

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 162

THURSDAY, 27 SEPTEMBER 2007, 9.00 a.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *	-	approximately 2.00 p.m. each day
----------------------------	---	----------------------------------

Matter of Public Interest	-	one per week on any day
---------------------------	---	-------------------------

Private Members' Business	-	4.00 p.m. to 7.00 p.m. Wednesdays
---------------------------	---	-----------------------------------

Grievances	-	approximately 9.00 a.m. Thursdays
------------	---	-----------------------------------

Private Members' Statements	-	12.50 p.m. Thursdays
-----------------------------	---	----------------------

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

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.

BILLS - NOTICES OF MOTION

1. Acts Amendment (Justice) Bill 2007 (Notice given - 26/9/07)

The Attorney General: To move -

That a Bill for "An Act to amend various Acts concerned with the administration of justice and for related matters." be introduced and read a first time.

2. Inheritance (Family and Dependants Provision) Amendment Bill 2007 (Notice given - 26/9/07)

The Attorney General: To move -

That a Bill for "An Act to amend the *Inheritance (Family and Dependants Provision) Act 1972* and other Acts, and for related purposes." be introduced and read a first time.

3. Industrial and Related Legislation Amendment Bill 2007 (Notice given - 26/9/07)

The Minister for Employment Protection: To move -

That a Bill for "An Act to amend -

- the *Industrial Relations Act 1979*; and
- the *Magistrates Court (Civil Proceedings) Act 2004*; and

- the *Children and Community Services Act 2004*; and
- the *Occupational Safety and Health Act 1984*; and
- the *Workers' Compensation and Injury Management Act 1981*; and
- the *Minimum Conditions of Employment Act 1993*; and
- the *Public Sector Management Act 1994*.” be introduced and read a first time.

4. Employment Dispute Resolution Bill 2007 (Notice given - 26/9/07)

The Minister for Employment Protection: To move -

That a Bill for “An Act to establish a dispute resolution framework for employment disputes.” be introduced and read a first time.

5. Contractual Benefits Bill 2007 (Notice given - 26/9/07)

The Minister for Employment Protection: To move -

That a Bill for “An Act to –

- confer jurisdiction on The Western Australian Industrial Relations Commission to determine claims by employees of constitutional corporations; and
- amend the *Industrial Relations Act 1979*; and
- amend the *Occupational Safety and Health Act 1984*.” be introduced and read a first time.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007
(Minister for Housing and Works) (No. 203, 2r. - 13/6/07)

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

2. Mines Safety and Inspection Amendment Bill 2007 (Minister for Employment Protection)
(No. 210, 2r. - 13/6/07)

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

3. Occupational Safety and Health Legislation Amendment Bill 2007 (Minister for
Employment Protection) (No. 223, 2r. - 29/8/07)

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

4. State Supply Commission Amendment Bill 2007 (Treasurer) (No. 225, 2r. - 15/8/07)

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

5. *Taxi Amendment Bill 2007 (Minister for Planning and Infrastructure) (No. 187, 2r. -
22/3/07)

Consideration in detail of Legislative Council message No. 168.

6. Premier's Statement

Adjourned debate (Leader of the House) on the question, That the statement be noted.

7. *Prostitution Amendment Bill 2007 (Attorney General) (No. 226, 2r. - 29/8/07)

Further consideration in detail - Clause 4 on the amendment moved by Dr E. Constable.

8. *Medical Practitioners Bill 2006 (Minister for Health) (No. 183, 2r. - 30/11/06)

Further consideration in detail - Clause 58.

9. Freedom of Information Amendment Bill 2007 (Attorney General) (No. 191, 2r. - 28/3/07)

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

10. Information Privacy Bill 2007 (Attorney General) (No. 193, 2r. - 28/3/07)

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

11. *Nuclear Facilities Prohibition Bill 2007 (Minister for Energy) (No. 212, 2r. - 20/6/2007)

Second reading. Adjourned debate (Mr G.M. Castrilli).

