

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 216

THURSDAY, 9 AUGUST 2012, 9.00 a.m.

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.*

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

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Litter Amendment Bill 2011** (Minister for Environment) (No. 240, 2r. – 3/11/11)
Second reading. Adjourned debate (Minister for Environment in reply – continuation of remarks).
2. ***Corruption and Crime Commission Amendment Bill 2012** (Premier) (No. 275, 2r. – 21/6/12)
Second reading. Adjourned debate (Ms L.L. Baker).
3. ***Integrity (Lobbyists) Bill 2011** (Premier) (No. 243, 2r. – 9/11/11)
Second reading. Adjourned debate (Premier in reply – continuation of remarks).
4. **Premier's Statement**
Adjourned debate (Dr G.G. Jacobs – continuation of remarks) on the question, That the Premier's Statement be noted and that the Government recognise the value of school dental therapy assistants.
5. ***Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08)
(restored 28/2/12)
Further consideration in detail – Clause 1.
6. ***Commercial Arbitration Bill 2011** (Minister for Police) (No. 205, 2r. – 15/6/11)
Consideration in detail of Legislative Council Message No. 197.

7. ***Criminal Organisations Control Bill 2011** (Minister for Police) (No. 230, 2r. – 23/11/11)
Consideration in detail of Legislative Council Message No. 213.

8. **Criminal Investigation (Identifying People) Amendment Bill 2012** (Minister for Police)
(No. 262, 2r. – 28/2/12)

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

9. **Appropriation (Consolidated Account) Recurrent 2010–11 (Supplementary) Bill 2011**
(Treasurer) (No. 258, 2r. – 1/12/11)

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

10. **Appropriation (Consolidated Account) Capital 2010–11 (Supplementary) Bill 2011**
(Treasurer) (No. 257, 2r. – 1/12/11)

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

11. ***Prostitution Bill 2011** (Minister for Police) (No. 218, 2r. – 3/11/11)

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

12. ***Joint Standing Committee on Delegated Legislation** (Leader of the House)

Consideration in detail of Legislative Council Message No. 200.

13. **Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2012** (Treasurer) (No. 268, 2r. – 16/5/12)

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

14. **Inheritance (Family and Dependents Provision) Amendment Bill 2012** (Deputy Premier)
(LC No. 271)

To be read a first time.

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. **Gnangara Sustainability Strategy** (Notice given – 28/2/12)

Mr F.M. Logan: To move –

That this House condemns the Barnett Government for its failure to finalise the Gnangara Sustainability Strategy, two and a half years after the release of the draft, resulting in the consequent environmental damage inflicted on this critical aquifer by continuous over-drawing of water.

3. **Response by the Attorney General to Committee Report** (Notice given – 20/3/12)

Mr J.N. Hyde: To move –

That this House:

- (1) censures the Attorney General for failing to respond to the tabled report Number 20 by the Joint Standing Committee on the Corruption and Crime Commission by the required due date of 29 December 2011 and his failure to act on the Speaker's report to this House on his non-compliance; and
- (2) calls upon the Attorney General to immediately respond to Report 20 and detail precisely when his full amendments to the *Corruption and Crime Commission Act 2003* will be introduced into this House.

4. Minister for Heritage (Notice given – 8/9/11) (renewed – 22/3/12)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for:

- (1) mismanaging the review of the *Heritage of Western Australia Act 1990*; and
- (2) failing to support adequate funding of regional heritage in Western Australia, including for such important heritage buildings as the Bill Sewell Complex in Geraldton.

5. Minister for Police (Notice given – 8/9/11) (renewed 22/3/12)

Mr B.S. Wyatt: To move –

That this House condemns the Minister for Police; Emergency Services for:

- (a) his refusal to honour the Government's election promise to reinstate school-based police officers in consultation with local communities; and
- (b) his attempt to mislead this House on Wednesday, 7 September 2011 by asserting that 'school-based' no longer means 'based in schools'.

6. Electronic Monitoring of Violence Restraining Order Respondents (Notice given – 27/3/12)

Dr A.D. Buti: To move –

That this House condemns the Attorney General for his flippant and negative response to the suggestion of introducing electronic monitoring of violence restraining order respondents for a trial period in relation to domestic and family violence.

7. Minister for Planning – Concrete Batching Plants in East Perth (Notice given – 20/9/11) (renewed 27/3/12)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Planning for calling in the decision of the City of Vincent to refuse 24 hour operation and extension of concrete batching plants in the residential areas of East Perth, and notes that the City of Vincent's decision was supported by residents.

8. Adoption of Procedure and Privileges Committee Recommendations (Notice given – 28/3/12)

Mr M. McGowan: To move –

That Recommendations 1 to 3 of the Procedure and Privileges Committee Report No. 9, "Minor Adjustments to the Standing Orders", be adopted by the House.

9. Section 11 of the *Heritage of Western Australia Act 1990* (Notice given – 2/5/12)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for:

- (1) failing to comply with the *Heritage of Western Australia Act 1990* – section 11, by allowing the destruction of the State Heritage Esplanade, "which will, or will be likely to, adversely affect a registered place"; and
- (2) having allowed the destruction of the Esplanade to begin, has failed to provide this House with evidence as to how he "is satisfied that there is no feasible and prudent alternative" as required under the Act.

10. National Regional Arts Conference Funding (Notice given – 2/5/12)

Mr J.N. Hyde: To move –

That this House condemns the Barnett Government for failing to guarantee funding for the National Regional Arts Conference, the nation's biggest regional arts event, to be held in Western Australia in 2014.

11. Overdue Rates (Notice given – 2/5/12)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Local Government for:

- (1) failing to consult with local governments on his enforced changes to penalty interest for overdue rates; and
- (2) further adding to the cost of living impost on local Western Australian families through the resultant rates increases all ratepayers will now have to pay.

12. Anti-Israel Boycott, Divestment and Sanctions (BDS) Campaign (Notice given – 29/9/11) (renewed 3/5/12)

Mr J.N. Hyde: To move –

That this House:

- (a) notes with concern the anti-Israel boycott, divestment and sanctions (BDS) campaign against legitimate businesses operating in Australia which provide jobs to hundreds of Australians;
- (b) calls on all members to condemn the targeting of Max Brenner Chocolate Cafes and other businesses by anti-Israel protesters;
- (c) notes that some of the rhetoric used by proponents of the BDS campaign has descended into anti-Semitism; and
- (d) condemns anti-Semitism in all its forms.

13. Royal Perth Hospital Amendment By-laws (No. 2) 2011 (Notice given – 15/5/12)

Mr J.N. Hyde: To move –

That the *Royal Perth Hospital Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

14. Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011* under the *Queen Elizabeth II Medical Centre Act 1966*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

15. Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

16. Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

17. Metropolitan Health Service Amendment By-laws (No. 2) 2011 (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Metropolitan Health Service Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

18. Fremantle Hospital Amendment By-laws (No. 2) 2011 (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Fremantle Hospital Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

19. Osborne Park Hospital Amendment By-laws (No. 2) 2011 (Notice given – 15/5/12)

Mr J.C. Kobelke: To move –

That the *Osborne Park Hospital Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

20. Waterfront Project (Notice given – 1/11/11) (renewed – 22/5/12)

Mr J.N. Hyde: To move –

That this House condemns the Barnett Government for –

- (1) failing to consult with its own departments and agencies over the impact of the Waterfront Project; and
- (2) failing to transparently consult with Western Australia's planning, environmental and heritage experts over the impact of the Waterfront Project.

