

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 140

WEDNESDAY, 13 APRIL 2011, 12.00 noon

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.*

BUSINESS OF THE ASSEMBLY – NOTICE OF MOTION

1. Leave to meet when the House is sitting (Notice given – 12/4/11)

The Leader of the House: To move –

That leave be given to the Education and Health Standing Committee to meet when the House is sitting on Wednesday, 13 April 2011, during the time allocated for Private Members' Business.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. Trustee Companies (Commonwealth Regulation) Amendment Bill 2010 (Attorney General) (No. 161, 2r. – 25/11/10)

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

2. Charitable Trusts Amendment Bill 2010 (Attorney General) (LC No. 149, 2r. – 23/2/11)

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

3. Young Offenders Legislation Amendment (Research Information) Bill 2010 (Attorney General) (No. 181, 2r. – 25/11/10)

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

4. Building Bill 2010 (Minister for Transport) (No. 172, 2r. – 10/11/10)

To be read a third time.

5. *Police Amendment Bill 2010 (Minister for Police) (No. 137, 2r. – 23/9/10)

Consideration in detail of Legislative Council Message No. 136.

6. *Criminal Code Amendment (Infringement Notices) Bill 2010 (Minister for Police) (No. 151, 2r. – 8/9/10)

Consideration in detail of Legislative Council Message No. 139.

7. *Criminal Investigation Amendment Bill 2010 (Minister for Police) (No. 167, 2r. – 10/11/10)

Consideration in detail of Legislative Council Message No. 140.

8. *Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011 (Minister for Transport) (No. 192, 2r. – 16/3/11)

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

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

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

10. Criminal Investigation (Identifying People) Amendment Bill 2011 (Minister for Police) (No. 194, 2r. – 23/3/11)

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

11. *Juries Legislation Amendment Bill 2010 (Attorney General) (No. 160, 2r. – 25/11/10)

Consideration in detail of Legislative Council Message No. 144.

12. Premier's Statement

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

13. Fish Resources Management Amendment (Fees) Bill 2010 (Deputy Premier) (No. 180, 2r. – 24/11/10)

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

14. Fish Resources Management Amendment (Fees) Bill (No. 2) 2010 (Deputy Premier) (No. 179, 2r. – 24/11/10)

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

15. *Road Traffic Legislation Amendment (Information) Bill 2010 (Minister for Transport) (LC No. 170, 2r. – 23/3/11)

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

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

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

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

Further consideration in detail – Clause 1.

- 18. Workers' Compensation and Injury Management Amendment Bill 2011** (Minister for Transport) (No. 196, 2r. – 17/3/11)

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

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

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

- 20. Statutes (Repeals and Minor Amendments) Bill 2010** (Attorney General) (LC No. 148)

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

Mr J.N. Hyde: To move –

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

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

- 3. Minister for Tourism** (Notice given — 12/10/10, renewed – 12/4/11)

Mr J.N. Hyde: To move –

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

- 4. Swan Urban Growth Corridor and East Landsdale Development** (Notice given – 9/11/10)

Ms R. Saffioti: To move –

That the Government address the outstanding issues in relation to the Swan Urban Growth Corridor and the East Landsdale development, including addressing the outstanding planning issues and improving roads and public transport in the area.

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

Mr B. Wyatt: To move –

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

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

Mr V. Catania: To move –

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

7. Permanent Park Home Residents (Notice given – 5/4/11)

Mr M. McGowan: To move –

That the House calls on the Barnett Government to take urgent action to help permanent park home residents obtain greater certainty in relation to their living arrangements into the future.

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

Mr M. McGowan: To move –

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

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

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Equal Opportunity (Members of Parliament) Amendment Bill 2010 (Mr M.P. Whitely) (No. 124, 2r. – 21/4/10)

Second reading. Adjourned debate (Mr A.J. Simpson).

2. Household Fees and Charges, 2010–2011 Budget and Forward Estimates (Moved – 5/5/10)

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

That the House demands that the Premier:

- (a) limit further increases in household fees and charges after the record increases contained in the 2009 – 2010 Budget;
- (b) ensure that the 2010 – 2011 Budget is an honest reflection of the State's finances; and
- (c) ensure that the forward estimates contain all of the projects announced by the Liberal-National Government.

