

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 74

WEDNESDAY, 17 MARCH 2010, 12 noon

| | |
|--------------------------------|-------------------------------------|
| 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.

BILLS - NOTICES OF MOTION

1. Pay-roll Tax Rebate Bill 2010 (Notice given – 16/3/10)

The Treasurer: To move –

That a Bill for “An Act to provide for a rebate on pay-roll tax for the 2009/10 assessment year and for related matters.” be introduced and read a first time.

2. Credit (Commonwealth Powers) Bill 2010 (Notice given – 16/3/10)

The Minister for Commerce: To move –

That a Bill for “An Act to adopt the *National Consumer Credit Protection Act 2009* (Commonwealth) as amended and the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* (Commonwealth), and to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the Commonwealth, for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth.” be introduced and read a first time.

3. Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010
(Notice given – 16/3/10)

The Minister for Commerce: To move –

That a Bill for “An Act to amend or repeal various Acts as a consequence of the *National Consumer Credit Protection Act 2009* (Commonwealth).” be introduced and read a first time.

GOVERNMENT BUSINESS - NOTICE OF MOTION

1. Private Members’ Business Precedence (Notice given – 16/3/10)

The Leader of the House: To move –

That so much of the Standing Orders be suspended as is necessary to enable Private Members’ Business to have priority from 4.00 p.m. to 8.00 p.m. on Wednesday, 17 March 2010.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. Treasurer’s Advance Authorisation Bill 2010 (Treasurer) (No. 119, 2r. – 10/3/10)

Further consideration in detail – Clause 3.

2. *Road Traffic Amendment Bill 2010 (Minister for Police) (No. 118, 2r. – 9/3/10)

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

3. Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009 (Minister for Lands)
(No. 100, 2r. – 18/11/09)

Second reading. Adjourned debate (Ms R. Saffioti).

4. *Approvals and Related Reforms (No. 4) (Planning) Bill 2009 (Minister for Planning)
(No. 101, 2r. – 18/11/09)

Second reading. Adjourned debate (Ms R. Saffioti).

5. Railway (Butler to Brighton) Bill 2009 (Parliamentary Secretary representing the Minister
for Transport) (No. 075, 2r. – 26/11/09)

Second reading. Adjourned debate (Ms R. Saffioti – continuation of remarks).

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

Second reading. Adjourned debate (Attorney General).

7. Pay-roll Tax Assessment Bill 2010 (Treasurer) (No. 107, 2r. – 9/3/10)

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

8. Hairdressers Registration (Amendment and Expiry) Bill 2010 (Minister for Commerce)
(No. 117, 2r. – 9/3/10)

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

9. Premier’s Statement

Adjourned debate (Leader of the House) on the question, That the Premier’s Statement be noted.

10. Public Sector Reform Bill 2009 (Premier) (No. 103, 2r. – 25/11/09)

Second reading. Adjourned debate (Ms R. Saffioti).

11. Retail Trading Hours Amendment Bill 2009 (Premier) (No. 061, 2r. – 17/6/09)

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

- 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. *Health and Disability Services Legislation Amendment Bill 2009** (Minister for Health) (No. 064, 2r. – 19/8/09)

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

- 14. *Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08)

Further consideration in detail – Clause 1.

- 15. Interpretation and Reprints Amendment Bill 2008** (Premier) (No. 003, 2r. – 3/12/08)

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

- 16. Child Support (Adoption of Laws) Amendment Bill 2009** (Attorney General) (No. 098, 2r. – 25/11/09)

Second reading. Adjourned debate (Ms R. Saffioti).

- 17. Revenue Laws Amendment and Repeal Bill 2010** (Treasurer) (No. 115, 2r. – 10/3/10)

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

- 18. Revenue Laws Amendment Bill 2010** (Treasurer) (No. 116, 2r. – 10/3/10)

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

- 19. Grain Marketing Repeal Bill 2010** (Minister for Agriculture and Food) (No. 110, 2r. – 10/3/10)

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

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

- 1. Western Australian Jobs and Economic and Financial Management** (Notice given – 31/3/09, renewed – 16/9/09)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for its failure to protect Western Australian jobs and its poor economic and financial management.

- 2. Employment-generating Iconic Capital Works Projects** (Notice given – 31/3/09, renewed – 16/9/09)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for its lack of vision in the development of employment-generating, iconic capital works projects.

- 3. State Underground Power Program** (Notice given – 1/4/09, renewed – 17/9/09)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Energy for stalling the State Underground Power Program (SUPP) and failing to fund any new underground power projects in Western Australia.