12. Bail Amendment Bill 2007 (Attorney General) (No. 217, 2r. - 20/6/2007)

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

13. Electricity Industry Amendment Bill 2007 (Minister for Energy) (No. 224, 2r. - 15/8/07)

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

14. Economic Regulation Authority Act 2003 Review (Moved - 16/8/07)

Adjourned debate (Mr T.R. Sprigg) on the motion moved by the Treasurer,

- (1) That in accordance with section 64 of the *Economic Regulation Authority Act 2003*, the Joint Standing Committee on Audit be appointed to undertake the required legislative review.
- (2) That the Legislative Council be invited to pass a similar resolution.

15. Indigenous Conservation Title Bill 2007 (Deputy Premier) (No. 237, 2r. - 26/9/07)

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

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION
1. Launch of the State of the World Population Report (Notice given - 19/9/06, renewed - 29/3/07)

Mr J.N. Hyde: To move -

That this House -

- (a) recognises that -
 - (i) a report from the United Nations Population fund (UNFPA) State of the World Population 2006 - A Passage to Hope: Women and International Migration - was released on 6 September 2006; and
- (b) encourages -
 - (i) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse; and
 - (ii) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the 'push' factors that compel many migrants, particularly women, to leave their own countries, and at the same time helping achieve a more orderly migration program.

2. Parliamentary Standards Commissioner (Notice given - 21/11/06, renewed - 21/6/07)

Mr M.W. Trenorden: To move -

- (1) The Parliament of Western Australia approves in principle the creation of an independent Commission for Parliamentary Standards (the Commission) and the appointment of an officer, to be known as the Parliamentary Standards Commissioner (the Commissioner), to a permanent position as part of the parliamentary service.
- (2) The functions of the Commission are to -
 - (a) examine and report as the Commissioner sees fit on the standards of conduct of holders of public office;
 - (b) investigate complaints in relation to standards of propriety in public life in Western Australia;

- (c) make recommendations to Parliament on the optimum standards of conduct to be adopted; and
 - (d) any other matter it considers relevant these functions.
- (3) The Commission will have jurisdiction over the standards applicable to the performance of the public duties of -
- (a) members of parliament;
 - (b) ministers and parliamentary secretaries in their role as part of the Executive;
 - (c) public servants;
 - (d) local government councillors and officers; and
 - (e) members and senior officers of any bodies that receive public funds.
- (4) The Commission will have powers of a parliamentary committee for the purposes of its inquiry functions and all those persons in paragraph (3) will be obliged to attend and answer questions if so required by the Commissioner.
- (5) The Commissioner will be appointed as follows -
- (a) nominations will be put forward by the Parliamentary Oversight Committee referred to in paragraph (8);
 - (b) a secret ballot will be conducted in each House and the person who receives the majority of votes of all those members of the Legislative Assembly and the Legislative Council present and voting in their respective Chambers will be declared by the Speaker of the Legislative Assembly to be appointed. If no candidate achieves such a majority, the name of the candidate with the least number of votes will be withdrawn and fresh ballots taken until such time as a candidate achieves a majority of the total number of votes; and
 - (c) appointment will be for a term of five years, the Commissioner will be eligible for reappointment, and may only be dismissed by a majority vote of both Houses in a secret ballot determined in the same manner as the appointment.
- (6) The Commissioner is an officer of the Parliament answerable directly to each House of Parliament.
- (7) The appropriations for -
- (a) the Commission for Parliamentary Standards;
 - (b) the Freedom of Information Commissioner;
 - (c) the Office of Public Service Sector Standards and its Commissioner;
 - (d) the Office of the Auditor General;
 - (e) the Parliamentary Commissioner for Administrative Investigations (the Ombudsman); and
 - (f) the Parliamentary Inspector for the oversight of the Crime and Corruption Commission,
- will form separate divisions of the parliamentary appropriation, and will be determined after fully taking into account any recommendations by the Parliamentary Oversight Committee on the resources necessary for the effective execution of their respective functions.
- (8) A committee to be known as the Parliamentary Oversight Committee will be established, consisting of three members elected by a two-thirds majority of members of both Houses, present and voting in their respective Chambers in a secret ballot. Presiding Officers, Deputy Presiding Officers, Ministers, Parliamentary Secretaries and the Leaders and Deputy Leaders of Parliamentary Parties are ineligible to be members of the Committee.
- (9) The Legislative Council be acquainted accordingly and its concurrence sought herein.

