

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 157

TUESDAY, 16 AUGUST 2011, 2.00 p.m.

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Prayers \*

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements \*

Questions Without Notice \*

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

–	approximately 2.00 p.m. each day
–	one per week on any day
–	4.00 p.m. to 7.00 p.m. Wednesdays
–	approximately 9.00 a.m. Thursdays
–	12.50 p.m. Thursdays

*\*Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

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**Memorandum:** *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).*

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#### GOVERNMENT BUSINESS – ORDERS OF THE DAY

**1. Duties Amendment Bill 2011** (Treasurer) (No. 220, 2r. – 22/6/11)

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

**2. Curriculum Council Amendment Bill 2011** (Minister for Education) (No. 203, 2r.– 18/5/11)

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

**3. \*Metropolitan Redevelopment Authority Bill 2011** (Minister for Planning) (No. 219, 2r. – 22/6/11)

Further consideration in detail – Clause 19.

**4. Parliamentary Superannuation Amendment Bill 2011** (Attorney General) (No. 191, 2r. – 23/2/11)

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

**5. State Superannuation Amendment Bill 2011** (Treasurer) (No. 200, 2r. – 15/6/11)

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

**6. \*Residential Tenancies Amendment Bill 2011** (Minister for Transport) (No. 199, 2r. – 18/5/11)

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

**7. \*Professional Combat Sports Amendment Bill 2009** (Minister for Sport and Recreation) (No. 074, 2r. – 14/10/09) (restored 22/2/11)

Further consideration in detail – Clause 1.

**8. Cat Bill 2011** (Minister for Local Government) (No. 197, 2r. – 15/6/11)

Second reading. Adjourned debate (Mr M. McGowan).

**9. Conservation Legislation Amendment Bill 2010** (Minister for Environment) (LC No. 174, 2r. – 6/4/11)

Second reading. Adjourned debate (Mr C.J. Tallentire – continuation of remarks).

**10. Premier's Statement**

Adjourned debate (Mr V.A. Catania - continuation of remarks) on the question, That the Premier's Statement be noted.

**11. Statutes (Repeals and Minor Amendments) Bill 2010** (Attorney General) (LC No. 148, 2r. – 18/5/11)

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

**12. Electoral and Constitution Amendment Bill 2011** (Premier) (LC No. 190, 2r. – 25/5/11)

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

**13. Water Services Bill 2011** (Minister for Water) (No. 202, 2r. – 26/5/11)

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

**14. Water Services Legislation Amendment and Repeal Bill 2011** (Minister for Water) (No. 201, 2r. – 26/5/11)

Second reading. Adjourned debate (Mr M. McGowan).

**15. \*Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08) (restored 22/2/11)

Further consideration in detail – Clause 1.

**16. Commercial Arbitration Bill 2011** (Attorney General) (No. 205, 2r. – 15/6/11)

Second reading. Adjourned debate (Mr M. McGowan).

**17. Electronic Transactions Bill 2011** (Treasurer) (LC No. 161, 2r. – 10/8/11)

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

**18. Child Care Services Amendment Bill 2011** (Minister for Planning) (LC No. 162, 2r. – 10/8/11)

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

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**PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION**

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

Mr M.P. Murray: To move –

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

the House on 9 June 2009, is hereby disallowed.

**2. Classroom First and Networking Strategy** (Notice given – 15/3/11)

Mr B. Wyatt: To move –

That the House calls on the Minister for Education to outline how the Classroom First and Networking Strategy will improve the educational outcomes of our State's children and improve the quality of teaching in Western Australia.

**3. Organ Donation** (Notice given – 22/3/11)

Mr V. Catania: To move –

That the State Government make available information that will assist community consideration of options for organ donation, including an 'opt out' option and to debate the motion in accordance with the time limits applying to a matter of public interest.

**4. Heritage Act Amendments** (Notice given – 15/9/10) (renewed – 23/3/11)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for failing to:

- (a) introduce his own promised Heritage Act amendments; and
- (b) support Labor's proposed legislation to fix ongoing problems with demolition of valued heritage by neglect.