3. Schools of Isolated and Distance Education Courses for Years 11 and 12 Students (Moved – 26/5/10)

Adjourned debate (Minister for Agriculture and Food – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That the Government immediately cancel all bills sent to secondary schools for Year 11 and 12 students doing courses through Schools of Isolated and Distance Education (SIDE).

4. Justice Reinvestment Strategy (Moved – 16/6/10)

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

That this House calls on the Barnett Government to implement a 'justice reinvestment' strategy to lower the rate of re-offending and make our communities safer.

5. Industrial Relations Amendment Bill 2010 (Mr V.A. Catania) (No. 147, 1r. – 11/8/10)

To be read a second time.

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

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

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

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

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

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

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

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

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

9. Maintenance of Homeswest Properties (Moved – 13/10/10)

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

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

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

To be read a second time.

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

To be read a second time.

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

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

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

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

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

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

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

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

15. Road Safety Council Amendment (Functions) Bill 2010 (Ms M.M. Quirk) (No. 173, 2r. – 17/11/10) (last debated – 23/2/11)

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

16. Minister for Education (Moved – 16/3/11)

Adjourned debate (Mr A.J. Waddell – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That this House condemns the Minister for Education for the uncertainty she is causing parents with her continued delay in making a decision on the entry of Year Seven students to secondary schools and calls on the Minister for Education to immediately make and announce a decision on whether Year Seven students in Government schools will be required to attend secondary school.

17. Skilled Local Jobs Bill 2011 (Mr E.S. Ripper) (No. 198, 2r. – 6/4/11)

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

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

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

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

COMMITTEES TO REPORT

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into the Use of Controlled Operations and Informants by Anti-Corruption and Law-Enforcement Agencies with Particular Emphasis on the Risks of Misuse of Power, Corruption, and Threat to Public Safety – 21 April 2011

Education and Health Standing Committee:

Inquiry into the Adequacy and Appropriateness of Prevention and Treatment Services for Alcohol and Illicit Drug Problems in Western Australia – 26 May 2011

Community Development and Justice Standing Committee:

Inquiry into the Adequacy and Future Directions of Social Housing in Western Australia – 8 September 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into how the Corruption and Crime Commission deals with allegations and notifications of WA Police misconduct – 22 September 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into whether the Corruption and Crime Commission should continue to conduct public hearings in the exercise of its misconduct function – 22 September 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth – 22 September 2011

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	<i>Franchising Bill 2010</i>	26 May 2011

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission: Analysis of Recommended Reforms to the <i>Corruption and Crime Commission Act 2003</i>	Attorney General	17 May 2011

Joint Standing Committee on the
Corruption and Crime Commission:
Death of a Witness

Attorney General

24 May 2011

Education and Health Standing
Committee:
Alcohol Restrictions in the Kimberley:
A Window of Opportunity for Improved
Health, Education, Housing and
Employment

Premier; Attorney General;
Treasurer; Minister representing the
Minister for Mental Health;
Minister for Sport and Recreation;
Minister for Racing and Gaming;
Minister for Health;
Minister for Police; Minister for Education;
Minister representing the Minister for Child Protection;
Minister representing the
Minister for Community Services;
Minister representing the
Minister for Women's Interests;
Parliamentary Secretary representing the
Minister for Youth;
Minister for Transport;
Minister for Corrective Services;
Minister for Housing;
Parliamentary Secretary representing the
Minister for Indigenous Affairs;
Minister for Regional Development

17 June 2011

Economics and Industry Standing
Committee: Inquiry into Domestic
Gas Prices

Minister for State Development;
Minister representing the
Minister for Energy;
Minister representing the
Minister for Mines and Petroleum

24 June 2011

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

NOTICES AND AMENDMENTS

Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 (No. 072—1)

Clause 4.

Ms M.M. Quirk: To move –

Page 3, line 9 – To delete “**Show Cause Notice**” and substitute:

“ **Enforcement notices** ”.

Ms M.M. Quirk: To move –

Page 3, lines 27 to 30 – To delete the lines and substitute:

“

the Inspector may issue either an improvement notice under subsection (2) or a prohibition notice under subsection (3).