- 3. Conferring of Honourable Title for Members of the Legislative Council** (Notice given - 22/3/07, renewed - 20/9/07)

Dr J.M. Woollard: To move -

That this House calls on the Premier to advise His Excellency the Governor that the conferring of the title "The Honourable" on Members of the Legislative Council by virtue alone of being a member of that House, should be discontinued.

- 4. Disallowance of the Fish Resources Management Amendment Regulations (No. 8) 2006** (Notice given - 27/3/07, renewed - 25/9/07)

Mr G. Snook: To move -

That regulations 3 and 10 of the *Fish Resources Management Amendment Regulations (No. 8) 2006* under the *Fish Resources Management Act 1994*, a copy of which was laid upon the Table of the House on 21 November 2006, are hereby disallowed.

- 5. Regulatory Constraints Imposed on Western Power** (Notice given - 8/5/07)

Mr D.T. Redman: To move -

That this House calls on the State Government to immediately review the regulatory constraints imposed on Western Power, especially as they apply to capital contributions to increase capacity in growing regional centres, where upgrades do not meet the "economic" test of the Electricity Network Access Code 2004.

- 6. Acting Principal and Deputy Principal Positions in Regional Schools** (Notice given - 15/5/07)

Mr G.A. Woodhams: To move -

That in light of the considerable number of Acting Principal and Deputy Principal positions in regional schools, that this House calls on the Government to make urgent changes to appointment processes to secure improved continuity of leadership in rural and regional education.

- 7. Water Licenses and Fees** (Notice given - 15/5/07)

Mr D.T. Redman: To move -

That this House calls on the Government to immediately review its water licenses and water licence fees as described under the Government's response to the blueprint for water reform, with the view to licensing all private and commercial bores and charging a flat fee to recover administrative costs.

- 8. Retention of Small Police Stations in Country Western Australia** (Notice given - 20/6/07)

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.

- 9. Select Committee into the Dairy Industry in Western Australia** (Notice given - 14/8/07)

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 WA;

- (d) whether abattoirs and retailers are engaging in unconscionable conduct in setting prices of beef in WA;
- (e) why beef on the hoof is sold at significantly lower prices in WA 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 WA and make recommendations to improve this sector;
- (i) investigate the closure of saleyards in regional WA 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.

10. Removal of the Member for Collie-Wellington as Parliamentary Secretary (Notice given - 28/8/07)

Mr C.J. Barnett: To move -

That this House calls on the Premier to stand down the Member for Collie-Wellington from his position as Parliamentary Secretary.

11. World Health Organisation Noise Parameters (Notice given - 18/9/07)

Mr T.R. Sprigg: To move -

That this House condemns the Labor Government for ignoring World Health Organisation noise parameters when building the Perth-Mandurah railway, Roe Highway Stage 7 and various other roadworks in the South Eastern suburbs, thereby putting the health of residents at risk.

12. Distribution Headworks Scheme (Notice given - 18/9/07)

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:

- (a) 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
- (b) 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.

13. Consistency in Water Reform Agenda (Notice given - 18/9/07)

Mr D.T. Redman: To move -

That this House calls on the State Government to show consistency and equity across its water reform agenda by:

- (a) licensing the 165,000 domestic bores in Perth; and
- (b) charging a flat annual fee across all categories of licence holders to recover the administrative costs associated with water licensing.

14. Licensing of Farm Dams (Notice given - 25/9/07)

Mr P.D. Omodei: To move -

That this House -

- (1) condemns the Carpenter Labor Government for failure to consult with landholders in relation to proposals to licence farm dams and calls on the Government to conduct a series of public meetings to clearly outline the intentions of the Government; and
- (2) calls on the Carpenter Government to allow management, control and dispute resolution of water licensing to reside locally with water committees and not with Government bureaucracy.

15. Strategic Community Located Saleyards (Notice given - 25/9/07)

Mr P.D. Omodei: To move -

That this House calls on the Carpenter Labor Government to directly intervene and stop the closure of strategic community located saleyards to ensure that these yards continue to operate as both transit facilities and for the conducting of sales by auction.