21. Minister for Heritage (Notice given – 1/11/11) (renewed – 22/5/12)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for –

- (1) misleading the Parliament over inaccurate information in the 2010–2011 Annual Report of the Heritage Council of Western Australia and failing to apologise for his mismanagement of information; and
- (2) failing to transparently account for funding allocations under the Goldfields Earthquake Restoration Fund.

22. Redevelopment of Royal Perth Hospital Campus (Notice given – 12/6/12)

Mr R.H. Cook: To move –

That this House condemns the Barnett Government for misleading the community over its election commitments on Royal Perth Hospital and for delays in the redevelopment of the campus.

23. Referral to Community Development and Justice Standing Committee – Detention of Mr Marlon Noble (Notice given – 29/11/11) (renewed – 19/6/12)

Mr J.R. Quigley: To move –

That this House expresses its concern over the extended detention of Mr Marlon Noble under the *Criminal Law (Mentally Impaired Accused) Act 1996* and requests the Standing Committee on Community Development and Justice to investigate and report by 31 May 2012 on:

- (1) whether Mr Noble's detention for such an extended period has involved any element of injustice;
- (2) why the Mentally Impaired Accused Review Board revoked the recommendation for his conditional release in 2008 and whether that involved any element of injustice;
- (3) following Mr Robert Cock QC's report on the deficiency and irregularity of drug testing of Mr Noble upon his return from day release, why he was not immediately re-released;
- (4) whether the proposed conditions for Mr Noble's release, announced on 22 November 2011 by the Mentally Impaired Accused Review Board, in January 2012 are just and reasonable in all the circumstances;
- (5) whether there any other persons detained under the *Criminal Law (Mentally Impaired Accused) Act 1996* who have been detained for periods longer than had they been convicted of the offence for which they were charged but detained because of unfitness to plead;

- (6) whether any of these cases in the Committee's opinion contain any elements of injustice to the detained person; and
- (7) the desirability of adopting recommendations 29, 33, 36 and 40 of the Law Reform Commission of Western Australia's 'Project Number 69 – the criminal process and persons suffering from mental disorder report' 1991.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Minister for Education (Moved – 17/8/11)

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

That this House calls on the Minister for Education to explain what actions she has taken in respect of the findings of the Standing Committee on Estimates and Financial Operations (Report 27), tabled on 1 July 2010 and the Public Sector Commissioner's investigation into the Orchestrating Lives: An Evaluation of the Early Intervention Conductive Education Trial at Carson Street School report, in relation to the quality and accuracy of advice, including briefing notes provided by the Department of Education to the Minister.

2. Indigenous Affairs (Moved – 23/6/11) (last debated – 31/8/11)

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.

3. School Crossings (Moved – 7/9/11)

Adjourned debate (Mr A. Krsticevic – continuation of remarks) on the amendment moved by Mr A.P. Jacob –

To delete all words after "House" and substitute:

congratulates the Minister for Police on his decision to put on hold any removal of Type A and Type B crossings until the Government and the Children's Crossing and Road Safety Committee have reviewed the current policy to ensure children's crossings are safe.

on the motion moved by Mr A.P. O'Gorman –

That the House condemns the Government for withdrawal of crossings that do not fit the warrant criteria for a type A crossing across the State and subsequently endangering the lives of many school children who use these crossings.

4. Liquor Control Amendment Bill 2011 (Dr J.M. Woollard) (No. 233, 2r. – 28/9/11)

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

5. Minister for Education – North Mandurah Primary School (Moved – 28/9/11)

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

That this House condemns the Minister for Education for her failures in relation to the North Mandurah Primary School and its loss of 17 permanent teaching positions and calls on her to immediately address this issue and other failures in her Education portfolio including the downgrading of a number of regional/district offices.

6. Container Deposit and Recovery Scheme Bill 2011 (Mr E.S. Ripper) (No. 234, 2r. – 19/10/11) (last debated – 23/11/11)

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

7. Human Tissue and Transplant Amendment Bill 2011 (Mr M.P. Whitely) (No. 252, 2r. – 23/11/11)

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

8. Fiona Stanley Hospital – Facilities Management Contract (Moved – 30/11/11)

Adjourned debate (Mr D.A. Templeman) on the motion moved by Mr R.H. Cook –

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.

9. Minister for Health and Minister for Police – Illegal Doctor and Pharmacy Shopping (Moved – 30/11/11)

Adjourned debate (Minister for Police – continuation of remarks) on the motion moved by Mr M.P. Whitely –

That this House condemns the Minister for Health and the Minister for Police and Emergency Services for failing to take action to prevent illegal doctor and pharmacy shopping for the abuse of prescription drugs and notes with deep regret the death of 52 Western Australians in 2011 from suspected prescription drug overdoses.

10. Public Transport Services (Moved – 29/2/12)

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

That this House condemns the Barnett Government for failing to adequately provide public transport services for our growing population.

11. Public Housing Maintenance (Moved – 21/3/12)

Adjourned debate (Mr D.A. Templeman – continuation of remarks) on the motion moved by Dr A.D. Buti, on behalf of Mr P.C. Tinley –

That this House condemns the Barnett Government for its failed Head Contractor model of public housing maintenance and its inability to adequately provide repairs and maintenance to its public housing stock.

12. Local Government Amalgamations (Moved – 2/5/12)

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

That this House calls on the Barnett Government to:

- (1) provide advice as to the cost of its flawed and failed amalgamation process to date, and the cost to both the State Government and local governments; and
- (2) rule out forced amalgamations of councils in Western Australia.

13. Infrastructure Across Western Australia (Moved – 6/4/11) (last debated – 16/5/12)

Adjourned debate (Mr A.J. Waddell – 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.

14. Skilled Jobs (Benefits from the Boom) Bill 2012 (Mr P.C. Tinley) (No. 285, 2r. – 13/6/12)

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

15. Apprenticeships and Traineeships (Moved – 13/6/12)

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

That this House calls on the Barnett Government to ensure that State Government construction projects provide a greater number of apprenticeships and traineeships.

16. Perth Theatre Trust Amendment Bill 2011 (Mr J.N. Hyde) (No. 209, 1r. – 25/5/11) (restored – 19/6/12)

To be read a second time.

17. Mental Health Amendment Bill 2012 (Mr M.P. Whitely) (No. 289, 2r. – 20/6/12)

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

- 18. Aboriginal Intestate Estates Legislation Amendment Bill 2012** (Mr B.S. Wyatt) (No. 290, 2r. – 20/6/12)

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

- 19. Industrial Relations Amendment Bill 2012** (Mr M. McGowan) (No. 288, 2r. – 20/6/12)

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

- 20. *Local Government Amendment (Regional Subsidiaries) Bill 2010** (Mr J.N. Hyde) (LC No. 184, 2r. – 20/6/12)

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

- 21. Equal Opportunity Amendment Bill 2011** (Mr J.N. Hyde) (No. 212, 1r. – 22/6/11) (restored – 8/8/12)

To be read a second time.

- 22. Workers' Compensation and Injury Management (Fair Protection for Firefighters) Amendment Bill 2012** (Ms M.M. Quirk) (No. 264, 2r. – 29/2/12)

Second reading. Adjourned debate (Mr J.M. Francis – continuation of remarks).