- (2) An improvement notice shall –
 - (a) state that the Inspector has reasonable grounds to suspect that a person –
 - (i) is contravening a provision referred to in subsection (1); or
 - (ii) has contravened a provision referred to in subsection (1) in circumstances that make it likely that the contravention will continue or be repeated;
 - (b) state reasonable grounds for forming that suspicion;
 - (c) specify the provision referred to in subsection (1) in respect of which that suspicion is held;
 - (d) state that the CEO is required by the notice to remedy the contravention or likely contravention or the matters or activities occasioning the contravention or likely contravention before a specified time; and
 - (e) be in the prescribed form.
- (3) A prohibition notice shall –
 - (a) state that the Inspector has reasonable grounds to suspect that there is occurring or may occur an activity which involves or will involve a contravention of a provision referred to in subsection (1);
 - (b) state reasonable grounds for forming that suspicion;
 - (c) specify the activity which in the Inspector’s opinion involves or will involve the contravention;

- (d) state that the activity is prohibited until the Inspector is satisfied that the matters which give or will give rise to the contravention are remedied; and
- (e) be in the prescribed form.

”.

Clause 8.

Ms M.M. Quirk: To move –

Page 6, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 6, after line 28 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 7A(1) in each calendar year.

”.

Clause 12.

Ms M.M. Quirk: To move –

Page 8, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Mr E.S. Ripper: To move –

Page 8, line 13 – To delete “prisoner’s imprisonment” and substitute:

“ person in custody ”.

Ms M.M. Quirk: To move –

Page 8, after line 28 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 29A(1) in each calendar year.

”.

Clause 15.

Mr E.S. Ripper: To move –

Page 9, line 21 – To delete “held in custody or”.

Clause 16.

Ms M.M. Quirk: To move –

Page 10, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 10, after line 27 – To insert:

“

- (6) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 24A(1) in each calendar year.

”.

Clause 20.

Ms M.M. Quirk: To move –

Page 12, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 12, after line 27 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 9A(1) in each calendar year.

”.

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Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011 (No. 192—1B)

Clause 14.

The Minister for Transport: To move —

Page 18, line 9 — To delete “in respect”.

New clause 21A.

Mr A.P. O’Gorman: To move —

Page 23 after line 31 — To insert:

“

21A. Part IIB inserted

After section 16 insert:

Part IIB — Registers of information relating to certain retail shop leases

17. Terms used

In this Part —

register means a register established and maintained in relation to a retail shopping centre under section 19;

retail shopping centre means a retail shopping centre for which there is a common head lessor, as stated in paragraph (b)(i) of the definition of **retail shopping centre** in section 3(1).

18. Application of Part

- (1) In addition to a retail shop lease to which or in relation to which this Part would otherwise apply, this Part also applies to or in relation to a retail shop lease that was entered into —

- (a) before the relevant day; or
- (b) pursuant to an option granted or agreement made before the relevant day,

if this Act would have applied to the lease had it been entered into on or after that day.

- (2) In subsection (1) —

relevant day has the meaning given to that term by section 4(3).

19. Registers to be established and maintained

- (1) The common head lessor for a retail shopping centre must establish and maintain a register that contains, for each retail shop lease in respect of premises in the retail shopping centre, the following information —
- (a) the address of the retail shop;
 - (b) the parties to the retail shop lease;
 - (c) the lettable area of the retail shop;

- (d) the rental value of the retail shop on a cost per metre basis, or details of how the rental for the retail shop lease is determined;
 - (e) any rent free periods or any other form of incentive;
 - (f) the basis on which outgoings for the retail shop lease are determined;
 - (g) any other information prescribed by the regulations.
- (2) The register is to be established and maintained in accordance with the regulations.
 - (3) The common head lessor may provide access to or information from the register only to —
 - (a) the tenant under a retail shop lease in respect of premises in the retail shopping centre or a person who the common head lessor is satisfied is a prospective tenant; or
 - (b) a valuer appointed by a tenant or prospective tenant referred to in paragraph (a).
 - (4) In subsection (3) —

valuer means a person licensed under the *Land Valuers Licensing Act 1978*.