4. Ellenbrook Rail Line (Notice given – 5/5/09, renewed – 14/10/09)

Ms R. Saffioti: To move –

That this House condemns the Barnett Liberal Government for abandoning its election commitment to start building a rail line to Ellenbrook in 2012.

5. Demolition of the Merredin Railway Institute Hall (Notice given – 6/5/09), renewed – 15/10/09)

Mr J.N. Hyde: To move –

That this House demands the Minister for Heritage support a stop work order on demolition of the Merredin Railway Institute Hall, built in 1930 and the only timber Railway Institute Hall remaining in Western Australia.

6. Education and Health Standing Committee – Inquiry into the Fresh Start Illicit Drug Program and Naltrexone Implants (Notice given – 12/5/09, renewed – 21/10/09)

Mr R.H. Cook: To move –

(1) That the Legislative Assembly supports the Education and Health Standing Committee establishing an inquiry into the Fresh Start Illicit Drug Program and the use of Naltrexone implants in the treatment of opiate and alcohol dependent patients with the following terms of reference:

- (a) to examine the merits of the program and progress towards the registration of Naltrexone implants with the Therapeutic Goods Administration and other trials of Naltrexone implants in Australia and overseas;
- (b) the efficacy and safety of the program;
- (c) the appropriate level and type of government support that should be provided to the program; and
- (d) the Fresh Start Clinic and its practices.

(2) That the Committee make recommendations and report to the Legislative Assembly no later than 13 August 2009.

7. Australian Abruzzo Earthquake Appeal (Notice given – 12/5/09, renewed – 21/10/09)

Mr J.N. Hyde: To move –

That this Parliament calls on the Western Australian Government to donate \$100,000 to the Western Australian-based Australian Abruzzo Earthquake Appeal, in line with the South Australian Government's \$100,000 to the South Australian-based appeal.

8. Funding of the Arts in Fremantle (Notice given – 9/6/09, renewed – 19/11/09)

Mr J.N. Hyde: To move –

That this House condemns the Barnett Government for its defunding and denuding of the arts in Fremantle, through the closure of the Fremantle History Museum, the Fremantle Light and Sound Discovery Centre and the World of Energy Museum, Western Australia's premier energy and environmental education centre.

9. 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.

10. 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.

11. 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.

12. Percentage of School Fees Collected for State Senior High Schools (Notice given – 17/9/09)

Mrs M.H. Roberts: To move –

That this House directs the Minister for Education to:

- (a) table at the next sitting of the Legislative Assembly the supplementary information requested of her in Estimates Committee A (Reference No. A22) regarding the percentage of school fees collected for senior high schools in the State; and
- (b) make a personal explanation to the House as to why she has concealed this information from the House.

13. Perth Parking Management Amendment Regulations (No. 2) 2009 (Notice given – 22/9/09)

Ms A.J.G. MacTiernan: To move –

That the *Perth Parking Management Amendment Regulations (No. 2) 2009* under the *Perth Parking Management Act 1999*, a copy of which was laid upon the Table of the House on 11 August 2009, is hereby disallowed.

14. Direction 2031 Plan for Perth (Notice given – 24/9/09)

Ms A.J.G. MacTiernan: To move –

That this House calls on the Minister for Planning to comprehensively amend his Direction 2031 Plan for Perth and in particular not proceed with the proposed downgrading of Armadale and Midland town centres.

15. Deaths and Critical Injuries on Regional Roads (Notice given – 20/10/09)

Ms M.M. Quirk: To move –

That this House notes with concern the disproportionate number of deaths and critical injuries on our regional roads and calls on the Barnett Government to:

- (a) fund the *Towards Zero* road safety strategy;
- (b) reinstate previous funding levels of the Road Trauma Trust fund which supports targeted regional roadwise campaigns;
- (c) reinstate previous levels of regional road funding;
- (d) provide a better police presence on our roads;
- (e) adhere to its election promise to purchase two additional drug driving buses; and
- (f) immediately commit to a comprehensive funded and targeted plan to reduce road trauma on our regional roads.

16. 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.

17. Logging of Native Forests under the Existing Management Plan in South West Region of Western Australia (Notice given – 9/3/10)

Dr J.M. Woollard: To move –

- (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.

18. Fish Resources Management Amendment Regulations 2010 (Notice given – 9/3/10)

Mr E.S. Ripper: To move –

That Regulation 6 of the *Fish Resources Management Amendment Regulations 2010* under the *Fish Resources Management Act 1994*, a copy of which was laid upon the Table of the House on Tuesday, 23 February 2010, is hereby disallowed.