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
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	15 November 2012
Education and Health Standing Committee: Inquiry into improving educational outcomes for Western Australians of all ages	30 November 2012
Community Development and Justice Standing Committee: Inquiry into the well-being of State Government workers and volunteers involved in emergency responses	1 December 2012

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	Inquiry into the 2011 Kimberley Ultramarathon	16 August 2012

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 – The use of Public Examinations by the Corruption and Crime Commission	Minister representing the Attorney General	27 June 2012 [non-compliance reported 7 August 2012]

<i>Committee Report</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission – Discontinuance of Contempt Proceedings against Members of the Coffin Cheaters Motorcycle Club	Minister representing the Attorney General	14 September 2012
Public Accounts Committee – Building Foundations for Value: An Analysis of the Process Used to Appoint Serco to Provide Non-Clinical Services at Fiona Stanley Hospital – Western Australia’s Largest Ever Services Contract	Treasurer, Minister for Health, Parliamentary Secretary representing the Minister for Finance	21 September 2012
Education and Health Standing Committee – Report on Key Learnings from the Committee Trip 11–17 March 2012	Minister for Health, Minister for Education	21 September 2012
Joint Standing Committee on the Corruption and Crime Commission – Proceeds of Crime and Unexplained Wealth: A Role for the Corruption and Crime Commission?	Minister representing the Attorney General	7 November 2012

-
- * 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

Commercial Arbitration Bill 2011 (No. 205—2)

Legislative Council Message No. 197.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Commercial Arbitration Bill 2011* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Commercial Arbitration Bill 2011

No. 1

Page 13, lines 11 to 16 — To delete the lines and insert —

- (5) A decision within the limits of the Court's authority on a matter entrusted by subsection (3) or (4) to the Court is final.

No. 2

Page 15, lines 17 to 21 — To delete the lines and insert —

- (5) A decision of the Court under subsection (4) that is within the limits of the authority of the Court is final.

No. 3

Page 16, lines 9 to 13 — To delete the lines and insert —

- (3) A decision of the Court under subsection (2) that is within the limits of the authority of the Court is final.

No. 4

Page 18, lines 4 to 8 — To delete the lines and insert —

- (10) A decision of the Court under subsection (9) that is within the limits of the authority of the Court is final.

No. 5

Page 40, lines 9 to 13 — To delete the lines and insert —

- (5) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 6

Page 41, lines 9 to 13 — To delete the lines and insert —

- (4) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 7

Page 61, the Table item 14 the 1st row — To delete “14(4),” and insert —

14(3),

=====

Corruption and Crime Commission Amendment Bill 2012 (No. 275–1)

Clause 131.

Mr J.N. Hyde: To move —

Page 120, after line 8 – To insert:

“

131A. Section 216A amended

- (1) After section 216A(2) insert:

“

- (3A) Upon the prorogation of the Parliament of Western Australia or the dissolution of the Legislative Assembly (whichever occurs first), the Joint Standing Committee on the Corruption and Crime Commission (in this section called the “former Committee”) shall be replaced by a body which:
- (a) shall be in existence until the commencement of the next Parliament;
 - (b) shall also be called the Joint Standing Committee on the Corruption and Crime Commission;
 - (c) shall, subject to subsection (3B), consist of the same members as comprised the former Committee; and
 - (d) shall have and exercise the same powers, functions, privileges and immunities of the former Committee as if the Legislative Assembly had not been dissolved or the Parliament had not been prorogued (as the case may be).
- (3B) A member under subsection (3A) continues to be a member of the body until whichever of the following occurs first:
- (a) the body ceases to exist upon the commencement of the new Parliament;
 - (b) the member resigns;
 - (c) the member dies;
 - (d) in the case of a member from the Legislative Assembly – the returning officer for the electoral district in which the member was nominated as a candidate for the election notifies the Electoral Commission that a person other than the member has been elected for the electoral district;
 - (e) in the case of a member from the Legislative Assembly – the member is replaced by a resolution of the House; or

- (f) in the case of a member from the Legislative Council – the member is replaced by a resolution of the Legislative Council.
- (3C) If a member stops being a member of the body under subsection (3B), the person recognised as the leader of the political party to which the member belonged, may appoint another person as a member of the body until the commencement of the new Parliament.

”.

- (2) Delete section 216A(3).

”.

Criminal Organisations Control Bill 2011 (No. 230—2)

Legislative Council Message No. 213.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Organisations Control Bill 2011* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.
Schedule indicating the amendments made by the Legislative Council in the Criminal Organisations Control Bill 2011

No. 1

Page 4, lines 30 and 31 — To delete the lines and insert —

firearm —

- (a) has the meaning given in the *Firearms Act 1973* section 4; and
- (b) includes ammunition as defined in that section;

No. 2

Page 9, lines 2 and 3 — To delete “organisations and other persons who engage in serious criminal activity.” and insert —

organisations.

No. 3

Page 13, line 21 — To delete “either” and insert —

any

No. 4

Page 16, after line 18 — To insert —

- (aa) the designated authority must, as soon as practicable, provide a copy of the authority's reasons for the decision to the respondent or the respondent's representative, but only if the respondent or the respondent's representative, before the hearing of the application for the declaration ends —
 - (i) requests to be provided with a copy; and
 - (ii) provides an address to which the copy may be sent;
- and

No. 5

Page 23, lines 7 to 14 — To delete the lines and insert —

- (1) If the declaration relating to the declared criminal organisation identified in an interim control order or control order in accordance with section 60(1)(c) expires or is revoked, the order ceases to have effect on that expiry or revocation.

No. 6

Page 24, after line 3 — To insert —

- (4) The period of designation of a retired judge must not exceed 5 years, but a retired judge may be designated for a further term.

No. 7

Page 27, lines 4 to 9 — To delete the lines and insert —

- (1) This Part provides for the making of control orders in relation to persons who are members of a declared criminal organisation and persons who have an association with a declared criminal organisation.

No. 8

Page 32, lines 24 to 29 — To delete the lines and insert —

- (c) include the information that section 60(1)(c) requires to be included in a control order; and

No. 9

Page 36, line 17 — To delete “section 25(2).” and insert —

section 25(1).

No. 10

Page 42, lines 15 to 17 — To delete the lines and insert —

- (4) The following must be served with the application —
 - (a) a copy of the affidavit or affidavits that accompanied the application for the control order;
 - (b) a written notice setting out an explanation of —
 - (i) the right to object to the making of a control order at the hearing of the application for the control order; and
 - (ii) the procedure to be followed in notifying the court before the hearing of the grounds of objection in accordance with section 55.

No. 11

Page 48, line 6 — To delete “if the order is made under section 57(2)(a), (b) or (c).”.

No. 12

Page 49, lines 1 to 3 — To delete the lines and insert —

- (h) set out an explanation of the circumstances in which the order might cease to have effect under section 25(1); and

No. 13

Page 50, line 11 — To delete “section 25(2).” and insert —

section 25(1).