20. Confidentiality of information gained under section 19

- (1) A person who gains information under section 19 in relation to a retail shop lease must not disclose the information to any other person unless the disclosure is made —
 - (a) with the consent of both the tenant and the landlord of the relevant retail shop; or
 - (b) for the purposes of any legal proceedings arising out of this Act or any report of any such proceedings; or
 - (c) as required or permitted under this Act or any other law; or
 - (d) with any other lawful excuse.
- (2) Subsection (1) does not prevent a person from disclosing information that is publicly available at the time the disclosure is made.
- (3) If a person discloses information in contravention of subsection (1) and the tenant or landlord of the relevant retail shop suffers loss or damage because of the disclosure, the tenant or landlord is entitled to be paid by the person who made the disclosure compensation for the loss or damage —
 - (a) of such reasonable amount as is agreed between the person and the tenant or landlord; or
 - (b) failing agreement, of such amount as may be determined by the Tribunal on the application of the tenant or landlord.

”.

Criminal Code Amendment (Infringement Notices) Bill 2010 (No. 151—1)

Legislative Council Message 139.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Code Amendment (Infringement Notices) Bill 2010* 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 Criminal Code Amendment (Infringement Notices) Bill 2010

No. 1

Page 4, after line 3 — To insert —

723. Monitoring of Chapter by Ombudsman

- (1) For the period of 12 months after the commencement of this section, the Ombudsman is to keep under scrutiny the operation of the provisions of this Chapter and the regulations made under this Chapter and the *Criminal Investigation (Identifying People) Act 2002* Part 7 and section 67.
- (2) The scrutiny referred to in subsection (1) is to include review of the impact of the operation of the provisions referred to in that subsection on Aboriginal and Torres Strait Islander communities.
- (3) For that purpose, the Ombudsman may require the Commissioner of Police or any public authority to provide information about police or the public authority's participation in the operation of the provisions referred to in subsection (1).
- (4) The Ombudsman must, as soon as practicable after the expiration of that 12 month period, prepare a report on the Ombudsman's work and activities under this section and furnish a copy of the report to the Minister for Police and the Commissioner of Police.
- (5) The Ombudsman may identify, and include recommendations in the report to be considered by the Minister about, amendments that might appropriately be made to this Act with respect to the operation of the provisions referred to in subsection (1).
- (6) The Minister is to lay (or cause to be laid) a copy of the report furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.

Criminal Investigation Amendment Bill 2010 (No. 167—1)

Legislative Council Message 140.

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

Schedule indicating the amendments made by the Legislative Council in Criminal Investigation Amendment Bill 2010

No. 1

Page 2, lines 12 to 19 — To delete the lines and insert —

- (a) in item 4 delete “Doctor” and insert:

Doctor, or a qualified person who is a nurse, midwife or other prescribed person

- (b) in item 6 delete “Doctor” and insert:

Doctor, or a qualified person who is a nurse, midwife or other prescribed person

No. 2

Page 2, after line 9 — To insert —

4A. Section 73 amended

In section 73 insert in alphabetical order:

midwife means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* whose name is entered on the Register of Midwives kept under that Law;

Juries Legislation Amendment Bill 2010 (No. 160—2)

Legislative Council Message 144.

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

Schedule indicating the amendments made by the Legislative Council in the Juries Legislation Amendment Bill 2010

No. 1

Page 28, after line 14 — To insert —

- (c) the Clerk of the Legislative Council, Clerk of the Legislative Assembly, Deputy Clerk of the Legislative Council, Deputy Clerk of the Legislative Assembly, Clerk Assistant, Usher of the Black Rod or Sergeant-at-Arms of the Parliament of Western Australia.

No. 2

Page 28, line 18 — To insert after “Court” —

or an associate to any such officer

No. 3

Page 28, line 20 — To insert after “Court” —

or an associate to any such officer

No. 4

Page 28, line 22 — To delete “magistrate or registrar” and insert —

magistrate, registrar or judicial support officer

No. 5

Page 28, lines 23 and 24 — To delete the lines and insert —

- (e) a judge, magistrate, registrar or judicial support officer of the Children’s Court or an associate to a judge of the Court;

No. 6

Page 29, lines 3 to 6 — To delete the lines.

No. 7

Page 29, lines 9 and 10 — To delete the lines and insert —

3. Australian legal practitioners

A person who is an Australian legal practitioner.

No. 8

Page 29, lines 12 to 33 — To delete the lines.

Police Amendment Bill 2010 (No. 137—2)

Legislative Council Message 136.