**5. Minister for Tourism** (Notice given – 12/10/10) (renewed – 12/4/11)

Mr J.N. Hyde: To move –

That this House expresses its lack of confidence in the Minister for Tourism due to her lack of real action to tackle plummeting tourism arrivals and remedy a lack of vision in Western Australia tourism and events.

**6. Economics and Industry Standing Committee Recommendations** (Notice given – 12/4/11)

Mr M. McGowan: To move –

That the House endorses the findings of the Economics and Industry Standing Committee inquiry into domestic gas prices and in particular the recommendation that:

- (a) the Government establishes an independent gas market monitor;
- (b) introduce the gas market bulletin board and statement of opportunities;
- (c) separate marketing of gas from the North West be supported; and
- (d) the Government immediately begin negotiations with the North West Shelf partners to ensure gas continues to be supplied into the domestic market from the Karratha gas plant beyond 2014.

**7. Police Resourcing** (Notice given – 9/8/11)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government on its failure to provide a visible, well-resourced police presence providing timely responses, a sense of safety in the community and inroads into the rapidly escalating methamphetamines manufacture.

**8. Fiona Stanley Hospital - Facilities Management Contract** (Notice given – 9/8/11)

Mr R.H. Cook: To move –

That this House condemns the Barnett Government on its failure to publish in full the details of the Facilities Management Services Contract between the Western Australian Government and Serco Pty Ltd for services provided at Fiona Stanley Hospital and calls on the Government to table the full contract without exemptions.

## PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

### 1. **Increases to Family Bills in Western Australia** (Moved – 18/8/10)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Mr E.S. Ripper –

That this House condemns the Barnett Government for its continued savage increases to family bills in Western Australia.

### 2. **Appointment of a Select Committee into the Increases to State Debt Since 2000** (Moved – 15/9/10) (last debated – 22/9/10)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

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

- (a) ascertain the overall level of debt of the State, its agencies and business enterprises, and the amount of its increase since 2000;
- (b) estimate the level of likely borrowings over the next six years which will be needed to cover existing or foreseeable liabilities;
- (c) identify any contingent liabilities which may require borrowings during the next six years;
- (d) identify the contributions of individual Government departments, agencies and business enterprises to this level of debt and future or contingent liabilities;
- (e) ascertain whether the debt of individual Government departments, agencies or business enterprises is fully, partially or not matched by realistically valued assets;
- (f) assess the impact of the debt on the revenue and expenditure of the State over the next six years;
- (g) recommend strategies for management of the debt over the next six years which will minimise the adverse effect of the debt on the revenues and expenditures of the State, and on the taxpayers of the State; and
- (h) recommend a long-term policy approach to the management and reporting of Government debt.

### 3. **\*Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009** (Mr E.S. Ripper) (No. 072, 2r. – 16/9/09) (restored – 23/9/10)

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

### 4. **Maintenance of Homeswest Properties** (Moved – 13/10/10)

Adjourned debate (Mrs L.M. Harvey – continuation of remarks) on motion moved by Mr P.C. Tinley –

That the House condemns the Barnett Government for its many failures in the area of housing, especially in the area of maintenance of Homeswest properties.

### 5. **Planning and Development Amendment Bill 2009** (Mr J.N. Hyde) (No. 080, 1r. – 23/9/09) (restored – 14/10/10)

To be read a second time.

### 6. **Heritage of Western Australia Amendment Bill 2009** (Mr J.N. Hyde) (No. 079, 1r. – 23/9/09) (restored – 14/10/10)

To be read a second time.

**7. Commercial Tenancy (Retail Shops) Amendment Bill 2009** (Mr F.M. Logan) (No. 081, 2r. – 14/10/09) (restored – 21/10/10)

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

**8. Referral to Committee** (Moved – 17/11/10)

Adjourned debate (Mr J.N. Hyde – continuation of remarks) on the motion moved by Mr J.N. Hyde –

- (1) That a bipartisan Select Committee of four members be established to review the *Heritage of Western Australia Act 1990* with the view to considering:
  - (a) the effectiveness of the operations of the Heritage Council;
  - (b) the need for the continuation of the functions of the Heritage Council; and
  - (c) any other matters relevant to the operation and effectiveness of the Act.
- (2) That, in accordance with Standing Order 277, the responsible Minister be directed to respond to the Committee's recommendations.
- (3) That the Committee report to the Legislative Assembly by 16 June 2011.