No. 14

Page 63, after line 2 — To insert —

- (5A) If an interim control order is varied under section 50, or a control order is varied under section 66 or 68, and the effect of the variation is to include or remove a condition that the controlled person is prohibited from carrying on a prescribed activity, then this section applies as follows —
 - (a) if the effect of the variation is to include that condition —
 - (i) the prohibition on the controlled person carrying on the prescribed activity takes effect when the variation takes effect; and
 - (ii) the suspension of an authorisation or an application for an authorisation in relation to the prescribed activity takes effect when the variation takes effect; and

- (iii) the prohibition on the controlled person applying for, or continuing with any existing application for, any authorisation to carry on the prescribed activity takes effect when the variation takes effect;
- (b) if the effect of the variation is to remove that condition —
 - (i) the prohibition on the controlled person carrying on the prescribed activity ceases when the variation takes effect; and
 - (ii) the suspension of an authorisation or an application for an authorisation in relation to the prescribed activity ceases when the variation takes effect; and
 - (iii) the prohibition on the controlled person applying for, or continuing with any existing application for, any authorisation to carry on the prescribed activity ceases when the variation takes effect.

No. 15

Page 65, line 22 to page 66, line 17 — To delete the clause.

No. 16

Page 65, after line 21 — To insert —

84. Dealing with things surrendered or seized: firearms, firearms licences and weapons

- (1) If a firearm or weapon is surrendered under section 82 or seized under section 83 —
 - (a) the firearm or weapon is forfeited to the State; and
 - (b) the *Criminal and Found Property Disposal Act 2006* applies to and in relation to the firearm or weapon as if —
 - (i) the firearm or weapon were property that has been seized in the course of a criminal investigation and has become forfeited property within the meaning of that Act; and
 - (ii) the interim control order or control order that prohibits the controlled person to whom the order relates from possessing the firearm or weapon were an order that ordered the forfeiture of the firearm or weapon to the State.
- (2) If a firearms licence is surrendered under section 82 or seized under section 83 —
 - (a) the Commissioner of Police must destroy the licence as soon as practicable; and
 - (b) the destruction of the licence is to be treated as a cancellation of the licence under the *Firearms Act 1973* section 20(4).
- (3) However, the Commissioner of Police must not exercise the powers in subsection (1) or (2) in relation to the surrendered or seized firearm, firearms licence or weapon —
 - (a) if the surrender or seizure is by virtue of an interim control order, before a control order confirming the interim control order is made; and
 - (b) if a control order confirming the interim control order is made, or if the surrender or seizure is by virtue of a control order, before the expiration of the time allowed for appealing against the control order or, if an appeal is lodged within that time, before the appeal is concluded.

- (4) If any of the things set out in subsection (5) (a *relevant event*) occurs —
- (a) the Commissioner of Police must hold the surrendered or seized firearm, firearms licence or weapon in safe custody until it is reclaimed by the person lawfully entitled to possess it or it may be otherwise lawfully disposed of, whichever occurs first; and
 - (b) the person lawfully entitled to possess the firearm, firearms licence or weapon may reclaim it from the Commissioner of Police, unless it has been sooner lawfully disposed of; and
 - (c) if the firearm, firearms licence or weapon is not reclaimed within one month after the relevant event occurs, the Commissioner of Police may —
 - (i) in the case of a firearm, dispose of the firearm under the *Firearms Act 1973* section 33 as if the owner of the firearm cannot be found; or
 - (ii) in the case of a firearms licence, exercise the power in subsection (2); or
 - (iii) in the case of a weapon, make a direction under the *Weapons Act 1999* section 18(1) as if the weapon had been forfeited to the State under that Act.
- (5) The following are the relevant events referred to in subsection (4) —
- (a) in the case of an interim control order —
 - (i) the order is varied to remove the firearms condition or, as the case requires, the condition prohibiting the person to whom the order relates from possessing a weapon;
 - (ii) the application for a control order confirming the interim control order is withdrawn or dismissed;
 - (iii) the interim control order is revoked under section 47(2)(a) or 56(1)(b);
 - (iv) the interim control order ceases to have effect under section 25(1);
 - (b) in the case of a control order, on an appeal under section 64 —
 - (i) the decision of the court to make the order is reversed; or
 - (ii) the order is varied under section 66 to remove the firearms condition or, as the case requires, the condition prohibiting the person to whom the order relates from possessing a weapon.

No. 17

Page 66, line 19 to page 67, line 12 — To delete the lines and insert —

- (1) If an authorisation (other than a firearms licence or an authorisation to which an order made under section 59(2)(c) applies) is surrendered under section 82 or seized under section 83 —
- (a) the Commissioner of Police must hold the authorisation in safe custody until it is reclaimed by the holder of the authorisation or it may be otherwise lawfully disposed of, whichever occurs first; and
 - (b) when the relevant interim control order or control order ceases to be in force, the holder of the authorisation may reclaim it from the Commissioner of Police, unless it has been sooner lawfully disposed of; and
 - (c) if the authorisation is not reclaimed within one month after the relevant interim control order or control order ceases to be in force, the Commissioner of Police must destroy the authorisation as soon as practicable.

- (2) The destruction of an authorisation under subsection (1)(c) has no effect on the validity of the authorisation.

No. 18

Page 67, after line 33 — To insert —

- (5) If an interim control order is varied under section 50, or a control order is varied under section 66 or 68, and the effect of the variation is to remove a prohibition of the kind referred to in section 82(1), this section applies as if the references in subsection (1)(b) and (c) and (4)(a)(ii) to the relevant interim control order or control order ceasing to be in force were references to the prohibition ceasing to have effect.

No. 19

Page 69, line 27 — To delete “section 25(2); or” and insert —

section 25(1); or

No. 20

Page 131, lines 26 to 30 — To delete the lines and insert —

- (ii) in association with one or more persons who, at the time of the commission of the offence, were members of a declared criminal organisation (whether or not those persons were also convicted of the offence), but only if the offender knew, at the time of the commission of the offence, that one or more of those persons were members of a declared criminal organisation; or

No. 21

Long Title

Page 1, the first bullet point — To delete “**associates and certain other persons who engage in serious criminal activity,**” and insert —

associates,

Integrity (Lobbyists) Bill 2011 (No. 243—1)

Clause 3.

Dr E. Constable: To move —

Page 2, line 22 — To delete “**government representative**” and substitute:

“ **public official** ”.

Dr E. Constable: To move –
Page 2, after line 25 – To insert:

“ (iia) member of either House of Parliament; ”.

Dr E. Constable: To move –
Page 3, line 19 – To insert after “*lobbying*”:

“ *activity* ”.

Dr E. Constable: To move –
Page 4, lines 23 and 24 – To delete the lines and substitute:

“
registered lobbyist means a person who is a lobbyist listed in the register;
”.

Dr E. Constable: To move –
Page 6, line 19 – To delete “*government representative*” and substitute:

“ *public official* ”.

Clause 4.