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

Schedule indicating the amendments made by the Legislative Council in the Police Amendment Bill 2010

No. 1

Page 6, after line 10 — To insert —

- (4) If the Commissioner decides to charge a person for providing police services for an event, that person may apply to the State Administrative Tribunal for a review of the decision on the ground that what the person is promoting or organising is not an event as defined in section 39E.

No. 2

Page 9, after line 26 — To insert —

39N. Review of Part IVB

- (1) In this section —

commencement day means the day on which the *Police Amendment Act 2011* section 4 comes into operation.

- (2) The Minister is to carry out a review of the operation and effectiveness of this Part as soon as is practicable after the expiration of 36 months after the commencement day, and in the course of that review the Minister is to consider and have regard to —
- (a) the effectiveness of this Part; and
 - (b) the need for the retention of this Part; and
 - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Part.
- (3) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Professional Combat Sports Amendment Bill 2009 (No. 074-1)

Clause 6.

The Minister for Sport and Recreation: To move —

Page 3, after line 14 — To insert:

“

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

”

The Minister for Sport and Recreation: To move —

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

“

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

”

Clause 8.

The Minister for Sport and Recreation: To move —

Page 4, after line 28 — To insert:

“

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

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

”

New clause 9A.

The Minister for Sport and Recreation: To move —

Page 5, after line 7 — To insert:

“

9A. Section 5 amended

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

Minister

”

Clause 22.

The Minister for Sport and Recreation: To move —

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

“

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

”

Clause 32.

The Minister for Sport and Recreation: To move —

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

“

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

”

Clause 45.

The Minister for Sport and Recreation: To move —

Page 22, after line 20 — To insert:

“

47AA. Commission may require information

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

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

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

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

Penalty: a fine of \$6 000.

”

The Minister for Sport and Recreation: To move —

Page 22, after line 30 — To insert:

“

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

”.

Clause 46.

The Minister for Sport and Recreation: To move —

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

“

- (2) A person must not —
- (a) agree to participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows will be a sham contest; or
 - (b) participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows is a sham contest; or
 - (c) be involved in any capacity in organising, arranging, promoting or conducting a contest that he or she knows will be or is a sham contest.

”.

The Minister for Sport and Recreation: To move —

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

“

- (2) Delete section 47(3) to (6) and insert:
- (3) A referee of a contest who, knowing it is a sham contest, does not stop it or gives a decision in it commits an offence.
Penalty: a fine of \$12 000.
 - (4) A judge of a contest who, knowing it is a sham contest, gives a decision in it commits an offence.
Penalty: a fine of \$12 000.
 - (5) A judge or referee of a contest who suspects it will be or is a sham contest must report the matter in writing to the Commission as soon as practicable.
Penalty: a fine of \$12 000.

”.

Clause 47.

The Minister for Sport and Recreation: To move —

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

“

- (2) If after its inquiry the Commission is satisfied on the balance of probabilities that a contest is a sham contest, it —
 - (a) may order any person who is legally required to pay money or money's worth to a contestant for participating in the contest not to pay the contestant without the written consent of the Commission; and
 - (b) may order that an amount of money not more than the money or money's worth (if any) paid or payable to a contestant or industry participant who, in the opinion of the Commission, has participated in, or been involved in any capacity in conducting, the contest be paid to the Commission.

”

The Minister for Sport and Recreation: To move —

Page 25, after line 11 — To insert:

“

- (4) A person given an order made under subsection (2)(a) must obey it.
Penalty: a fine of \$12 000.
- (5) If the Commission makes an order under subsection (2)(b), the Commission may recover the amount ordered to be paid to the Commission in a court of competent jurisdiction as a debt due to the Commission.

”

Clause 60.

The Minister for Sport and Recreation: To move —

Page 37, after line 14 — To insert:

“

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

”

=====

Road Traffic Legislation Amendment (Information) Bill 2010 (LC No. 170)

Clause 6.

The Minister for Transport: To move —

Page 10, after line 29 — To insert:

“

(3) A person —

- (a) to whom information is disclosed under subsection (2); or
- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”.

The Minister for Transport: To move —

Page 11, after line 16 — To insert:

“

(3) A person —

- (a) to whom information is disclosed under subsection (2); or
- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

Clause 10.