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY
1. Budget Allocation for Infrastructure in Regional Western Australia (Moved - 31/5/06)

Adjourned debate (Mr B.J. Grylls - continuation of remarks) on the amendment moved by Mr G.A. Woodhams, To insert after "in our regions" the following -

"by ensuring that the equivalent of 25 per cent of all mining and petroleum royalties collected each year by the State Government is placed into a special fund to be reinvested each year in regional Western Australia to provide for further economic and social development".

in the motion moved by Mr B.J. Grylls -

That this House condemns the Labor Government for its failure to recognise the infrastructure needs of Regional Western Australia in the 2006/07 Budget, given -

- (a) the majority of the State Government's record \$2 billion surplus has been generated courtesy of the booming regional-based resources sector - but there is evidence that the regional economies have not benefited from this activity; and
- (b) the Government has set aside \$1.3 billion (65 per cent) of the \$2 billion budget surplus to pay off the Perth to Mandurah rail project at the expense of much needed investment in Regional Western Australia,

and calls on the State Government to provide a significant funding boost to regional development in this State to fundamentally re-adjust the prospects for long-term sustainable growth in our regions.

2. *Children and Community Services (Mandatory Reporting) Amendment Bill 2006

(Mr P.D. Omodei) (No. 162, 2r. - 1/11/06)

Second reading. Adjourned debate (Mr P.D. Omodei in reply).

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. Daylight Saving Bill 2006 (Mr J.B. D'Orazio) (No. 174, 2r. - 25/10/06)

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

5. Childcare Services in Regional Western Australia (Moved - 25/10/06)

Adjourned debate (Mr G. Snook - continuation of remarks) on the motion moved by Mr T.K. Waldron -

That this House calls on the State Government to take immediate steps to address the appalling state of childcare services in regional Western Australia, particularly in relation to –

- (a) the shortage of suitable childcare services in regional areas of Western Australia;
- (b) the problems caused by the introduction of unworkable regulations governing the operation of childcare centres in country areas; and
- (c) the need for a more flexible model for childcare arrangements in regional Western Australia, while still providing for the safety and well-being of all children in care.

6. CEO Recruitment and Selection - Report by the Public Sector Standards Commissioner (Moved - 22/11/06)

Adjourned debate (Mr B.S. Wyatt - continuation of remarks) on the motion moved by Mr R.F. Johnson, on behalf of Mr T.R. Buswell -

That this House acknowledges the report on CEO recruitment and selection presented by the Commissioner for Public Sector Standards and calls on the Government to restore independence and integrity to the Western Australian public service.

7. 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.

8. Director of Public Prosecutions (Standing Committee) Amendment Bill 2006 (Ms S.E. Walker) (No. 181, 1r. - 29/11/06)

To be read a second time.

9. Suspension of Standing Orders (Moved - 27/2/07)

Adjourned debate until the Member for Murchison-Eyre has completed his evidence today at the CCC (Deputy Premier), on the motion moved by Mr P.D. Omodei, That so much of the Standing Orders be suspended as to allow the House to consider the following motion -

That this House calls on the Premier to immediately dismiss the Minister for Local Government; Employment Protection; Racing and Gaming; Goldfields-Esperance and Great Southern for his failure to uphold the integrity required of a Minister of the Crown.

10. Daylight Saving Amendment Bill (No. 2) 2007 (Mr M.J. Birney) (No. 196, 2r. - 21/3/07)

Second reading. Adjourned debate (Deputy Premier).

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

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

12. Suspension of Standing Orders - Taxi Amendment Bill 2007 (Moved - 9/5/07)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Dr J.M. Woollard, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved without notice –

That the scope of the *Taxi Amendment Bill 2007* be extended to allow amendments to be moved requiring all new taxis to be run on LPG or renewable fuels or to be hybrid vehicles, thereby reducing greenhouse gas emissions.

13. Electricity Corporations Amendment Bill 2006 (Mr M.W. Trenorden) (No. 132, 2r. - 10/5/06)

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

14. 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.

15. Children and Community Services Amendment (Body Piercing) Bill 2007 (Dr J.M. Woollard) (No. 230, 2r. - 29/8/07)

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

16. 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).

17. 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).

18. 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).