Dr E. Constable: To move –
Page 7, line 8 to page 8, line 21 – To delete the lines and substitute:

“
(1) For the purposes of this Act, but subject to this section, *lobbying activity* means —
(a) any oral or written communication (including an electronic communication) with a public official in respect of —
(i) the development of any legislative proposal by the Government or by a member of either House of Parliament;
(ii) the introduction of any Bill in either House of Parliament or the passage or amendment of any Bill that is before either House of Parliament;
(iii) the making or amendment of any subsidiary legislation;
(iv) the introduction or change of any Government policy or programme;
(v) the exercise of any authority or power conferred under a written law;
or
(vi) the expenditure of public moneys or moneys of a statutory authority;
and
(b) arranging or attending a meeting between a public official and any other person.
”

- (2) ***Lobbying activity*** does not include oral or written communication (including an electronic communication) that is —
- (a) made by a public official, a public authority, or any other person holding office under a written law in his, her or its official capacity;
 - (b) made on behalf of the government of the Commonwealth or a State, other than the State of Western Australia;
 - (c) made on behalf of the government of a foreign country;
 - (d) constituted by any application required or authorised by a written law;
 - (e) made by a representative or employee of a media organisation for the purposes of gathering and disseminating news and information to the public;
 - (f) made in a speech, article, publication or other medium of mass communication;
 - (g) made in a petition to either House of Parliament or in evidence or submissions to a committee of either of those Houses, or a joint committee of both Houses of Parliament; or
 - (h) made in the course of any judicial proceedings.
- (3) ***Lobbying activity*** does not include arranging or attending a meeting with a public official —
- (a) that is open to members of the public; or
 - (b) about a personal matter on behalf of —
 - (i) the person making the communication; or
 - (ii) a friend or relative of that person.
- (4) For the purposes of subsection (3)(b), a ***personal matter*** is a matter that relates only to a person's personal, family or household affairs and is not related to any business or commercial activity.

”.

Clause 5.

Dr E. Constable: To move —

Page 8, line 25 – To delete “government representatives” and substitute:

“ public officials ”.

Clause 7.

Dr E. Constable: To move —

Page 9, line 12 – To delete “government representative” and substitute:

“ public official ”.

Dr E. Constable: To move —

Page 9, line 14 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 9, line 16 – To delete “advocates to government” and substitute:

“ lobbyists ”.

Dr E. Constable: To move –

Page 9, line 19 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 9, line 20 – To delete “government representative” and substitute:

“ public official ”.

Dr E. Constable: To move –

Page 9, line 21 – To delete “government representative” and substitute:

“ public official ”.

Clause 8.

Dr E. Constable: To move –

Page 10, line 6 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Clause 9.

Dr E. Constable: To move –

Page 10, line 22 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Clause 10.

Dr E. Constable: To move –

Page 12, line 1 – To delete “advocates to government” and substitute:

“ lobbyists ”.

Mr M McGowan: To move –

Page 12, line 5 – To delete “may” and substitute:

“ must ”.

Dr E. Constable: To move –

Page 12, lines 6 and 7 – To delete “advocates to government” and substitute:

“ lobbyists ”.

Clause 11.

Dr E. Constable: To move –

Page 12, line 16 – To insert after “free of charge”:

“ and on the internet ”.

Clause 13.

Dr E. Constable: To move –

Page 12, line 23 – To delete “**advocate to government**” and substitute:

“ **lobbyist** ”.

Dr E. Constable: To move –

Page 12, line 25 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 13, line 5 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 13, line 7 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 13, line 9 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Clause 14.

Dr E. Constable: To move –

Page 13, line 25 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 14, line 3 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Clause 15.

Dr E. Constable: To move –

Page 14, line 13 – To delete “advocate to government” and substitute:

“ lobbyist ”.

New Clause 15A.

Dr E. Constable: To move –

Page 14, after line 16 – To insert:

“

15A. Fee for registration

- (1) A lobbyist must pay to the Commissioner a fee prescribed by the regulations for the renewal of registration, and if the fee is not paid on or before the day on which it falls due under the regulations —
 - (a) the person ceases to be registered; and
 - (b) the person’s name must be removed from the Register of Lobbyists.
- (2) A person whose name is removed from the Register of Lobbyists under subsection (1) may at any time pay to the Commissioner all fees that are in arrears, and all fees that would be in arrears if the person had continued to be registered, together with any additional amount prescribed by the regulations for the purposes of this subsection, and is then to be entitled, subject to this Act, to have his or her registration renewed and the name restored to the register.
- (3) The Commissioner is to give written notice of the renewal fee to a lobbyist, sent to that lobbyist’s address as recorded in the register, at least 42 days before the fee falls due under the regulations.
- (4) A person may apply to the Commissioner for the remission of fees payable by the period under this section that are in arrears, and that Commissioner may remit those fees in whole or in part.

”.

New Clause 15B.

Dr E. Constable: To move –

Page 14, after line 16 – To insert:

“

15B. Certificate of registration

- (1) On the registration of a person the Commissioner is to issue to that person a certificate of registration in an approved form.
- (2) In the absence of evidence to the contrary a certificate of registration is evidence that the person to whom the certificate is issued is registered.

”.

New Clause 15C.

Dr E. Constable: To move –

Page 14, after line 16 – To insert:

“

15C. Change of address

- (1) A lobbyist must give the Commissioner written advice of any change to the address that is recorded in the Register of Lobbyists in relation to the person.

Penalty: \$1,000.

- (2) The advice referred to in subsection (1) must be given no later than 30 days after the change to the address.

”.

New Clause 15D.

Dr E. Constable: To move –

Page 14, after line 16 – To insert:

“

15D. Insolvency

A lobbyist must, within 7 days of becoming a person who is an insolvent under administration as defined in the Corporations Act section 9, give the Commissioner written advice of the insolvency.

Penalty: \$5,000.

”.

New Clause 15E.

Dr E. Constable: To move –

Page 14, after line 16 – To insert:

“

15E. Civil or criminal proceedings

- (1) A lobbyist must give to the Commissioner written advice of any of the following matters within 14 days after —
- (a) any civil proceedings claiming damages or other compensation arising out of engaging in lobbying activity;
 - (b) any criminal proceedings for an offence arising out of engaging in lobbying activity; or
 - (c) any proceedings for contempt of parliament arising out of engaging in lobbying activity,
- are commenced against the lobbyist.

Penalty: \$5,000.

- (2) A lobbyist must give to the Commissioner written advice of any of the following matters within 14 days after —
- (a) any proceedings of a kind referred to in subsection (1) commenced against the lobbyist are withdrawn or settled;
 - (b) any such proceedings are determined by a court, the Parliament or other tribunal.

Penalty: \$5,000.

”.

New Clause 15F.

Dr E. Constable: To move —

Page 14, after line 16 — To insert:

“

15F. Registered lobbyists to lodge returns

- (1) A lobbyist must lodge a quarterly return with the Commissioner setting out the information referred to in subsection (2) in respect of the periods —
- (a) 1 January to 30 March;
 - (b) 1 April to 30 June;
 - (c) 1 July to 30 September;
 - (d) 1 October to 31 December,
- and the return must be lodged within 28 days of the end of each period.

Penalty: \$10,000, and a daily penalty of \$1,000.