Mrs M.H. Roberts: To move —

Page 15, line 12 — To delete “must” and insert:

“ may ”.

Mrs M.H. Roberts: To move —

Page 15, after line 15 — To insert after “written law” —

“

, if the Director General is satisfied that there is compelling reason in the public interest for disclosure of the photographs

”.

Clause 21.

The Minister for Transport: To move —

Page 26, after line 1 — To insert:

“

(3) A person —

- (a) to whom information is disclosed under subsection (2); or
- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”.

The Minister for Transport: To move —

Page 26, after line 16 — To insert:

“

(3) A person —

- (a) to whom information is disclosed under subsection (2); or
- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”.

Royal Perth Hospital Protection Bill 2008 (No. 008—1)

Clause 1.

Mr R.H. Cook: To move —

Page 2, line 2 — To insert after “the”:

“ *Tertiary* ”.

Mr R.H. Cook: To move —

Page 2, line 2 — To delete “*Protection*” and substitute:

“ *Health Services* ”.

Clause 3.

Mr R.H. Cook: To move –

Page 2, after line 9 – To insert alphabetically:

“

continued operation means to remain in existence and provide ongoing health services at the current level at Royal Perth Hospital, other health institutions, hospitals and health services in Western Australia;

for the time being means at the time of the Act coming into operation;

Protection means the safeguarding of existing health services provided by Royal Perth Hospital and other health institutions, hospitals and health services in Western Australia;

tertiary means tertiary health care which may include but is not limited to, services provided by state-designated trauma centres, a burn centre, trauma surgery neurosurgery, cardiothoracic surgery, organ transplant, paediatric surgery, magnetic resonance imaging and positron emissions tomography, and include secondary, primary and emergency care;

the entity means the Board of a public hospital;

”.

Mr R.H. Cook: To move –

Page 2, line 11 – To insert after “being”:

“ any of the following ”.

Mr R.H. Cook: To move –

Page 2, line 15 – To insert after “whole”:

“ or part ”.

Clause 6.

Mr R.H. Cook: To move –

Page 2, line 26 – To insert before “tertiary”:

“ 400 bed ”.

Mr W.J. Johnston: To move –

Page 3, after line 2 – To insert:

“

- (2) For the purpose of maintaining Royal Perth Hospital, future annual appropriations shall not be reduced to levels below the allocation to the hospital as at 6 September 2008.

”.

Clause 7.

Mr R.H. Cook: To move –

Page 3, after line 8 – To insert:

“

- (2) No development is to take place at Royal Perth Hospital to the extent that development will impact on proposed services, resources and scope of services at the Fiona Stanley Hospital.

”

Mr A.P. O’Gorman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Joondalup Health Campus.

”

Mr W.J. Johnston: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Armadale-Kelmscott Hospital.

”

Mr P. Papalia: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Rockingham General Hospital.

”

Mrs M.H. Roberts: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the new Midland Health Campus.

”

Mr D.A. Templeman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Peel Health Campus.

”

Mr M.P. Murray: To move –
Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the South West Regional Health Campus and Associated South West Hospitals.

”

Mrs C.A. Martin: To move –
Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Broome Regional Health Campus.

”

Mr T.G. Stephens: To move –
Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not negatively impact on the services, resources and scope of services at the Hedland Hospital (Hedland's Regional Resource Centre), Newman Hospital, Tom Price Hospital, and Paraburdoo Hospital.

”

Mr J.C. Kobelke: To move –
Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Osborne Park Hospital.

”

Ms J.M. Freeman: To move –
Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on the development of planned or anticipated health services in the Mirrabooka area.

”

Mr R.H. Cook: To move –
Page 3, lines 9 to 11 – To delete the lines and substitute:

“

- (2) **Development** means improving and advancing the health facilities at Royal Perth Hospital in a manner which ensures its continued operation as a tertiary hospital without undue interruption to service.

”

Clause 9.

Ms J.M. Freeman: To move –

Page 3, lines 17 to 20 – To delete all words after “prescribing” and substitute:

“ medical and support services for the purpose of Section 6 ”.

Long title.

Mr R.H. Cook: To move –

Page 1, line 10 – To insert after “**Hospital**”:

“ **and other associated Western Australian hospitals** ”.

PETER J. McHUGH

Clerk of the Legislative Assembly