

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 200

WEDNESDAY, 11 JUNE 2008, 12 noon

Prayers *	
Petitions	
Papers	
Giving Notices of Motion	
Brief Ministerial Statements *	
Questions Without Notice *	– approximately 2.00 p.m. each day
Matter of Public Interest	– one per week on any day
Private Members' Business	– 4.00 p.m. to 7.00 p.m. Wednesdays
Grievances	– approximately 9.00 a.m. Thursdays
Private Members' Statements	– 12.50 p.m. Thursdays

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

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

BUSINESS OF THE ASSEMBLY - NOTICES OF MOTION

1. Committee Membership (Notice given - 10/6/08)

The Leader of the House: To move –

That in accordance with Standing Order 249 (3), the appointment by the Speaker on 19 May 2008 of the Member for Darling Range to the Standing Committee on Education and Health to fill the vacancy caused by the Member for Dawesville's resignation is confirmed.

BILLS - NOTICES OF MOTION

1. Diamond (Argyle Diamond Mines Joint Venture) Agreement Amendment Bill 2008
(Notice given - 10/6/08)

The Minister for State Development: To move –

That a Bill for "An Act to amend the *Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981*" be introduced and read a first time.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **Revenue Laws Amendment Bill 2008** (Treasurer) (No. 281, 2r. – 14/5/08)
To be read a third time.
2. **Revenue Laws Amendment Bill (No. 2) 2008** (Treasurer) (No. 282, 2r. – 14/5/08)
To be read a third time.
3. **Pay-roll Tax Assessment Amendment Bill 2008** (Treasurer) (No. 283, 2r. – 14/5/08)
Second reading. Adjourned debate (Dr S.C. Thomas).
4. **Nickel Refinery (BHP Billiton Nickel West Pty Ltd) (Termination of Agreements) Agreement Bill 2008** (Minister for Resources) (No. 276, 2r. – 15/5/08)
Second reading. Adjourned debate (Mr A.J. Simpson).
5. **Electoral Amendment Bill 2008** (Minister for Electoral Affairs) (No. 284, 2r. – 14/5/08)
Second reading. Adjourned debate (Dr S.C. Thomas).
6. **Electoral Amendment Bill (No. 2) 2008** (Minister for Electoral Affairs) (No. 285, 2r. – 14/5/08)
Second reading. Adjourned debate (Dr S.C. Thomas).
7. **Public Transport Authority Amendment Bill 2008** (Minister for Planning and Infrastructure) (No. 275, 2r. – 14/5/08)
Second reading. Adjourned debate (Dr S.C. Thomas).
8. **Education and Training Legislation Amendment and Repeal Bill 2008** (Minister for Education and Training) (No. 277, 2r. – 15/5/08)
Second reading. Adjourned debate (Mr R.F. Johnson).
9. **Acts Amendment (Weapons) Bill 2008** (Attorney General) (No. 273, 2r. – 9/4/08)
Second reading. Adjourned debate (Dr G.G. Jacobs).
10. **Premier's Statement**
Adjourned debate (Leader of the House) on the question, That the statement be noted.
11. **Equal Opportunity Amendment Bill 2008** (Attorney General) (No. 271, 2r. – 9/4/08)
Second reading. Adjourned debate (Mr C.J. Barnett).
12. **Real Estate and Business Agents Amendment Bill 2007** (Minister for Consumer Protection) (No. 247, 2r. – 14/11/07)
Second reading. Adjourned debate (Dr S.C. Thomas).
13. **Major Events (Aerial Advertising) Bill 2008** (Minister for Sport and Recreation) (No. 286, 2r. – 14/5/08)
Second reading. Adjourned debate (Dr S.C. Thomas).
14. ***Food Bill 2005** (Minister representing the Minister for Agriculture and Food) (No. 110, 2r. – 23/11/05)
Consideration in detail of Legislative Council message No. 210.
15. ***Community Protection (Offender Reporting) Amendment Bill 2007** (Minister for Police and Emergency Services) (No. 256, 2r. – 28/11/07)
Consideration in detail of Legislative Council message No. 212.
16. ***Acts Amendment (Consent to Medical Treatment) Bill 2006** (Attorney General) (No. 149, 2r. – 21/6/06)
Consideration in detail of Legislative Council message No. 214.