- (2) A return lodged in accordance with subsection (1) shall set out the following information in relation to each instance of lobbying activity carried out by the lobbyist in the preceding quarter —
- (a) the name and business address of the lobbyist;
 - (b) where applicable, the name and business address of any firm, corporation or other entity through which the registered lobbyist carried out the lobbying activity;
 - (c) the name and business address of the client and the name and business address of any person that, to the knowledge of the registered lobbyist, controls or directs the activities of the client and has a direct interest in the outcome of the lobbyist's lobbying activity;
 - (d) where the client is a corporation within the meaning of the Corporations Act, the name and business address of any related entity of the client that, to the knowledge of the registered lobbyist, has a direct interest in the outcome of the lobbyist's lobbying activity;
 - (e) particulars to identify the subject matter of the lobbying activity, and such other information regarding the subject matter as is prescribed;
 - (f) particulars to identify any legislative proposal, Bill, subsidiary legislation, policy, programme, authority, power or expenditure to which the lobbying activity related;
 - (g) the date on which the lobbying activity occurred;

- (h) where the public official in relation to whom the lobbying activity was directed is a person within paragraphs (a), (b) or (c) of the definition of ***public official***, the name of the public official; and
 - (i) where the public official in relation to whom the lobbying activity was directed is a person within paragraphs (d), (e), (f), (g), (h), (i) or (j) of the definition of ***public official***, the title of the public official; and
 - (j) such other information in relation to the lobbying activity as is prescribed.
- (3) The Commissioner may, on the application of a registered lobbyist, extend the time within which a quarterly return required by subsection (1) must be lodged.
 - (4) Where a lobbyist has not engaged in any lobbying activity in a particular quarter, the lobbyist must lodge a quarterly return stating that he or she has not engaged in any lobbying activity in that quarter.
- ”.

New Clause 15G.

Dr E. Constable: To move –

Page 14, after line 16 – To insert:

“

15G. Commissioner may require further information

- (1) The Commissioner may, by notice in writing served on the lobbyist, require a lobbyist to provide such further written information in relation to a return lodged pursuant to section 15F as the Commissioner considers is necessary to clarify the information set out in that return.
- (2) A notice under subsection (1) shall —
 - (a) be in writing;
 - (b) specify the nature of the further information required;
 - (c) specify a time at or within which the further information is to be provided; and
 - (d) state that the person receiving the notice is required by this Act to comply with the notice.
- (3) A person who, without reasonable excuse (proof of which shall lie on him or her), fails to comply with a notice served on the person under subsection (1) is guilty of an offence.

Penalty: \$10,000, and a daily penalty of \$1,000.

”.

New Part 2A.

Mr M McGowan: To move –

Page 15, before line 1 – To insert:

“

Part 2A — Disclosure of Lobbying

15A. Lodgement of returns

- (1) A Minister, a registrant and a registered advocate to government as defined in section 3(1) of this Act, must lodge returns with the Commissioner setting out the information referred to in subsection (2) in respect of the periods —
- (a) 1 January to 30 June;
 - (b) 1 July to 31 December,
- and the return must be lodged within 28 days of the end of each period.

Penalty: \$5,000, and a daily penalty of \$500.

- (2) A return lodged in accordance with subsection (1) shall set out the following information in relation to all of the lobbying activity carried out by the registrant or registered advocate to government in the preceding period —
- (a) the name and business address of the registered advocate to government;
 - (b) the name and business address of the registrant;
 - (c) where the registrant is a corporation as defined in section 3(1) of this Act, the name and business address of any related entity of the registrant that, to the knowledge of the registrant or registered advocate to government, has a direct interest in the outcome of the registrant or registered advocate to government's lobbying activity;
 - (d) any other person that, to the knowledge of the registrant or registered advocate to government, has a direct interest in the outcome of the registrant or registered advocate to government's lobbying activity;
 - (e) a description, in summary form, of the registrant's business or activities and such other information to identify the nature of the registrant's business or activities as is prescribed;
 - (f) a description, in summary form, of the subject matter and of the lobbying activity, and such other information regarding the subject matter as is prescribed;
 - (g) the date on which any lobbying activity took place;
 - (h) particulars to identify any legislative proposal, Bill, subsidiary legislation, policy, programme, authority, power or expenditure to which the lobbying activity related;
 - (i) where the lobbying activity was directed at persons within the definitions of **government representative** and **senior public sector executive** in section 3(1) of this Act, the name and title of the persons;
 - (j) where the lobbying activity was directed at a member of either House of the Western Australian Parliament who is not defined in section 3(1) of this Act, the name of the member; and
 - (k) such other information in relation to the lobbying activity as is prescribed.

- (3) The Commissioner may, on the application of a registrant or registered advocate to government, extend the time within which a return required by subsection (1) must be lodged.
- (4) Where a registrant or registered advocate to government has not engaged in any lobbying activity in a particular period, the registrant or registered advocate to government must lodge an annual return stating that he or she has not engaged in any lobbying activity in that period.

”.

Clause 16.

Dr E. Constable: To move –

Page 15, line 4 – To delete “advocates to government” and substitute:

“ lobbyists ”.

Clause 17.

Dr E. Constable: To move –

Page 15, line 8 – To delete “**advocates to government**” and substitute:

“ **lobbyists** ”.

Dr E. Constable: To move –

Page 15, line 10 – To delete “advocates to government” and substitute:

“ lobbyists ”.

Clause 21.

Dr E. Constable: To move –

Page 16, line 14 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 16, line 16 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 16, line 18 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 16, line 19 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 16, line 22 – To delete “advocate to government” and substitute:

“ lobbyist ”.

New Part 4A.

Dr E. Constable: To move –

Page 18, before line 1 – To insert:

“

Part 4A — Investigation and Offences

Division 1 — Investigations by Commissioner

22A. Commissioner may investigate lobbying activity

- (1) The Commissioner may investigate any matter relating to any lobbying activity carried out by a lobbyist.
- (2) In particular, without limiting subsection (1), the Commissioner may investigate whether a lobbyist has in the course of any lobbying activity —
 - (a) adequately disclosed to the relevant public official, the person on whose behalf the lobbying activity was being conducted;
 - (b) provide accurate and factual information to the relevant public official;
 - (c) been accorded any unfairly preferential or discriminatory treatment by the relevant public official;
 - (d) attempted to apply any improper influence on the relevant public officer; or
 - (e) represented competing or conflicting interests without the consent of those whose interest are involved.
- (3) In this section, *the relevant public official* means the public official to whom the lobbying activity was directed.
- (4) The provisions of section 24 of the *Public Sector Management Act 1994* shall apply, with all necessary modifications, to an investigation by the Commissioner pursuant to this section.
- (5) If, during the course of an investigation under this section, the Commissioner suspects that a person has committed an offence, a breach of discipline or otherwise engaged in conduct which may be the subject of further action, the Commissioner may refer that conduct to an appropriate authority for further action.

22B. Report on completion of investigation or generally

- (1) Where the Commissioner conducts an investigation under section 22A, the Commissioner shall prepare a report of his or her conclusions, and the reasons for those conclusions, in relation to the matter the subject of the investigation.

- (2) The Commissioner may, if he or she thinks fit, prepare a report in relation to any matter arising out of the administration of this Act generally.
- (3) Notwithstanding the *Financial Management Act 2006*, the Commissioner shall, as soon as practicable, lay before each House of Parliament any report prepared by the Commissioner under subsections (1) or (2).
- (4) If neither House of Parliament is sitting at the time when the Commissioner completes his or her report in accordance with subsections (1) or (2), the Commissioner shall —
 - (a) send copies of the report to the Clerks of both Houses of Parliament; and
 - (b) make the report available to the public.

Division 2 — Offences and Legal Proceedings

22C. Persons who may engage in lobbying activity

A person must not engage in lobbying activity unless that person is a registered person.

Penalty: \$10,000.

22D. Persons who may be engaged to engage in lobbying activity

A person must not engage a person to engage in lobbying activity unless the person engaged is a registered person.