**9. Manufacturing and Engineering Sector** (Moved – 24/11/10)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Mr M. McGowan –

That the Barnett Government be condemned for its failure to act on the important issues of local content and jobs in the manufacturing and engineering area.

**10. Infrastructure Across Western Australia** (Moved – 6/4/11)

Adjourned debate (Mr W.J. Johnston – continuation of remarks) on the motion moved by Mr E.S. Ripper –

That this House condemns the Barnett Government for its failure to invest in basic infrastructure across Western Australia, in particular its failure to purchase additional trains and buses or to construct new road works to keep up with population growth.

**11. Skilled Local Jobs Bill 2011** (Mr E.S. Ripper) (No. 198, 2r. – 6/4/11) (last debated – 18/5/11)

Second reading. Adjourned debate (Mr R.H. Cook – continuation of remarks).

**12. Perth Theatre Trust Amendment Bill 2011** (Mr J.N. Hyde) (No. 209, 1r. – 25/5/2011)

To be read a second time.

**13. Acts Amendment (Western Australia Day) Bill 2011** (Mr J.N. Hyde) (No. 216, 1r. – 15/6/11)

To be read a second time.

**14. Equal Opportunity Amendment Bill 2011** (Mr J.N. Hyde) (No. 212, 1r. – 22/6/11)

To be read a second time.

**15. Indigenous Affairs** (Moved – 23/6/11)

Adjourned debate (Mr T.G. Stephens – continuation of remarks) on the motion moved by Mr J.J.M. Bowler –

That this House recognise the need for a bipartisan and new approach on the matter of Indigenous affairs.

**16. Franchising Bill 2010** (Mr P. Abetz) (No. 162, 2r. – 13/10/10) (last debated – 10/8/11)

Further consideration in detail – Clause 1.

## COMMITTEES TO REPORT

<i>Committee Report</i>	<i>Date Due</i>
Community Development and Justice Standing Committee: Inquiry into the Adequacy and Future Directions of Social Housing in Western Australia	1 December 2011
Joint Standing Committee on the Corruption and Crime Commission: Inquiry into Whether the Corruption and Crime Commission Should Continue to Conduct Public Hearings in the Exercise of its Misconduct Function	22 September 2011
Joint Standing Committee on the Corruption and Crime Commission: Inquiry into Whether the Corruption and Crime Commission Should Have the Jurisdiction to Recover Proceeds of Crime and Unexplained Wealth	22 September 2011
Joint Standing Committee on the Corruption and Crime Commission: Inquiry into how the Corruption and Crime Commission Deals with Allegations and Notifications of WA Police Misconduct	1 March 2012

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## REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	Consideration of the appropriateness of an inquiry into park home closures and evictions	13 April 2012
Economics and Industry Standing Committee	Dalyellup Housing Estate – Inquiry terms of reference and reporting date	August 2011

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## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee Report</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission – Death of a Witness	Attorney General	24 May 2011 [non-compliance reported 25 May 2011]
Education and Health Standing Committee – Changing Patterns in Illicit Drug Use in Western Australia	Minister for Mental Health; Minister for Police; Minister for Corrective Services; Attorney General; Minister for Health	26 August 2011
Joint Standing Committee on the Corruption and Crime Commission – Inquiry into the Use of Controlled Operations and Informants by Anti-Corruption and Law-Enforcement Agencies with Particular Emphasis on the Risks of Misuse of Power, Corruption, and Threat to Public Safety	Attorney General	16 September 2011
Education and Health Standing Committee – Alcohol: Reducing the Harm and Curbing the Culture of Excess	Premier; Minister for Racing and Gaming; Minister for Mental Health; Attorney General; Minister for Police; Minister for Road Safety; Minister for Corrective Services; Minister for Education; Minister for Child Protection; Minister for Planning; Minister for Regional Development; Minister for Health	23 September 2011
Economics and Industry Standing Committee – <i>Franchising Bill 2010</i>	Parliamentary Secretary representing the Minister for Small Business; Minister for Commerce	23 September 2011

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- \* Denotes amendments appearing 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 3, 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:

“

- (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 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.