19. Years 11 and 12 at District High Schools (Notice given – 16/3/10)

Mrs M.H. Roberts: To move –

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.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Local Government Amalgamation Policy (Moved – 1/4/09)

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

That this House condemns the Premier and the Minister for Local Government for their confusing, destructive and non-consultative local government amalgamation policy.

2. Independent Mental Health and Wellbeing Commissioner (Moved – 8/4/09)

Adjourned debate (Ms L.L. Baker – continuation of remarks) on the motion moved by Mr R.H. Cook –

That this House condemns the Minister for Mental Health for his failure to act on issues as detailed in the *Liberal Plan for the First 100 Days of Government* which says the Government will appoint an independent Mental Health and Wellbeing Commissioner.

3. Weapons (Supply to Minors and Enhanced Police Powers) Amendment Bill 2008 (Ms M.M. Quirk) (No. 022, 2r. – 3/12/08)

Second reading. Adjourned debate (Mr A.P. O’Gorman – continuation of remarks).

4. Regional Projects and Programmes (Moved – 20/5/09)

Adjourned debate (Minister for Regional Development – continuation of remarks) on the motion moved by Ms A.J.G. MacTiernan –

That this House condemns the Minister for Regional Development for axing and deferring significant projects and programmes across regional Western Australia in defiance of his promise that Royalties for Regions funding would be over and above existing budget commitments.

5. “Towards Zero” Road Safety Strategy (Moved – 17/6/09)

Adjourned debate (Mr D.A. Templeman – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House condemns the Minister for Road Safety for his failure to take any measures to stem the tide of fatalities and serious critical injuries on Western Australian roads and to implement and fund the “Towards Zero” road safety strategy targeted specifically at reducing the levels of road trauma suffered by Western Australians.

6. Recreational Fishing Fees (Moved – 12/8/09)

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.

7. 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.

8. 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.

9. *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).

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

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

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

To be read a second time.

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

To be read a second time.

- 13. Implementation of Government's Hundred Day Plan** (Moved – 3/12/08)

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.

- 14. 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).

- 15. 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.

- 16. 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.

- 17. 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).

- 18. Criminal Code (Identity Theft) Amendment Bill (No. 2) 2009** (Mr J.R. Quigley) (No. 92, 2r. – 14/10/09)

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

- 19. *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.

- 20. 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.

21. 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.

22. 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.

COMMITTEES TO REPORT

Education and Health Standing Committee:

Review of Western Australia's Current and Future Hospital and Community Health Services – 6 May 2010

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 – 24 June 2010

Public Accounts Committee:

Inquiry into Project Planning and Funding Applications for Major WA 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 | 30 June 2010 |

Procedure and Privileges Committee Inquiry into Matters Arising from the
Corruption and Crime Commission's
Report into the Investigation of
Alleged Public Sector Misconduct 17 November 2010

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 |

- * 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 (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:

“

- (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 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

- (c) 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:

“

- (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 24A(1) in each calendar year.

”.

Clause 20.

Ms M.M. Quirk: To move –

Page 12, 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 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.

”.

Approvals and Related Reforms (No. 4) (Planning) Bill 2009 (No. 101 –1)

Clause 46.

Mr M. McGowan: To move –

Page 31, after line 15 – To insert –

“

- (5) Notwithstanding anything contained in this Part, no matter that is valued at less than four million dollars will go before a DAP for decision.

”.

Mr M. McGowan: To move –

Page 35, after line 30 – To insert –

“

- (6) The local government or local governments affected by the operation of a DAP must be consulted about the proposed appointment of DAP members who are not members of that local government or local governments.
- (7) Each DAP must include at least two members of the local government district in which the relevant development is located.

”.

Mr M. McGowan: To move –

Page 37, lines 20 to 25 – To delete the lines.

Mr M. McGowan: To move –
Page 38, after line 6 – To insert –

“

Notwithstanding anything contained in this Part, the cost of staffing facilities and services of a DAP will be met by the State.

”.

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

”.

Health and Disability Services Legislation Amendment Bill 2009 (No. 064 – 1)

Clause 19.

Dr J.M. Woollard: To move –

Page 10, after line 20 — To insert:

“

36BA. Protection of provider’s statements

- (1) Evidence of anything said in a response given by a provider under section 36A is not admissible in proceedings before a court or tribunal.
- (2) Despite the *Parliamentary Commissioner Act 1971* section 20(3), evidence referred to in subsection (1) may be disclosed to the Parliamentary Commissioner for Administrative Investigations for the purposes of an investigation under that Act.

”.

New clause 23A.