Penalty: \$10,000.

22E. Improper advantage of former public office

A person who formerly was a public official must not engage in lobbying activity in such a manner as to take improper advantage of his or her former public office or offices.

Penalty: \$10,000.

22F. Prohibition on lobbying activities by former public officials

A person who formerly was a public official must not engage in any lobbying activity concerning a matter in respect of which the person had, or would have had, a duty by reason of holding his or her former public office or offices.

Penalty: \$50,000.

22G. Improper disclosure

A person who formerly was a public official must not disclose to any person in the course of engaging in any lobbying activity any information that was obtained in his or her capacity as a former public official and is not available to a member of the public.

Penalty: \$10,000.

22H. Privileged access to Houses of Parliament

A lobbyist who has been a member of either House of Parliament must not exercise any privilege with respect to access to —

- (a) the Houses of Parliament; or
 - (b) facilities available to members of Parliament,
- that is a privilege not available to a member of the public.

Penalty: \$10,000.

22I. False or misleading information

A person who —

- (a) includes any information in a return lodged under this Act that the person knows is false or misleading in a material particular;
- (b) omits any information in a return lodged under this Act without which the return is, to the person's knowledge, false or misleading in a material particular;
- (c) includes any information in a response to a notice served under section 15G(1) that the person knows is false or misleading in a material particular; or
- (d) omits any information in a response to a notice served under section 15G(1) without which the response is, to the person's knowledge, false or misleading in a material particular,

is guilty of an offence.

Penalty: \$10,000.

22J. Proof of returns and information

In any prosecution for an offence against this Act a copy of —

- (a) a return lodged under this Act; or
- (b) a response to a notice purporting to be certified under the Commissioner's signature as a true copy is, without proof of the Commissioner's signature, admissible in evidence.

22K. Proof of intention

In any proceedings for an offence against this Act, an averment in the complaint that any oral or written communication (including electronic communication) was made with a particular intent, must, on proof of the communication having occurred, be taken to be proved, unless the contrary is proved.

22L. Proof that a person is a public official

In any proceedings for an offence against this Act, an averment in the complaint that a person was a public official within the meaning of this Act must be taken to be proved, unless the contrary is proved.

”.

Clause 23.

Dr E. Constable: To move —

Page 18, lines 7 and 8 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Dr E. Constable: To move –

Page 18, line 11 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Clause 24.

Dr E. Constable: To move –

Page 18, line 23 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Clause 27.

Dr E. Constable: To move –

Page 20, line 20 – To delete “advocate to government” and substitute:

“ lobbyist ”.

Long Title.

Dr E. Constable: To move –

Page 1, line 3 – To delete “**government representatives**” and substitute:

“ **public officials** ”.

Joint Standing Committee on Audit

Legislative Council Message No. 202.

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 235 it has disagreed to the amendments made by the Legislative Assembly to Legislative Council Message No. 179.

Joint Standing Committee on Delegated Legislation

Legislative Council Message No. 200.

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution, proposing amended terms of reference for the Joint Delegated Legislation Committee -

That the Legislative Assembly be acquainted that the Legislative Council has adopted proposed Schedule 1, Item 6, *Joint Delegated Legislation Committee*, and invites the Legislative Assembly to concur.

Schedule indicating the amendments made by the Legislative Council to the Terms of Reference of the Joint Standing Committee on Delegated Legislation.

6. Joint Delegated Legislation Committee

- 6.1 *A Joint Delegated Legislation Committee* is established.
- 6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 6.4 (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
- (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 6.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
- (a) is within power;
- (b) has no unintended effect on any person's existing rights or interests;
- (c) provides an effective mechanism for the review of administrative decisions; and
- (d) contains only matter that is appropriate for subsidiary legislation.
- 6.7 It is also a function of the Committee to inquire into and report on –
- (a) any proposed or existing template, *pro forma* or model local law;
- (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
- (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 6.8 In this order –
- “instrument” means –
- (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
- (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
- “subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

Litter Amendment Bill 2011 (No. 240–1)

Litter Amendment Bill 2011 (Notice given – 8/8/12)

Mr C.J. Tallentire: To move –

That the scope of the Litter Amendment Bill 2011 be extended to allow an amendment to be moved to insert a new clause into the Bill which will amend the *Litter Act 1979* to obligate the Minister to procure, through regulation, a suitable container deposit scheme.

New section 8A.

Mr C. Tallentire: to move –

Page 3, after line 22 – to insert:

“

8A. Section 26A inserted

After section 25 insert new section 26A:

“

26A. Container Deposit Scheme

The Minister shall procure, through regulation, a suitable container deposit scheme with appropriate penalties to deter littering.

”

”

Local Government Amendment (Regional Subsidiaries) Bill 2010 (LC No. 184–1)

Clause 8.

Mr J.N. Hyde: To move –

Page 4, lines 1 to 3 – To delete the lines and substitute:

“

- (c) provide for the establishment of a regional subsidiary as a corporate body under the *Local Government Act 1995* and provide for the powers and duties of a regional subsidiary; and

”

Prostitution Bill 2011 (No. 218-1)

Clause 2.

Dr J.M. Woollard: To move –

Page 2, line 7 — To insert after “Assent”:

“ (assent day) ”.

Page 2, after line 7— To insert:

“ Part 14 – on the last day of the period of 5 years after assent day; ”.

Clause 44.

Dr J.M. Woollard: To move –

Page 30, lines 5 to 14 — To delete the lines and substitute:

“ ***health and drug management plan*** has the meaning given in section 44A; ”.

New clause 44A.

Dr J.M. Woollard: To move –

Page 30, after line 29 — To insert:

“

44A Health and drug management plans

- (1) A health and drug management plan, in relation to a prostitution business or a proposed prostitution business, means a document in a prescribed form setting out –
 - (a) the steps that will be taken to minimise the risk of any prostitute working for the business, and any client of the business, acquiring or transmitting an STI as defined in section 30; and
 - (b) how it is proposed to prevent, monitor and deal with the use of prohibited drugs in the place in which the business is conducted.
- (2) The Governor, in consultation with the Education and Health Standing Committee of the Legislative Assembly (the Committee), shall make regulations prescribing one or more forms for health and drug management plans.
- (3) A health and drug management plan shall set out the maximum number of hours in a specified period for which a person may act as a prostitute for the prostitution business but cannot affect the application of the Minimum Conditions of Employment Act 1993 Part 2A.
- (4) The Committee is to report and make recommendations to the Legislative Assembly each year on the appropriateness of each prescribed form of health and drug management plan.

”.

Clause 48.

Dr J.M. Woollard: To move –

Page 32, after line 26 — To insert:

“

- (1) The CEO must not issue an operator’s licence (even if satisfied as to each of the matters referred to in section 55) if, at the time of the proposed issue, the total number of operator’s licences that are in effect or suspended exceeds twenty (20).

”.

Dr J.M. Woollard: To move –

Page 33, after line 4 — To insert:

“

- (3) In subsection (2) – licence means a manager’s licence, a prostitute’s licence (general) or a prostitute’s licence (self-employed).

”.

Clause 55.

Dr J.M. Woollard: To move –

Page 41, line 4 — To insert after “proposed prostitution business”:

“ complies with section 44A(1) and ”.

Clause 58.