”.

**Metropolitan Redevelopment Authority Bill 2011 (No. 219-1)**

Clause 20.

The Minister for Planning: To move –

Page 13, after line 3 – To insert:

“

(1) In this section —

**Minister** means the Planning Minister.

”.

Clause 34.

The Minister for Planning: To move –

Page 23, line 18 – To insert after “Authority or”:

“ Planning ”.

Clause 57.

The Minister for Planning: To move –

Page 38, line 16 – To insert after “The”:

“ Planning ”.

Clause 60.

The Minister for Planning: To move –

Page 40, after line 7 – To insert:

“

(1) In this section —

**Minister** means the Planning Minister.

”.

Clause 77.

The Minister for Planning: To move –

Page 51, line 24 – To insert after “housing”:

“ , tourism development, planning law ”.

Dr A.D. Buti: To move –

Page 51, lines 24 and 25 – To delete “ or community affairs. ” and substitute:

“ , community affairs or law. ”.

Clause 80.

Mr J.N. Hyde: To move –

Page 52, lines 21 to 23 – To delete the lines and substitute:

“

- (b) one is to be a person who is a currently serving local government elected member from the relevant local government for the redevelopment area; and

”.

The Minister for Planning: To move -

Page 52, lines 21 to 23 - To delete the lines and substitute:

- “ (b) one is to be a person nominated in accordance with section 81A; and ”.

The Minister for Planning: To move –

Page 52, line 29 – To insert after “housing”:

“ , tourism development, planning law ”.

Dr A.D. Buti: To move –

Page 52, lines 29 and 30 – To delete “ or community affairs. ” and substitute:

“ , community affairs or law. ”.

New Clause 81.

The Minister for Planning: To move -

Page 53, after line 19 - To insert:

“

# **81. Nominations for appointment under section 80(1)(b)**

- (1) In this section —  
*relevant local government*, in relation to an LRC, means the local government of a district in which the redevelopment area in respect of which the LRC is established is wholly or partly situated.
- (2) Whenever it is necessary to appoint a member of an LRC under section 80(1)(b), the Minister must, in writing, request each relevant local government to nominate 3 persons for appointment.
- (3) If within 42 days after the date on which the Minister makes a request under subsection (2) each relevant local government has nominated 3 persons for appointment, the Minister must appoint one of the persons nominated.
- (4) If within 42 days after the date on which the Minister makes a request under subsection (2) each relevant local government has not nominated 3 persons for appointment, the Minister may appoint under section 80(1)(b) a person who in the opinion of the Minister has knowledge of or experience in local government and that person is to be regarded as having been nominated under this section.

- (5) The Minister may have regard to a nomination made by a relevant local government when making an appointment referred to in subsection (4) but is not required to appoint a person so nominated.

”.

Clause 81.

The Minister for Planning: To move -

Page 53, lines 22 to 24 - To delete the lines and substitute:

“

***appointment period***, in relation to a member of an LRC, means —

- (a) in the case of a member referred to in section 80(1)(a) or (c), the period ending 60 days after the Authority establishes the LRC under section 26; and
- (b) in the case of a member referred to in section 80(1)(b), the period ending 72 days after the date on which the Minister first makes a request under section 81A(2) in respect of the member.

”.

The Minister for Planning: To move -

Page 53, line 25 - To delete “all of the members” and substitute:

“ a member ”.

The Minister for Planning: To move -

Page 53, line 26 - To insert after “period”:

“ in respect of that member, ”.

The Minister for Planning: To move -

Page 53, line 28 - To delete “all of the members; and” and substitute:

“ the member; and ”.

Clause 85.