COMMITTEES TO REPORT

Joint Standing Committee on the Corruption and Crime Commission – Inquiry into Legislative Amendments to the <i>Corruption and Crime Commission Act 2003</i>	–	18 October 2007
Procedure and Privileges Committee – Review of Legislative Assembly's Committee System	–	25 October 2007
Procedure and Privileges Committee – E-Petitions and E-Parliament Feasibility Study	–	28 March 2008
Joint Standing Committee on the Corruption and Crime Commission - Inquiry into the Efficacy of Public Hearings by the Corruption and Crime Commission	–	March 2008
Public Accounts Committee - Funding Arrangements for Western Australian Infrastructure Projects	–	1 June 2008
Education and Health Standing Committee – Inquiry into Successful Initiatives in Remote Aboriginal Communities	–	20 November 2008
Community Development and Justice Standing Committee - Collaborative Approaches in Government	–	27 November 2008

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</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]
Education and Health Standing Committee – Inquiry into the Cause and Extent of Lead Pollution in the Esperance Area	Minister for Health; Minister for the Environment; Minister for Health; Minister for Employment Protection	6 December 2007

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Community Development and Justice Standing Committee	Prosecution of Assaults and Sexual Offences	29 November 2007

- * 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

Children and Community Services (Mandatory Reporting) Amendment Bill 2006 (No. 162—1)

Clause 4.

Mr P.D. Omodei: To move –

Page 4, line 31 – To insert after the word “suspicion” the following –

“ to ”.

Mr P.D. Omodei: To move –

Page 5, line 2 – To delete the word “Officer” where it occurs a second time.

Mr P.D. Omodei: To move –

Page 8, line 12 – To delete “30(B)(2)” and substitute –

“ 30B(2) ”.

Medical Practitioners Bill 2006 (No. 183—1)

Clause 62.

The Minister for Health: To move –

Page 44, lines 24 and 25 – To delete the lines and substitute –

“

- (e) if the terms or conditions of the professional indemnity insurance are changed such that the terms or conditions do not comply with the minimum terms and conditions approved by the Board for the purpose of the definition of “professional indemnity insurance” in section 40(1).

”.

Nuclear Facilities Prohibition Bill 2007 (No. 212—1)

Clause 8.

The Minister for Energy: To move –

Page 5, line 12 – To delete “referred to in paragraph (a)” and substitute –

“ within the meaning of section 3 of that Act ”.

Prostitution Amendment Bill 2007 (No. 226—1)

Clause 4.

Dr E. Constable had moved –

Page 3, lines 5 and 6 – To delete all words after “by” and substitute –

“

deleting “*Prostitution Act*” and inserting instead —

“ *Sex Services Act* ”.

”.

If leave is granted for the above amendment to be withdrawn -

Dr E. Constable: To move –

Page 3, lines 5 and 6 – To delete all words after “by” and substitute –

“

deleting “*Prostitution Act*” and inserting instead —

“ *Sexual Services Act* ”.

”.

Ms S.E. Walker: To move –

Page 3, lines 5 and 6 – To delete all words after “by” and substitute –

“

deleting “*Prostitution*” and inserting instead —

“ *The Decriminalisation of Brothels and the Living Off the Commercial Sexual Use and Abuse of Young People and Others Pursuant to s. 190 and s. 191 of the Criminal Code* ”.

Clause 5.

The Attorney General: To move –

Page 3, line 14 – To insert after “ “act as a prostitute”, ” –

“ “act of prostitution”, ”.

Mr M.W. Trenorden: To move –

Page 4, line 11 – To delete “**individual sex worker**” and substitute in correct alphabetical order –

“ **prostitute** ”.

Ms S.E. Walker: To move –

Page 5, after line 22 – To insert –

“ “**sex worker user**” has the meaning given to it in section 4; ”.

Clause 6.

Ms S.E. Walker: To move –

Page 6, after line 5 – To insert –

“

- (b) by deleting “(**“the client”**)” and inserting instead —
“ (**“the sex worker user”**) ”.
- (c) by deleting “client” and inserting instead —
“ sex worker user ”.

”.

Clause 19.

Mr M.W. Trenorden: To move –

Page 12, line 19 – To delete “individual sex worker” and substitute –

“ prostitute ”.

Clause 20.

Mr M.W. Trenorden: To move –

Page 14, lines 20 and 21 – To delete “individual sex worker” and substitute –

“ prostitute ”.

