

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

---

### NOTICES AND ORDERS OF THE DAY

No. 91

TUESDAY, 22 JUNE 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](http://www.parliament.wa.gov.au).*

---

#### BILLS - NOTICE OF MOTION

**1. Children and Community Services Amendment Bill 2010** (Notice given – 17/6/10)

The Parliamentary Secretary representing the Minister for Child Protection: To move –

That a Bill for “An Act to amend the *Children and Community Services Act 2004*, to consequentially amend the *Working with Children (Criminal Record Checking) Act 2004*, and for related purposes.” be introduced and read a first time.

---

#### GOVERNMENT BUSINESS – ORDERS OF THE DAY

**1. \*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).

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

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

- 3. Standardisation of Formatting Bill 2009** (Attorney General) (LC No. 066, 2r. – 21/4/10)

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

- 4. \*Public Sector Reform Bill 2009** (Premier) (No. 103, 2r. – 25/11/09)

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

- 5. Land Tax Assessment Amendment Bill 2010** (Minister Assisting the Treasurer) (No. 132, 2r – 26/5/10)

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

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

Further consideration in detail of Legislative Council Message No. 79 – Amendment No. 1.

- 7. Child Pornography and Exploitation Material and Classification Legislation Amendment Bill 2009** (Attorney General) (LC No. 043, 2r. – 21/4/10)

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

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

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

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

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

- 10. 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).

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

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

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

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

- 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. Misuse of Drugs Amendment Bill 2010** (Minister for Police) (No. 114, 2r. – 5/5/10)

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

- 17. 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).

- 18. 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).

- 19. 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).

- 20. 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).

- 21. Retail Trading Hours Amendment (Armadale Tourism Precinct) Bill 2010** (Minister for Commerce) (No. 139, 2r. – 17/6/10)

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

- 22. 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).

---

## PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

- 1. 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.

- 2. 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.

- 3. 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.

**4. 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.

**5. 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.

**6. Direction 2031 Plan for Perth** (Notice given – 24/9/09) (renewed – 18/5/10)

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.

**7. 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.

---

**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.

---

**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 – 24 June 2010

Public Accounts Committee:

Inquiry into Government Payments to Ms Tirzah Bell – 24 June 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 Corruption and Crime Commission: Report on the Investigation of Alleged Public Sector Misconduct in Relation to the Activities of an Associate to a Judge of the District Court of Western Australia	Attorney General	18 June 2010
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

---

\* 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

”.

---

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

Clause 9.

The Minister for Health: To move –

Page 4, lines 26 to 31 – To delete the lines and substitute:

“

(c) in paragraph (b) before “to review” insert:

in collaboration with groups of providers or groups of users or both,

”.

Clause 15.

The Minister for Health: To oppose the clause.

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 34.

The Minister for Health: To move –

Page 16, lines 24 to 30 – To delete the lines and substitute:

“

- (c) in paragraph (b) before “to review” insert:

in collaboration with groups of service providers or groups of persons to whom disability services are provided or both,

”.

Clause 41.

The Minister for Health: To oppose the clause.

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.

---

***Public Sector Reform Bill 2009 (No. 103 – 1)***

Clause 9.

The Premier: To move –

Page 5, line 14 – To delete “instructions, if any,” and substitute:

“ instructions ”.

Clause 19.

The Premier: To move –

Page 9, after line 1 – To insert:

“ (2A) Delete section 21(4). ”.

Clause 20.

The Premier: To move –

Page 11, after line 12 — To insert:

“

(6A) The Commissioner must, before issuing, amending or revoking a Commissioner’s instruction, consult such persons as the Commissioner considers it desirable and practicable to consult.

”.

Clause 34.

The Premier: To move –

Page 25, line 25 – To delete “to any person.” and substitute:

“

to —

- (a) a public service officer; or
- (b) any other employee; or
- (c) a person who is appointed, employed or holds office in an entity that is —
  - (i) listed in Schedule 1 column 2; and
  - (ii) prescribed for the purposes of this section;

or

- (d) with the approval of the Commissioner, any other person.

”.

The Premier: To move –

Page 25, after line 25 – To insert:

“

(2A) The Commissioner must not approve a delegation under subsection (1)(d) unless the Commissioner is satisfied that the delegation is necessary or convenient having regard to —

- (a) the functions of the department or organisation in relation to which the chief executive officer or chief employee has the power or duty; or
- (b) the specialised knowledge, expertise or resources of the person to whom the power or duty is delegated.

”.

The Premier: To move —

Page 26, after line 4 — To insert:

“

(5A) If a power or duty is delegated under subsection (1), the power or duty is, when exercised or performed by the delegate, to be taken to be exercised or performed by the person who delegated it.

”.

Clause 41.

The Premier: To move —

Page 28, lines 12 and 13 — To delete the lines.