17. *Joint Standing Committee on the Commissioner for Children and Young People
(Leader of the House)

Consideration of Legislative Council message No. 215.

18. *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007 (Attorney General) (No. 257, 2r. – 28/11/07)

Consideration in detail of Legislative Council message No. 216.

19. *Joint Select Committee on the Regulation of Lobbyists in Western Australia (Leader of the House)

Consideration of Legislative Council message No. 219.

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

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

Mr T.K. Waldron: To move –

That this House calls on the Government to retain existing two-person and three-person police stations in country Western Australia as a matter of providing safety and security for the residents of these communities.

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

Mr P.D. Omodei: To move –

That a Select Committee of the Legislative Assembly be appointed to inquire into and report on:

- (a) the price of milk and beef in Western Australia and as to whether farmers are receiving a fair price for their produce;
- (b) whether processors and retailers are providing milk and beef at a fair price to consumers;
- (c) whether processors and retailers are engaging in unconscionable conduct in discounting milk in Western Australia;
- (d) whether abattoirs and retailers are engaging in unconscionable conduct in setting prices of beef in Western Australia;
- (e) why beef on the hoof is sold at significantly lower prices in Western Australia than in the eastern states of Australia;
- (f) whether retail prices of beef and milk are being passed on to farmers;
- (g) examine mechanisms to ensure farmers receive a fair proportion of retail revenue for milk and beef;
- (h) investigate the abattoir industry in Western Australia and make recommendations to improve this sector;
- (i) investigate the closure of saleyards in regional Western Australia and make recommendations as to their retention and location;
- (j) investigate the funding of the Federal Government's Dairy Adjustment Scheme and the 11.5 cents milk levy and as to which sector of the industry is paying the levy;
- (k) make recommendations as to which sector of the dairy industry should receive the 11.5 cents on the conclusion of the Dairy Adjustment Scheme; and
- (l) other matters where there is a perceived or actual negative impact on farmer returns in the dairy and beef industries.

That the Select Committee report back to this House no later than 31 January 2008.

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

Mr D.T. Redman: To move –

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

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

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

Mr P.D. Omodei: To move –

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

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

Mr P.D. Omodei: To move –

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

- (1) Quarantining the \$70 million proceeds of the sale of the Midland saleyards for the construction of new yards in Katanning, Kemerton and other centres;
- (2) Allocating some of the funds for regional yards as either selling facilities or transit yards;
- (3) Allocating funds to upgrade yards to meet work safe guidelines;
- (4) Allocating funds to facilitate the upgrade and or development of at least three modern abattoirs;
- (5) Freeing up approval processes to allow Government Departments and Industry to quickly and decisively address the lack of killing facilities and saleyards; and
- (6) Supporting the commitment by the Treasurer in 2002 “That all funds from the sale of Midland saleyards be quarantined for the building of a new saleyard complex at Muchea and upgrading and other regional facilities.

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

Mr R.F. Johnson: To move –

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

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

Mr T.R. Buswell: To move –

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

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

Mr P.D. Omodei: To move –

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

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

Mr D.T. Redman: To move –

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

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

Mr D.T. Redman: To move –

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

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

Mr D.T. Redman: To move –

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

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

Mr D.T. Redman: To move –

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

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

Mr D.T. Redman: To move –

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

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

Dr S.C. Thomas: To move –

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

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

Mr J.B. D'Orazio: To move –

That this House calls on the Government to:

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

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

Mr J.E. McGrath: To move –

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

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

Mr B.J. Grylls: To move –

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

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

Mr M.W. Trenorden: To move –

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

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

Mr M.W. Trenorden: To move –

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

20. Regional Public Sector Workers (Notice given – 6/5/08)

Mr M.W. Trenorden: To move –

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

21. Police Officers in Country Western Australia (Notice given - 7/5/08)

Mr T.K. Waldron: To move –

That this House calls on the Minister for Police and Emergency Services to explain his failure to deploy enough police officers across inland country Western Australia, and for the Minister to guarantee that strategically located police stations remain open and active to ensure the proper safety and protection of those local communities.