Dr J.M. Woollard: To move –

Page 45, line 24 — To insert after “proposed prostitution business”:

“ complies with section 44A(1) and ”.

Clause 62.

Dr J.M. Woollard: To move –

Page 47, line 8 — To delete “the prescribed number of” and substitute:

“ Ten (10) ”.

Dr J.M. Woollard: To move –

Page 47, line 12 — To delete the line and substitute:

“

- same time; and
 - (c) no more than 15 prostitutes have entered into a contract of service with, or been engaged to work for the purposes of the business under a contract of services by, a person who operates the business, to work in the place.
- ”.

Clause 73.

Dr J.M. Woollard: To move –

Page 58, line 9 — To insert after “as”:

“ complying with section 44A(1) and ”.

Dr J.M. Woollard: To move –

Page 58, line 15 — To insert after “as”:

“ complying with section 44A(1) ”.

New Part 14.

Dr J.M. Woollard: To move –

After page 142 — To insert:

“

Part 14 – Amendments to this Act to delete licensing provisions

195. Act amended

This Part amends the *Prostitution Act 2011*.

196. Section 3 amended

(1) In section 3 delete the definitions of:

licence

licence holder

manager's licence

operator's licence

prostitute's licence (general)

prostitute's licence (self-employed)

(2) In section 3 in the definition of Department delete “Part 6;” and insert:

“ Part 6 before Part 14 comes into operation; ”.

197. Section 5 deleted

Delete section 5.

198. Sections 13 and 14 replaced and section 15A inserted

Delete sections 13 and 14 and insert:

“

13. Operating or managing prostitution business prohibited

A person other than a self-employed prostitute must not operate or manage a prostitution business.

Penalty: a fine of \$50 000 or imprisonment for 3 years.

14. Person not to take part in, or negotiate, act of prostitution as client

(1) A person must not, as a client, take part in an act of prostitution in any place.

(2) A person must not, in any place, enter into, or offer to enter into, an agreement under which the person would take part, as a client, in an act of prostitution in any place.

Penalty applicable to subsections (1) and (2):

(a) If the person was not a child at the time the offence was committed –

(i) for a first offence, a fine of \$6 000;

(ii) for a second or subsequent offence, a fine of \$6 000 or imprisonment for one year; or

(iii) if the person was a child at the time the offence was committed, a fine of \$2 000.

15A. No advertising, signs, for prostitution business

- (1) A person must not publish, place, or seek to place, an advertisement –
- (a) for a prostitution business; or
 - (b) to the effect that a particular person is available to act as a prostitute.

Penalty: a fine of \$50 000.

- (2) It is a defence to a charge of an offence under subsection (1) for the accused to prove that he or she believed on reasonable grounds that the advertisement that is the subject of the charge was not, as is applicable in the case –
- (a) for a prostitution business; or
 - (b) to the effect that a particular person is available to act as a prostitute.
- (3) Subsection (2):
- (a) applies to an accused who is alleged to have published the advertisement that is the subject of the charge; but
 - (b) does not apply to an accused who is alleged to have placed, or to have sought to place, the advertisement that is the subject of the charge.
- (4) A person must not display, or cause to be displayed, any sign for a prostitution business.

Penalty: a fine of \$50 000.

”.

199. Part 3 deleted

Delete Part 3.

200. Section 31 amended

Delete section 31(3), (4) and (5).

201. Section 32 amended

Delete section 32(2), (3) and (4).

202. Section 33 amended

Delete section 33(3).

203. Section 34 amended

Delete section 34(2).

204. Section 35 deleted

Delete section 35.

205. Section 41 deleted

Delete section 41.

206. Part 6 Divisions 1 to 7 deleted

Delete Part 6 Divisions 1 to 7 inclusive.

207. Section 79 amended

In section 79 delete the definitions of:

caretaker's dwelling

City of Perth inner zone

protected place

208. Sections 80 and 81 deleted

Delete sections 80 and 81.

209. Section 82 amended

Delete section 82(3).

210. Section 83 amended

Delete section 83(2).

211. Sections 84, 85, 86 deleted

Delete sections 84, 85 and 86.

212. Part 6 Division 9 deleted

Delete Part 6 Division 9.

213. Section 92 deleted

Delete section 92.

214. Section 95 amended

Delete section 95(4).

215. Section 96 deleted

Delete section 96.

216. Part 7 Division 3 deleted

Delete Part 7 Division 3.

217. Section 102 amended

(1) Delete section 102(2).

(2) In section 102(3) delete “or an authorised person who enters a place under subsection (1) or (2) may require a person in the place apparently operating, managing or working for a prostitution business to give the police officer or authorised person” and insert:

“

who enters a place under subsection (1) may require a person in the place apparently operating, managing or working for a prostitution business to give the police officer

”.

218. Section 103 amended

- (1) In section 103(1):
- (a) Delete paragraph (b);
 - (b) In paragraph (c) delete “or authorised person”.
- (2) In section 103(2) delete “or authorised person to give the police officer or authorised person his or her name and address or provide proof of his or her identity, a person must not fail to give the police officer or authorised person” and insert:
- “
- to give the police officer his or her name and address or provide proof of his or her identity, a person must not fail to give the police officer

”.

219. Part 7 Divisions 5 and 6 deleted

Delete Part 7 Divisions 5 and 6.

220. Section 131 amended

In section 131(3):

- (a) after paragraph (a)(i) delete “place; and” and insert:

“ place; ”

- (b) delete paragraph (a)(ii); and
- (c) delete paragraph (b)(i).

221. Section 133 amended

Delete 133(3).

222. Section 135 amended

In section 135(5):

- (a) in paragraph (a) delete “place; and” and insert:

“ place. ”.

- (b) delete paragraph (b).

223. Section 137 amended

Delete 137(3).

224. Part 8 deleted

Delete Part 8.

225. Section 154 amended

Delete section 154(3)

226. Section 156 amended

In section 156 delete “section 27(1)”, and insert:

“ section 15A(1), ”.

227. Section 160, 161 and 162 deleted

Delete sections 160, 161 and 162.

228. Section 164 amended

- (1) In section 164(2)(a) delete “162 or”.
- (2) In section 164(3):
 - (a) delete paragraph (a);
 - (b) in paragraph (b) delete “officer; or” and insert:

“ officer, ”; and
 - (c) delete paragraph (c).

229. Section 166 amended

- (1) Delete section 166(3)(a).
- (2) In section 166(5):
 - (a) in paragraph (b) delete “Act; or” and insert:

“ Act. ”; and
 - (b) delete paragraph (c).

230. Section 167 amended

- (1) Delete section 167(2) and (3).
- (2) In section 167(4) delete “Subsections (1), (2) and (3) do” and insert:

“ Subsection (1) does ”.

231. Section 168 deleted

Delete section 168.

232. Section 171 amended

Delete section 171(4)(a).

233. Section 174 deleted

Delete section 174.

234. Section 175 amended

Delete section 175(2) and (3).

235. Schedule 1 deleted

Delete Schedule 1.

236. *Workers’ Compensation and Injury Management Act 1981* amended

- (1) This section amends the *Workers’ Compensation and Injury Management Act 1981*.
- (2) Delete section 12A.

- (3) Delete section 22(2).
- (4) Delete section 31(8A) and (8B).

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 B.S. Wyatt: 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 at the Bentley Hospital.

”.

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