The Attorney General: To move –

Page 17, lines 15 and 16 – To delete “offence alleged to have been committed in this State” and substitute –

“

alleged offence under the law of this State, the Commonwealth, another State or a Territory

”.

Mr M.W. Trenorden: To move –

Page 24, lines 7 and 8 – To delete “individual sex worker” and substitute –

“ prostitute ”.

Mr M.W. Trenorden: To move –

Page 24, line 24 – To delete “individual sex worker” and substitute –

“ prostitute ”.

Mr M.W. Trenorden: To move –

Page 24, lines 25 and 26 – To delete “individual sex worker” and substitute –

“ prostitute ”.

Clause 22.

Mr M.W. Trenorden: To move –

Page 35, lines 27 and 28 – To delete “individual sex worker” and substitute –
“ prostitute ”.

Taxi Amendment Bill 2007 (No. 187—2)

Message No. 168.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Taxi Amendment Bill 2007* 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 Taxi Amendment Bill 2007

No. 1

Clause 5, page 3, line 12 — To delete “40%” and insert instead —

“ 35% ”.

No. 2

Clause 7, page 3, line 21 to page 4, line 11 — To delete the clause.

No. 3

Clause 8, page 4, lines 12 to 19 — To delete the clause.

No. 4

Clause 10, page 5, line 12 — To delete “in relation to” and insert instead —

“ restricting ”.

No. 5

Clause 10, page 5, line 13 — To insert after “plates” —

“ , except a condition restricting the transfer of those plates within 3 years after they were acquired ”

No. 6

New Clause 7, page 3, after line 20 — To insert the following new clause —

“

7. Section 21 amended

After section 21(2) the following subsections are inserted —

“

- (3) Where the Director General decides that a plate holder has not, for a period of at least 60 days, used taxi plates owned or leased by him or her on a vehicle being operated as a taxi in accordance with this Act, the Director General may serve notice on that person —
 - (a) stating the reason the Director General made that decision; and
 - (b) requiring the plate holder —
 - (i) in the case of an owner of taxi plates — to divest himself or herself of any interest in the ownership of the taxi plates within 45 days after the day of service of the notice (the “**divestment period**”); or
 - (ii) in the case of a lessee of taxi plates — advising him or her of the effect of the relevant provisions of subsections (4) and (5).
- (4) Where a person fails to divest himself or herself of his or her interest in the ownership of taxi plates within the divestment period or a person is served with a notice under subsection (3)(b)(ii) in relation to the leasing of taxi plates —
 - (a) his or her right to the plates is forfeited to the Director General —
 - (i) if he or she has applied under subsection (5) for a review — on the making of a decision that confirms the Director General’s decision or that otherwise results in the forfeiture of that right; or
 - (ii) otherwise on the expiry of —
 - (I) in the case of an owner of taxi plates — the divestment period; or
 - (II) in the case of a lessee of taxi plates — the period specified in subsection (5);
 - and
 - (b) the plates may then be offered for sale or lease, as the case requires, in accordance with section 16.
- (5) Where the Director General serves notice on a person under subsection (3), the person may within 14 days after the day of service of that notice apply to the State Administrative Tribunal for a review of the Director General’s decision that he or she has not, for a period of at least 60 days, used taxi plates owned or leased by him or her on a vehicle being operated as a taxi in accordance with this Act.
- (6) In this section —
 - “**plate holder**”, in relation to a plate holder that is a partnership, means each member of the partnership.

”
.”
”.

No. 7

New Clause 8, page 4, after line 11 — To insert the following new clause —

“

8. Section 24 amended

- (1) Section 24(2) is amended by inserting after “divest under section” —

“ 21(3) or ”.

- (2) After section 24(5) the following subsection is inserted —

“

- (6) Taxi plates issued under section 30I(2)(b) are not transferable for a period of one year after the day on which they are issued.

”
.”
”.

No. 8

New Clause 9, page 4, before line 20 — To insert the following new clause —

“

9. Section 25 amended

Section 25(1)(c) is amended by inserting after “forfeiture under” —

“ subsection (4) of section 21 or ”.

”.

PETER J. MCHUGH

Clerk of the Legislative Assembly