22. Cyclone destruction in Burma (Notice given - 13/5/08)

Mr J.N. Hyde: To move –

That this House –

- (1) expresses its deepest sympathy to the people of Burma who have suffered massive devastation caused by Cyclone Nargis and the ensuing tidal surges;
- (2) calls on the Burmese regime:
 - (a) to lift restrictions that are frustrating access to the affected areas by international aid agencies; and
 - (b) postpone progression of the constitutional referendum throughout the country in order to concentrate on delivering assistance to those affected by Cyclone Nargis; and
- (3) calls on Western Australian companies trading in Burma to give priority to activities that will alleviate the suffering of the people and encourage the creation of a stable and free Burma.

23. Teacher Shortages in Regional and Remote Schools (Notice given - 13/5/08)

Mr G.A. Woodhams: To move –

That in light of the predicted shortfall in teacher numbers and the impact this will have on regional Western Australia that this House calls on the government to introduce a range of additional incentives for teachers and administrators to work and remain in regional and remote schools.

24. Increases in Country Commercial Water Charges (Notice given - 13/5/08)

Mr D.T. Redman: To move –

That this House condemns the State Government for abandoning regional businesses by differentially increasing country commercial water charges, and in doing so failing to recognise the contribution of regional businesses to regional communities and to the Western Australian economy.

25. Road Funding in the Warren-Blackwood Region (Notice given - 13/5/08)

Mr P.D. Omodei: To move –

- (1) That this House condemns the Labor Government for failing to fund roads in the Warren-Blackwood district identified in the RAC reports statement titled “Western Australia’s Killer Highways (Australian Road Assessment Program)” and “Risky Roads 2008”.
- (2) And calls on the Government to treat these roads as ‘URGENT’ by beginning work immediately to fund works on –
 - (a) South West Highway south of Bridgetown to Shannon;
 - (b) passing lanes Shannon to Walpole; and
 - (c) South Coast Highway between Peaceful Bay and Parryville.

26. Keep Australia Beautiful Tidy Towns competition (Notice given - 13/5/08)

Mr P.D. Omodei: To move –

That this House calls on the Western Australian Government to support the concept of a ‘Clean Australia’ as promoted by the Walpole community at the Keep Australia Beautiful Tidy Towns Sustainable Communities National Awards Ceremony in Tasmania and congratulates the Walpole community for their ongoing success in the Keep Australia Beautiful Tidy Towns competition.

27. Bridgetown Mobile Dental Health Clinic (Notice given – 10/6/08)

Mr P.D. Omodei: To move –

That this House calls on the Minister for Health to take all necessary steps to restore the Bridgetown Mobile Dental Health Clinic as a matter of urgency.

PRIVATE MEMBERS’ BUSINESS – ORDERS OF THE DAY
1. Electricity Corporations Amendment Bill 2006 (Mr M.W. Trenorden) (No. 132, 2r. – 10/5/06)

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

2. Industrial Relations (Prohibition of Bargaining Services Fees) Amendment Bill 2007 (Mr M.J. Cowper) (No. 221, 1r. – 21/6/07)

To be read a second time.

3. Development of Infrastructure to Allow Power Generation Out of Albany (Moved – 13/9/06)

Adjourned debate (Mr R.F. Johnson) on the motion moved by Dr G.G. Jacobs –

That this Government develop infrastructure to allow power generation out of Albany to ‘power proof’ the Great Southern Region.

4. Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005 (Dr E. Constable) (LC No. 97, 2r. – 1/11/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

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

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

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

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

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

Second reading. Adjourned debate (Deputy Premier).

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

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

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

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

That this House calls on the Minister for Health to:

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

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

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

11. Law and Order (Moved – 14/11/07)

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

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

12. Greater Bunbury Regional Scheme (Moved – 21/11/07)

Adjourned debate (Mr M.P. Murray – continuation of remarks) on the motion moved by Dr S.C. Thomas on 21 November 2007 –

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

- (1) provide adequate resources as a matter of urgency to update the Scheme;
- (2) provide additional adequate resources to manage the current and additional lands acquired or listed as Regional Open Space;

- (3) extend the Scheme to include the Shires of Collie and Donnybrook–Balingup; and
 (4) address the concerns of private property owners more adequately.

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

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

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

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

15. Heritage of Western Australia (Crown Acquisition of Registered Places) Amendment Bill 2006 (Ms S.E. Walker) (No. 182, 1r. – 23/11/06)

To be read a second time.