The Premier: To move —

Page 29, lines 3 to 31 — To delete the lines.

The Premier: To move —

Page 29, line 33 — To delete “45(13) delete “nominated or”.” and substitute:

“

45(13):

- (a) delete “nominated or”;
- (b) delete “or the Minister, as the case requires,”.

”.

Clause 42.

The Premier: To move —

Page 30, lines 10 to 12 — To delete the lines.

The Premier: To move —

Page 30, lines 25 to 28 — To delete the lines.

Clause 57.

Mr V.A. Catania: To oppose the clause with the view to moving the following new clause –

“

**57. Section 99 deleted**

Delete section 99.

”.

Clause 66.

The Premier: To move –

Page 41, lines 18 and 19 – To delete “entitled to hold office as Commissioner in accordance with Part 3A” and substitute:

“ to hold office as Commissioner subject to Part 3A Division 1 ”.

The Premier: To move –

Page 43, line 17 – To delete “24I” and substitute:

“ 24H ”.

The Premier: To move –

Page 46, after line 4 — To insert:

“

**10A. General savings — Commissioner**

- (1) A thing done or omitted to be done by, to or in relation to the former Commissioner before the commencement day, whether under this Act or any other written law, has the same effect after the commencement day, to the extent that it has any force or significance after that day, as if it had been done or omitted by, to or in relation to the Commissioner.
- (2) Subclause (1) does not apply if a contrary intention appears or the context otherwise requires.

”.

The Premier: To move –

Page 46, line 9 – To delete “regulation” and substitute:

“ recommendation ”.

Clause 89.

The Premier: To move –

Page 64, after line 9, in the Table – To insert in alphabetical order:

“

<i>Royalties for Regions Act 2009</i>	s. 20
---------------------------------------	-------

”.



New clause 93A.

The Premier: To move –

Page 74, after line 15 – To insert:

“

**93A. Section 22A amended**

After section 22A(1) insert:

- (2A) The Commissioner must issue instructions to ensure that, if a decision is made under section 81(1)(a) in respect of an employee, the employee is —
- (a) notified in writing of the possible breach of discipline; and
  - (b) given a reasonable opportunity to respond.

”.

Clause 97.

The Premier: To move –

Page 83, line 28 – To delete “81(1)(b),”.

Clause 107.

The Premier: To move –

Page 91, line 30 – To delete “regulation” and substitute:

“ recommendation ”.

---

***Road Traffic Amendment Bill 2010 (No. 118—1)***

Legislative Council Message No. 79.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Road Traffic Amendment Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

The Minister for Police has moved, That amendment No. 1 be agreed to.

**No. 1**

Page 2, line 14 — To delete the line and insert —

section 79BB(2), 79BCB(2) or 79BCE(2).

**No. 2**

Page 2, lines 16 to 18 — To delete the lines and insert —

- (2) In section 78C(2) delete “section 79BB(2)” and insert:

section 79BB(2), 79BCB(2) or 79BCE(2)

### **No. 3**

Page 2, line 22 — To delete the line and insert —

section 79BB(2), 79BCB(2) or 79BCE(2); or

### **No. 4**

Page 3, line 4 — To delete the line and insert —

79A(1), 79BB, 79BCB or 79BCE

### **No. 5**

Page 6, after line 29 — To insert —

#### **79BCC. Cancelling notices to surrender**

(1) In this section —

*notice to surrender* means —

- (a) a surrender notice given under section 79BA; or
- (b) a surrender substitute vehicle notice given under section 79BCA; or
- (c) a surrender alternative vehicle notice given under section 79BCD.

(2) If a senior police officer is satisfied that —

- (a) a notice to surrender has been given to a person in respect of a vehicle; and
- (b) the vehicle has not been impounded under section 79BB, 79BCB or 79BCE, as the case may be; and
- (c) either —
  - (i) if the vehicle were so impounded, the vehicle would be a vehicle that could, under section 79D, be released before the impounding period ends; or
  - (ii) the vehicle's condition is such that it no longer functions as a vehicle and a licence could not be issued for it under Part III,

the officer may cancel the notice to surrender.

(3) As soon as is practicable after a senior police officer cancels a notice to surrender, the officer must give a written notice of the cancellation to the person to whom the notice to surrender was given.