The Minister for Planning: To move -

Page 55, after line 20 - To insert:

“

- (4) If —

- (a) under section 26(3) the Authority determines that an LRC that is already established in respect of a redevelopment area is to be taken to be established as the LRC in respect of a redevelopment area that includes part or all of a local government district that was not previously included in a redevelopment area in respect of which the LRC was already established (a ***new district***); or
- (b) a redevelopment area is amended to include part or all of a local government district that was not previously included in that area (a ***new district***),

the local government of the new district may, within 42 days of the determination or amendment taking effect, nominate a person for appointment under section 80(1)(b).

- (5) If the Minister decides to appoint a person nominated under subsection (4), the Minister may —
- (a) remove from office the member appointed under section 80(1)(b); and
  - (b) appoint under section 80(1)(b) the person nominated under subsection (4).

”.

Clause 147.

Mrs M. Roberts: To move —

Page 95, line 28 – To insert after “section”:

“

, except in the case of all items of moveable heritage at the former Midland Railway Workshops, which are to be transferred into the ownership of the Western Australian Museum

”.

Clause 150.

Dr A.D. Buti: To move —

Page 97, lines 20 to 26 – To delete all words after “authority” and substitute:

“

, unless earlier lawfully terminated by either party to the contract, that person becomes a staff member of the Authority and is to be taken to have been employed under the contract of service under section 109(2), and without loss of conditions and entitlements held at the coming into operation of this subsection.

”.

### ***Professional Combat Sports Amendment Bill 2009 (No. 074—1)***

Clause 6.

The Minister for Sport and Recreation: To move —

Page 3, after line 14 – To insert:

“

***medical practitioner*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

”.

The Minister for Sport and Recreation: To move —

Page 3, lines 17 to 19 – To delete the lines and substitute:

“

- (a) during the whole or a part of which any contestant is, for any reason, including an injury or illness, or a bribe, promise or threat by another person, not competing to the best of his or her ability; or

”.

Clause 8.

The Minister for Sport and Recreation: To move –

Page 4, after line 28 – To insert:

“

(ca) delete paragraph (a)(iii) and insert:

(iii) one person shall be a medical practitioner who in the opinion of the Minister has knowledge of injuries suffered by contestants;

”.

New clause 9.

The Minister for Sport and Recreation: To move –

Page 5, after line 7 – To insert:

“

## **9. Section 5 amended**

In section 5(1)(e) delete “Governor” and insert:

Minister

”.

Clause 13.

Mr R.H. Cook: To move –

Page 7, line 8 – To insert before “there”:

“

after the application is considered by the member of the Commission appointed under section 4(2)(a)(iii) of the Act and the Commission gives due consideration of a report from that member and

”.

Clause 22.

The Minister for Sport and Recreation: To move –

Page 12, line 8 – To delete “contestant.” and substitute:

“

contestant or impose any condition or restriction on the registration of a contestant that it thinks fit.

”.

Clause 32.

The Minister for Sport and Recreation: To move –

Page 17, line 8 – To delete “participant.” and substitute:

“

participant or impose any condition or restriction on the registration of an industry participant that it thinks fit.

”.

Clause 45.

The Minister for Sport and Recreation: To move –

Page 22, after line 20 – To insert:

“

**47AA. Commission may require information**

- (1) At any time after it issues a permit under section 45 for a contest and before the contest has taken place, the Commission, by giving the person a written notice, may require any or all of these persons –

- (a) the person who holds the permit;
- (b) a person who will participate in the contest;
- (c) a person who will be involved in conducting the contest,

to give the Commission the information specified in the notice, being information relevant to the contest.

- (2) A person given a notice under subsection (1) must obey it.

Penalty: a fine of \$6 000.

”.

The Minister for Sport and Recreation: To move –

Page 22, after line 30 – To insert:

“

; or

- (c) that the contest will be or is a sham contest.

”.

Clause 46.