16. Road Traffic Amendment (Confiscation and Disposal of Vehicles) Bill 2008 (Mr R.F. Johnson) (No. 268, 2r. – 2/4/08)

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

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

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

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

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

19. Acts Amendment (Western Australia Day) Bill 2008 (Mr C.J. Barnett) (No. 280, 2r. – 14/5/08)

Second reading. Adjourned debate (Mr R.F. Johnson).

20. Deterioration in Essential Services in Regional Western Australia (Moved - 14/5/08)

Adjourned debate on the motion moved by Mr G.A. Woodhams –

That this State Government be condemned for the serious deterioration in essential services in regional Western Australia.

AWAITING GOVERNOR'S MESSAGE

1. Police (Compensation for Injured Officers) Amendment Bill 2006 (Mr M.J. Cowper) (No. 159, 2r. – 23/8/06)

Second reading.

COMMITTEES TO REPORT

Education and Health Standing Committee: Inquiry into General Health Screening of Children at Pre-Primary and Primary School Levels	–	9 September 2008
Procedure and Privileges Committee: Inquiry into Allegations of Misconduct Referred to the Corruption and Crime Commission	–	16 October 2008
Community Development and Justice Standing Committee: Collaborative Approaches in Government	–	27 November 2008

Joint Standing Committee on the Corruption and Crime Commission: – 9 April 2009
 Inquiry into the Efficacy of Public Hearings by
 the Corruption and Crime Commission

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	Karrinyup Lakes Lifestyle Village Development	19 June 2008
Community Development and Justice Standing Committee	Children and Community Services Amendment (Body Piercing) Bill 2007	25 September 2008

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Due Date</i>
Community Development and Justice Standing Committee – Inquiry into Western Australia’s Natural Disaster Relief Arrangements	Premier; Treasurer; Minister representing the Minister for Local Government; Minister representing the Minister for Regional Development; Minister for Heritage	10 August 2007 [non-compliance reported 15 August 2007]
Economics and Industry Standing Committee – Water Licensing and Services	Minister for Water Resources; Treasurer	28 May 2008
Community Development and Justice Standing Committee – Inquiry into the Prosecution of Assaults and Sexual Offences	Premier; Attorney General; Minister for Health; Minister for Police and Emergency Services; Minister for Indigenous Affairs; Minister representing the Minister for Child Protection	10 July 2008
Public Accounts Committee – Inquiry into Funding Arrangements for Western Australian Infrastructure Projects	Minister for Federal-State Relations, Minister for State Development, Minister for Planning and Infrastructure, Minister representing the Minister for Local Government	15 August 2008
Education and Health Standing Committee – Inquiry into Successful Initiatives in remote Aboriginal Communities in Western Australia (Report No. 13)	Minister for Indigenous Affairs	15 August 2008

- * Denotes amendments appear in the Notices and Amendments section of the Notice Paper.
 † Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.
 ‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.
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NOTICES AND AMENDMENTS

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

Clause 4.

Mr R.F. Johnson: To move –
Page 3, lines 11 to 17 – To delete the lines.

Mr R.F. Johnson: To move –
Page 3, line 18 to page 4, line 3 – To delete the lines and substitute –

“

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

“

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

””.

Mr R.F. Johnson: To move –
Page 4, lines 4 to 8 – To delete the lines and substitute –

“

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

“

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

””.

Clause 5.

Mr R.F. Johnson: To move –
Page 4, lines 11 to 28 – To delete the lines and substitute –

“

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

“

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

””.

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

“

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

”
.”

Acts Amendment (Consent to Medical Treatment) Bill 2006

Message No. 214

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Acts Amendment (Consent to Medical Treatment) Bill 2006* 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 Acts Amendment (Consent to Medical Treatment) Bill 2006

No. 1

Clause 11, page 15, after line 11 — To insert —

“

- (b) the maker is encouraged to seek legal or medical advice; and

”

No. 2

Clause 11, page 15, after line 30 — To insert —

“

- (2) Despite subsection (1)(b), the validity of an advance health directive is not affected by a failure to comply with subsection (1)(b).

”

No. 3

Clause 11, page 16, after line 8 — To insert —

“

110QA. Maker may indicate in directive whether advice obtained

The form prescribed by the regulations for section 110Q(1)(a) must include provision for the maker, if the maker wishes —

- (a) to indicate whether the maker obtained legal or medical advice about the making of the directive; and
(b) if so, to identify from whom the maker obtained the advice.