#### **79BCD. Notice to surrender alternative vehicle if surrender notice cancelled**

(1) This section applies if —

- (a) under section 79BA a surrender notice is given to a person responsible for a vehicle (**vehicle A**) the driver of which (the **alleged offender**) is suspected of having committed an offence (the **offence**); and
  - (b) under section 79BCC the surrender notice is cancelled before vehicle A is impounded under section 79BB; and
  - (c) the alleged offender is a responsible person for one or more other vehicles.
- (2) If this section applies, a member of the Police Force may give the alleged offender, personally or by registered post, a notice in accordance with this section (a **surrender alternative vehicle notice**).
- (3) The surrender alternative vehicle notice cannot be given after 28 days after the date on which the surrender notice was cancelled.
- (4) The surrender alternative vehicle notice must contain a statement to the effect that, because vehicle A will not be impounded, a vehicle for which the alleged offender is a responsible person (the **alternative vehicle**) is required to be surrendered to the Commissioner for impounding instead of vehicle A.
- (5) The surrender alternative vehicle notice must specify the following —
- (a) in relation to the offence, its details and the time and place at which it is suspected to have been committed;
  - (b) which of sections 79(1) and 79A(1) is the provision that authorised the impounding of vehicle A (the **impounding provision**);
  - (c) sufficient details of vehicle A to identify it;
  - (d) when the surrender notice was cancelled under section 79BCC;
  - (e) sufficient details of the alternative vehicle to identify it;
  - (f) if the impounding provision is section 79(1) and the alleged offender is a previous offender as defined in section 79(1A), sufficient details to explain why the alleged offender is regarded as a previous offender;
  - (g) the length of the impounding period for the alternative vehicle, which is to be —
    - (i) if section 79(1) was the impounding provision for vehicle A, either 28 days or 3 months according to which of those periods was the impounding period for which section 79(1) required vehicle A to be impounded; and
    - (ii) if section 79A(1) was the impounding provision for vehicle A, 28 days;
  - (h) the place at which, and the time of day during which, the alternative vehicle and its keys are required to be surrendered under this Division;
  - (i) the last day on or before which the alternative vehicle and its keys are required to be surrendered, being the seventh day after the day on which the notice is given.
- (6) The surrender alternative vehicle notice must also include —
- (a) a statement to the effect that this Division contains law about the notice and the impounding of the vehicle; and
  - (b) a statement as to the effect of section 79BCE(5); and

- (c) a statement to the effect that failure to comply with the notice will result in the vehicle being impounded by operation of section 79BCE(2).
- (7) If the alleged offender is a responsible person for 2 or more other vehicles, the surrender alternative vehicle notice must specify only one of them as the alternative vehicle, being the one decided by the member of the Police Force issuing the notice.

**79BCE. Consequences of surrender of alternative vehicle notice**

- (1) If a responsible person who is given a surrender alternative vehicle notice under section 79BCD surrenders the alternative vehicle specified in the notice according to the notice, the vehicle is impounded by operation of this subsection for a period that commences at the time when the vehicle is surrendered.
- (2) If a responsible person who is given a surrender alternative vehicle notice under section 79BCD fails to surrender the alternative vehicle specified in the notice according to the notice, the vehicle is impounded by operation of this subsection for a period that commences at the time when a member of the Police Force takes possession of the vehicle for the purpose of impounding it.
- (3) An impounding period the length of which is specified as 28 days or 3 months in a surrender alternative vehicle notice includes the part of the day on which the vehicle is impounded that is after the impounding occurred even though including that part of the day makes the period more than 28 days or 3 months, as the case requires.
- (4) The period for which a vehicle is impounded by operation of subsection (1) or (2) ends when the impounding period has passed since the end of the day on which the vehicle was impounded.
- (5) A responsible person who is given a surrender alternative vehicle notice under section 79BCD commits an offence and is liable to a fine of 50 PU if, when the alternative vehicle specified in the notice has not been impounded by operation of subsection (1) or (2) as a consequence of the notice, the person disposes of an interest that the person has in the vehicle.

**No. 6**

Page 7, line 13 — To delete the line and insert —

notice; or

- (c) a responsible person for a vehicle who is given a surrender alternative vehicle notice under section 79BCD fails to surrender the alternative vehicle specified in the notice according to the notice,

**No. 7**

Page 9, after line 9 — To insert —

- (3C) The Commissioner is to ensure that, as soon as practicable after a vehicle (the *alternative vehicle*) is impounded under section 79BCE following the issue of a

surrender alternative vehicle notice to a responsible person for the vehicle under section 79BCD, notice of the impounding is given to —

- (a) each responsible person for the vehicle; and
- (b) if the licence in respect of the vehicle is for the time being suspended under section 79BD, the Director General.

(3D) The notice of the impounding given under subsection (3C) is to be in an approved form and contain details of —

- (a) the offence referred to in section 79BCD(1)(a) including the time and place at which it is suspected to have been committed; and
- (b) the alternative vehicle sufficient to identify it; and
- (c) the time when the alternative vehicle was impounded; and
- (d) the address of the place where the alternative vehicle is stored; and
- (e) the length of the impounding period for the alternative vehicle which is to be the period specified in the surrender alternative vehicle notice under section 79BCD(5)(g); and
- (f) the grounds on which the alternative vehicle may be released under section 79D; and
- (g) how, when and to whom the alternative vehicle can be released; and
- (h) the powers of a court under sections 80A, 80B, 80C and 80FA in relation to the impounding and confiscation of vehicles.

