CB the following section is inserted –

“

**80CC. Confiscation of vehicles for drink driving offences**

If a person whose licence is suspended or cancelled as a penalty for a drink driving offence, commits an offence against section 49 of driving without a driver's licence the court shall, by order, confiscate the vehicle used in the offence. ”.

”.

Clause 22

Mr Johnson to move:

Page 15, lines 16 to 21 – To delete the words after “is amended” and substitute –

“

by –

- (a) inserting after the definition of “confiscated vehicle” –

“

“**dispose**” includes the crushing of a confiscated or uncollected vehicle or use of the such a vehicle by police in covert operations; ”.

- (b) inserting after the definition of “item” –

“

“**net proceeds of sale**” means any such sum by which the proceeds of sale exceed the aggregate of such sum as may be payable under subsection (7) in respect to the impoundment and confiscation of the vehicle; ”.

- (c) in the definition of “uncollected vehicle” deleting “2 months’ and inserting instead –

“ 28 days ”.

”.

- (2) Section 80J(4)(a) is amended by deleting “the” before “responsible person” and inserting instead –

“ each ”.

- (3) After section 80J(6) the following subsection is inserted –

“

(6A) Where the Commissioner disposes of a vehicle by means of sale, the Commissioner shall pay the net proceeds of the sale to any person who, before the end of the period of 12 months beginning with the date on

which the vehicle is sold, satisfies the Commissioner that at the time of the sale he was the owner of the vehicle. ”.

- (4) Section 80J(7)(j)(i) is amended by deleting “to the Treasurer of the State for the public uses of the State” and inserting instead –

“

to the credit of the Road Trauma Trust Fund established in accordance with the *Road Safety Council Act 2002* section 12

”.

**PETER J. MCHUGH**

Clerk of the Legislative Assembly