”

No. 4

Clause 11, page 16, lines 21 to 24 — To delete the lines and insert instead —

“

110RA. Registration of advance health directive

An advance health directive may be registered in the register referred to in section 110ZAA.

”.

No. 5

Clause 11, page 17, lines 19 to 22 — To delete the lines and insert instead —

“

- (a) the maker of that directive would not have reasonably anticipated at the time of making the directive; and
- (b) would have caused a reasonable person in the maker’s position to have changed his or her mind about the treatment decision.

”.

No. 6

Clause 11, page 17, lines 25 to 27 — To delete — “made more than 10 years before the time at which the treatment decision would otherwise operate”.

No. 7

Clause 11, page 17, line 29 — To delete “of”.

No. 8

Clause 11, page 18, lines 10 to 14 — To delete the lines and insert instead —

“

- (5) For the purpose of determining whether or not subsection (3) applies in relation to a treatment decision that is in an advance health directive, subject to the terms of the directive, any of the following persons may be consulted —
 - (a) if the maker has an enduring guardian — the enduring guardian;
 - (b) if the maker has a guardian — the guardian;
 - (c) a person who has a relationship with the maker described in section 110ZD(3)(a) to (d);
 - (d) any other person considered appropriate in the circumstances.

”.

No. 9

Clause 11, page 21, line 1 — To delete the line and insert instead —

“

Division 4 — Miscellaneous matters

”

No. 10

Clause 11, page 21, after line 1 — To insert —

“

110ZAA. Register of advance health directives

- (1) A register of advance health directives must be established and maintained.
- (2) The regulations may provide for any matter that is necessary or convenient for the registration of advance health directives, including the following —
 - (a) who must establish and maintain the register;
 - (b) the form and manner in which the register must be established and maintained;
 - (c) the contents of the register, including proof of the contents;
 - (d) who may apply for registration;
 - (e) the procedure for registration, including the alteration and removal of entries in the register;
 - (f) who may have access to or obtain information from the register;
 - (g) the review by the State Administrative Tribunal of decisions allowing, or refusing to allow, people to have access to or obtain information from the register;
 - (h) the procedure for accessing or obtaining information from the register.
- (3) No fee or charge is payable in respect of any matter connected with the register or registration.

110ZAB. Disclosure of information obtained from register

- (1) In this section —
 “**register**” means the register referred to in section 110ZAA.
- (2) A person who has access to the register must not disclose any information on the register unless the disclosure is authorised by subsection (4).
 Penalty: \$5 000.
- (3) A person who obtains any information from the register must not disclose the information unless the disclosure is authorised by subsection (4).
 Penalty: \$5 000.
- (4) For subsections (2) and (3), a disclosure is authorised if it is —
 - (a) authorised by, or made for the purposes of, this Act; or
 - (b) made with the consent of the maker of the advance health directive to which the information relates; or

- (c) made for a purpose, or in a circumstance, prescribed by the regulations; or
- (d) otherwise authorised or required by law.

110ZAC. Regulations to facilitate national register

- (1) In this section —
 - “**advance health directive**” means —
 - (a) an advance health directive made under this Part; or
 - (b) an instrument created under the law of another State or a Territory that corresponds sufficiently, in form and effect, to an advance health directive made under this Part, whether or not the instrument is recognised under section 110ZA(1).
- (2) The regulations may make provision to facilitate —
 - (a) the establishment of a national register of advance health directives; and
 - (b) if a national register is established — the registration of advance health directives on it.

”.

No. 11

Clause 11, page 21, lines 8 to 14 — To delete the lines and insert instead —

“

110ZC. Meaning of “patient”

In this Part —

“**patient**” means a person who needs treatment.

”.

No. 12

Clause 11, page 23, after line 7 — To insert —

“

- (8) When making a treatment decision for the patient, the person responsible for the patient must act according to the person’s opinion of the best interests of the patient.

”.

No. 13

Clause 11, page 24, after line 9 — To insert —

“

Division 1 — Preliminary matters

”.

No. 14

Clause 11, page 25, before line 1 — To insert —

“

Division 2 — Provision of treatment

”.

No. 15

Clause 11, page 26, line 3 — To delete “that the patient has” and insert instead —

“ the patient having ”.

No. 16

Clause 11, page 26, line 6 — To delete “that”.