#### **No. 8**

Page 9, line 16 — After “section 79BCA” to insert —

or a surrender alternative vehicle notice under section 79BCD

#### **No. 9**

Page 10, line 12 — After “section 79BCB,” to insert —

or an alternative vehicle has been impounded under section 79BCE,

#### **No. 10**

Page 10, line 18 — To delete “given” and insert —

given, or under section 79BCD a surrender alternative vehicle notice has been given,

#### **No. 11**

Page 10, line 26 — To delete “notice,” and insert —

notice or surrender alternative vehicle notice,

#### **No. 12**

Page 10, after line 33 — To insert —

**taxi** means a vehicle —

- (a) on which taxi plates issued under the *Taxi Act 1994* are being used; or
- (b) in respect of which a taxi-car licence has been issued under the *Transport Co-ordination Act 1966* Part IIIB,

and it does not matter whether or not, at the relevant time, it is standing or plying for hire or carrying passengers for reward;

**taxi operator**, of a taxi, means a person who —

- (a) under the *Taxi Act 1994*, owns or leases the taxi plates, issued under that Act, that are being used on the taxi; or
- (b) holds the taxi-car licence issued under the *Transport Co-ordination Act 1966* in respect of the taxi;

### No. 13

Page 11, line 7 — To delete the line and insert —

79A(1), 79BB, 79BCB or 79BCE;

### No. 14

Page 11, line 20 — To delete “responsible person for it,” and insert —

person lawfully in possession of it,

### No. 15

Page 12, after line 30 — To insert —

- (ga) 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 used primarily in the course of a business conducted by a person (the **business owner**); and
  - (ii) the person who allegedly committed the offence (the **alleged offender**) was an employee or contractor of the business owner; and
  - (iii) the alleged offender was driving the vehicle with the consent of the business owner or an agent of the business owner; and
  - (iv) the person who consented to the alleged offender driving the vehicle had complied with subsection (4A); and
  - (v) the alleged offender was not a responsible person for the vehicle;
- or
- (gb) 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; and
  - (ii) the person who allegedly committed the offence (the *alleged offender*) was driving the taxi under an agreement between him or her and the taxi operator of the taxi, or an agent of the taxi operator, under which the alleged offender pays the operator or agent in order to be allowed to drive the taxi for reward; and
  - (iii) the taxi operator or agent who entered into the agreement with the alleged offender had complied with subsection (4B); and
  - (iv) the alleged offender was not a responsible person for the vehicle;
- or
- (gc) 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 licensed under the *Transport Co-ordination Act 1966* to be operated as an omnibus; and
    - (ii) the person who allegedly committed the offence (the *alleged offender*) was an employee or contractor of the holder of that licence; and
    - (iii) the alleged offender was driving the vehicle with the consent of the holder of that licence; and
    - (iv) the person who consented to the alleged offender driving the vehicle had complied with subsection (4A); and
    - (v) the alleged offender was not a responsible person for the vehicle;
- or
- (gd) a senior police officer is satisfied that —
    - (i) the vehicle cannot be released under any of paragraphs (a) to (gc) or under circumstances prescribed under paragraph (g); and
    - (ii) unless the vehicle is released, manifest injustice or manifest unfairness will be suffered by a person other than the alleged offender;
- or

## No. 16

Page 13, after line 12 — To insert —

- (4A) For the purposes of subsection (2)(ga)(iv) and (gc)(iv), a person who consents to an employee or contractor driving a vehicle must —
  - (a) ensure the driver has a driver's licence that authorises him or her to drive the vehicle; and
  - (b) ensure the driver has been instructed to obey the law when driving the vehicle.
- (4B) For the purposes of subsection (2)(gb)(iii), a taxi operator or agent who enters into an agreement with a driver must —

- (a) ensure the driver has a driver's licence that authorises him or her to drive the vehicle; and
  - (b) ensure the driver has been instructed to obey the law when driving the vehicle.
- (4C) For the purposes of subsection (2)(gd) none of these factors by itself means manifest injustice or manifest unfairness will be suffered by a person —
- (a) if the offence in respect of which the vehicle was impounded was an impounding offence (driver's licence), the fact that a person responsible for the vehicle concerned had no grounds to suspect the alleged offender was not authorised to drive the vehicle at the time of the offence;
  - (b) the fact that, although a responsible person for the vehicle expressly or impliedly authorised the person who allegedly committed the offence in respect of which the vehicle was impounded (the *alleged offender*) to drive the vehicle, the responsible person had no grounds to suspect the alleged offender would drive in a manner that contravened this Act.

## No. 17

Page 13, lines 27 and 28 — To delete the lines and insert —

and any substitute vehicle impounded under section 79BCB and any alternative vehicle impounded under section 79BCE

## *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