Dr J.M. Woollard: To move –

Page 12, after line 25 — To insert:

“

23A. Section 50 amended

After section 50(1) insert:

- (2A) Before making a decision under subsection (1), the Director must —
 - (a) consult the provider; and
 - (b) if any action that the Director considers ought to be taken to remedy the matter is likely to have an impact on other providers, consult a group of those providers.

”.

New clause 24A.

Dr J.M. Woollard: To move –

Page 13, after line 27 — To insert:

“

24A. Section 56 amended

In section 56(1):

- (a) in paragraph (b) delete “functions.” and insert:

functions; or
- (b) after paragraph (b) insert:
 - (c) arising from information given to the Director under section 75.

”.

New clause 27A.

Dr J.M. Woollard: To move –

Page 14, after line 10 — To insert:

“

27A. Section 79 replaced

Delete section 79 and insert:

79. Review of Act

- (1) The Minister must carry out a review of, and prepare a report on, the operation and effectiveness of —
 - (a) this Act; and
 - (b) the *Disability Services Act 1993* Part 6,

as soon as practicable after 5 years after the date on which the *Health and Disability Services Legislation Amendment Act 2009* section 27A comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared.

”

Clause 42.

Dr J.M. Woollard: To move –

Page 22, after line 5 — To insert:

“

- (8) Evidence of anything said in a response given by a respondent under this section is not admissible in proceedings before a court or tribunal.
- (9) Despite the *Parliamentary Commissioner Act 1971* section 20(3), evidence referred to in subsection (8) may be disclosed to the Parliamentary Commissioner for Administrative Investigations for the purposes of an investigation under that Act.

”

New clause 46A.

Dr J.M. Woollard: To move –

Page 25, after line 8 — To insert:

“

46A. Section 42 amended

After section 42(3) insert:

- (4A) Before making a decision under subsection (1) to recommend any action that ought to be taken to remedy the matter, the Director must —
 - (a) consult the respondent; and

- (b) if any action that the Director considers ought to be taken to remedy the matter is likely to have an impact on people other than the respondent, consult a group of those people.

”.

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.

Road Traffic Amendment Bill 2010 (No. 118 –1)

Clause 10.

Ms Margaret Quirk: To move –

Page 11, after line 9 – To insert –

“

- (a) delete “The Commissioner” and insert –
 “ Subject to section 79EA(5), the Commissioner ”.

”.

Clause 10.

Ms Margaret Quirk: To move –

Page 12, after line 29 - To insert –

“

- (fa) a senior police officer is satisfied that, at the time the offence in respect of which the vehicle was impounded was committed –
- (i) the person who allegedly committed the offence (the ***alleged offender***) was an employee of a responsible person for the vehicle; and
 - (ii) the employer of the alleged offender was unaware of the alleged commission of the offence; and

- (iii) the employer of the alleged offender took all reasonable steps to prevent the commission of the offence; and
- (iv) the alleged offender was not a responsible person for the vehicle;

or

(fb) a senior police officer is satisfied that, at the time the offence in respect of which the vehicle was impounded was committed –

- (i) the vehicle was a taxi within the meaning of the *Taxi Act 1994*; and
- (ii) the person who allegedly committed the offence (the *alleged offender*) leased the vehicle from a responsible person for the vehicle; and
- (iii) the responsible person for the vehicle was unaware of the commission of the offence; and
- (iv) the responsible person for the vehicle took all reasonable steps to prevent the commission of the offence; and
- (v) the alleged offender was not a responsible person for the vehicle;

or

”.

New clause.

Ms Margaret Quirk: To move –

Page 13, after line 22 – To insert –

“

11. Section 79EA inserted

After section 79D insert –

“

79EA. Release of impounded vehicles on grounds of manifest unfairness or injustice

- (1) Where a senior police officer has determined under section 79D that exceptional hardship will not be suffered in a particular case; or
- (2) Where circumstances outlined in section 79D(d)-(fb) do not apply;
- (3) A person responsible for an impounded vehicle may apply directly to the Commissioner on the grounds that the failure to release the vehicle would be manifestly unjust or unfair.
- (4) The Commissioner may require a person seeking release of an impounded vehicle under this section to provide information to him in the form of a statutory declaration.
- (5) The Commissioner shall release the vehicle the subject to an application under this section if he is satisfied that failure to release the vehicle would be manifestly unjust or unfair.
- (6) A decision made under subsection (5) must be made by the Commissioner or by a person acting in the role of Commissioner, and cannot be otherwise delegated to any other person.

- (7) Regulations may prescribe the method by which an application must be made under this section.

””.

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