No. 17

Clause 11, page 26, line 8 — To delete “has” and insert instead —

“ having ”.

No. 18

Clause 11, page 26, line 12 — To delete “section 110ZI,” and insert instead —

“ sections 110ZI and 110ZIA, ”.

No. 19

Clause 11, page 28, line 26 to page 29, line 26 — To delete the lines and insert instead —

“

- (3) For subsection (2)(a)(ii), a health professional is taken to have relied in good faith on what was purportedly a treatment decision if, after considering whether or not to rely on it, the health professional acted honestly in relying on it.

”.

No. 20

Clause 11, page 29, after line 26 — To insert —

“

- (4) For the purpose of determining under subsection (2)(b)(ii) whether the health professional’s assumption was reasonable, the following matters must be taken into account —
- (a) whether the health professional sighted any written evidence that some other health professional had ascertained that the treatment action was in accordance with the treatment decision;
 - (b) anything else relevant to the determination.

”.

No. 21

Clause 11, page 30, after line 10 — To insert —

“

Division 3 — Jurisdiction of State Administrative Tribunal

110ZM. Who may apply

A person who, in the opinion of the State Administrative Tribunal, has a proper interest in the matter may apply to the Tribunal for a decision under this Division.

110ZN. Declaration as to who may make treatment decision

- (1) The State Administrative Tribunal may declare whether section 110ZJ(2), (3), (4) or (5) applies in respect of any treatment proposed to be provided to a patient.
- (2) A declaration made under subsection (1) has effect according to its terms.
- (3) The Tribunal may revoke a declaration made under subsection (1).

”

No. 22

New Clause 12, page 30, after line 11 — To insert the following new clause —

“

12. Section 113 amended

After section 113(1) the following subsection is inserted —

“

- (1a) Subsection (1) does not apply to information obtained from the register referred to in section 110ZAA, and section 110ZAB applies to that information instead.

”

”

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

Clause 4.

Ms S.E. Walker: To move –

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

“ 1667 ”.

Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007

Message No. 216.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007

No. 1

Clause 13, page 19, line 22 — To insert after “under” —

“ the Commonwealth *Family Law Act 1975* section 67ZA(2) or (3) or ”.

Community Protection (Offender Reporting) Amendment Bill 2007

Message No. 212.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Community Protection (Offender Reporting) Amendment Bill 2007* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Community Protection (Offender Reporting) Amendment Bill 2007

No. 1

Clause 13, page 9, after line 13 — To insert —

“

- (4) Schedule 2 is amended in the item relating to *The Criminal Code* section 321A by deleting the description of offence and inserting instead —

“

Persistent sexual conduct with child under 16 (if the offence does not include a sexual act on any occasion when the child against whom the offence is committed is under 13)

”
”
”

Food Bill 2005 (No. 110—2)

Message No. 210.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Food Bill 2005* 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 Food Bill 2005

No. 1

Clause 2, page 2, lines 5 to 10 — To delete the lines and insert instead —

“

- (1) This Act comes into operation as follows:
- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
 - (b) the rest of the Act — on a day fixed by proclamation.

”.

No. 2

Clause 9, page 10, line 8 — To delete “3B” and insert instead —

“ 6 ”.

No. 3

Clause 33, page 26, line 23 — To delete “any” and insert instead —

“ reasonable ”.

No. 4

Clause 33, page 26, line 29 — To delete “any” and insert instead —

“ reasonable ”.

No. 5

Clause 38, page 32, after line 11 — To insert —

“

- (3) With respect to powers of entry, inspection and seizure by and pursuant to section 38, the exercise of all such powers of the authorised officer must be reasonable under the circumstances.

”.

No. 6

Clause 121, page 82, line 25 — To delete “officer” and insert instead —

“ authority ”.

No. 7

Clause 121, page 82, lines 27 and 28 — To delete “*Financial Administration and Audit Act 1985* section 66” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

No. 8

Clause 124, page 84, after line 17 — To insert —

“

- (3) An advisory committee is to consist of members appointed from persons having expertise in one or more of the following areas —
 - (a) the food industry;
 - (b) public health;
 - (c) the interests of consumers;
 - (d) the enforcement of food legislation.
- (4) In addition the Minister may appoint as members of an advisory committee persons having expertise in nutrition, toxicology, microbiology, and food technology and such other persons as the Minister considers have appropriate expertise, qualification or experience as will enable them to make a valuable contribution to the advisory committee.