The Minister for Sport and Recreation: To move –

Page 24, lines 10 to 14 – To delete the lines and substitute:

“

- (2) A person must not –

- (a) agree to participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows will be a sham contest; or
- (b) participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows is a sham contest; or
- (c) be involved in any capacity in organising, arranging, promoting or conducting a contest that he or she knows will be or is a sham contest.

”.



The Minister for Sport and Recreation: To move –

Page 24, lines 17 to 21 – To delete the lines and substitute:

“

(2) Delete section 47(3) to (6) and insert:

(3) A referee of a contest who, knowing it is a sham contest, does not stop it or gives a decision in it commits an offence.

Penalty: a fine of \$12 000.

(4) A judge of a contest who, knowing it is a sham contest, gives a decision in it commits an offence.

Penalty: a fine of \$12 000.

(5) A judge or referee of a contest who suspects it will be or is a sham contest must report the matter in writing to the Commission as soon as practicable.

Penalty: a fine of \$12 000.

”.

Clause 47.

The Minister for Sport and Recreation: To move –

Page 25, lines 1 to 8 – To delete the lines and substitute:

“

(2) If after its inquiry the Commission is satisfied on the balance of probabilities that a contest is a sham contest, it –

(a) may order any person who is legally required to pay money or money's worth to a contestant for participating in the contest not to pay the contestant without the written consent of the Commission; and

(b) may order that an amount of money not more than the money or money's worth (if any) paid or payable to a contestant or industry participant who, in the opinion of the Commission, has participated in, or been involved in any capacity in conducting, the contest be paid to the Commission.

”.

The Minister for Sport and Recreation: To move –

Page 25, after line 11 – To insert:

“

(4) A person given an order made under subsection (2)(a) must obey it.

Penalty: a fine of \$12 000.

(5) If the Commission makes an order under subsection (2)(b), the Commission may recover the amount ordered to be paid to the Commission in a court of competent jurisdiction as a debt due to the Commission.

”.

Clause 51.

Mr R.H. Cook: To move –

Page 29, line 22 – To insert:

“

In section 51(4) after the words “in the contest” insert:

and submit a report to the Commission as to any reason to consider the Commission’s opinion pursuant to section 21 of the Act

”.

Clause 60.

The Minister for Sport and Recreation: To move –

Page 37, after line 14 – To insert:

“

- (5) Without limiting subsection (1) regulations with a savings or transitional effect may be made to provide for the consequences of the operation of the amendments made to this Act by the *Professional Combat Sports Amendment Act 2009*.

”.

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### ***Residential Tenancies Amendment Bill 2011 (199—1)***

New Clause 60A.

Mr M. McGowan: To move –

Page 49, after line 14 – To insert:

“

#### **60A. Section 61A inserted**

After section 60 insert:

#### **61A. Termination of social housing or residential housing agreement decision affected by previous behaviour**

In deciding whether to terminate a social housing or residential housing agreement, the court may have regard to the frequency and nature of any notices given to a tenant specifying a breach and requiring that it be remedied, as referred to in section 62(3) and (4).

”.

Clause 74.

Mr M. McGowan: To move –

Page 58, after line 13 – To insert:

“

**76BA. Termination of agreement affecting a child or person who has a mental illness**

- (1) Where a court terminates a social housing or residential tenancy agreement under section 73, 74, 75A or 75, and a child resides at that property, the court may order the Department of Child Protection to determine if the child is in need of protection.
- (2) Where a court terminates a social housing or residential tenancy agreement under section 73, 74, 75A or 75, and a person who has a mental illness resides at that property, the court may order the Commissioner for Mental Health to arrange for an assessment for their care, treatment and protection needs.

”.

Clause 95.

Mr M. McGowan: To move –

Page 108, lines 4 to 19 – To delete the lines and substitute:

“

**75A. Termination of social housing and residential tenancy agreement due to illegal behaviour**

- (1) A competent court may, upon application by the lessor under a social housing or residential tenancy agreement, terminate the agreement where there is evidence that the tenant has used the premises, or caused or permitted the premises to be used, for an illegal purpose.

”.

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***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** ”.

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**PETER J. MCHUGH**

Clerk of the Legislative Assembly