No. 9

Clause 141, page 95, lines 15 to 25 — To delete the lines and insert instead —

“

- (1) Any matter or thing done or omitted to be done by an enforcement agency, an advisory committee, or a protected person does not, if the matter or thing was done or omitted in good faith for the purpose of executing any provision of this Act or any other law, subject a protected person personally to any action, liability, claim or demand.
- (2) In subsection (1) —

“protected person” means any of the following —

 - (a) the Minister;
 - (b) the head of an enforcement agency;
 - (c) any member of an enforcement agency or the staff of an enforcement agency;
 - (d) an authorised officer;
 - (e) any person acting under the direction of the head of an enforcement agency;
 - (f) any member of an advisory committee; or
 - (g) a person employed by the Crown to carry out analyses for the purposes of this Act or a person carrying out analyses under the supervision of such a person.

”.

No. 10

Clause 144, page 98, after line 26 — To insert —

“
 (iii) for the purpose of reducing obesity — the advertising of any food.
 ”.

No. 11

Clause 147, page 101, line 22 — To delete “repealed.” and insert instead —

“amended by deleting “246O(2), 246P, 246Q(3) and (4), 246Z(5) and (6), 246ZH(2), 246ZM(1),”.”

No. 12

Clause 148, page 102, line 10 — To delete “*Licensing*” and insert instead —

“ *Control* ”.

No. 13

New Clause 141, page 95, after line 13 — To insert the following new clause —

“

141. Payment of compensation to be charged to Consolidated Account

The Consolidated Account —

- (a) is charged with the payment of any compensation payable by the CEO or an enforcement agency prescribed by the regulations that is payable —
 - (i) under section 35, 56, 60 or 70; or
 - (ii) as the result of a review by the State Administrative Tribunal under section 35, 56 or 70;
- and
- (b) is appropriated accordingly.

”.

No. 14

New Clause 149, page 102, after line 29 — To insert the following new clause —

“

149. *Volunteers and Food and Other Donors (Protection from Liability) Act 2002* amended

Section 3(1) is amended in the definition of “food” by deleting “section 3(1) of the *Health Act 1911*,” and inserting instead —

“ the *Food Act 2005* section 9; ”.

”.

Joint Select Committee on the Regulation of Lobbyists in Western Australia

Message No. 219.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the following resolution —

That a Joint Select Committee of three members be appointed from each House to —

- (1) Inquire into and report on regulation of lobbyists in Western Australia, and in particular to —
 - (a) review the State Government's Contact with Lobbyists Code and Register of Lobbyists;
 - (b) consider the application of a lobbyists code and register to apply to contact between lobbyists and all Members of Parliament; and
 - (c) consider whether legislation is required to further regulate the activities of lobbyists in Western Australia.
- (2) The select committee Standing Orders of the Legislative Council apply.
- (3) The committee is to report to the Houses no later than 9 September 2008.

and requests the Legislative Assembly to agree to a similar resolution.

Joint Standing Committee on the Commissioner for Children and Young People

Message No. 215.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the following resolution —

- (1) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Council and the Legislative Assembly; and
- (2) the terms of reference of the Joint Standing Committee be as contained in the Schedule annexed,

and seeks the concurrence of the Legislative Assembly.

SCHEDULE**9. Joint Standing Committee on the Commissioner for Children and Young People**

- 9.1 A *Joint Standing Committee on the Commissioner for Children and Young People* is established.
- 9.2 The Joint Standing Committee shall comprise 2 members appointed by the Legislative Council and 2 members appointed by the Legislative Assembly.
- 9.3 It is the function of the Joint Standing Committee to —
 - (a) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
 - (b) to examine Annual and other Reports of the Commissioner; and
 - (c) to consult regularly with the Commissioner.

- 9.4 A report of the Joint Standing Committee will be presented to the Council and Assembly by members of the Joint Standing Committee nominated by it for that purpose.
- 9.5 Without limiting the effect of anything in Standing Orders 289 to 292, the Standing Orders of the Assembly relating to standing and select committees shall apply.

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

Clause 3.

Mr M.J. Cowper: To move –

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

“ 1981 ”.

PETER J. MCHUGH

Clerk of the Legislative Assembly