

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 63

THURSDAY, 30 MARCH 2006, 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.*

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.

BILLS - NOTICES OF MOTION

1. Parole and Sentencing Legislation Amendment Bill 2006 (Notice given - 29/3/06)

The Attorney General: To move -

That a Bill for "An Act to amend the *Sentence Administration Act 2003* as to parole and other matters and to make related and other amendments to -

- the *Sentencing Act 1995*;
- the *Children's Court of Western Australia Act 1988*;
- the *Criminal Law (Mentally Impaired Accused) Act 1996*;
- the *Young Offenders Act 1994*; and
- various other Acts,

and for related purposes." be introduced and read a first time.

2. Wills Amendment Bill 2006 (Notice given - 29/3/06)

The Attorney General: To move -

That a Bill for “An Act to amend the *Wills Act 1970* and to consequentially amend certain other Acts.” be introduced and read a first time.

3. Labour Relations Legislation Amendment Bill 2006 (Notice given - 29/3/06)

The Minister for Employment Protection: To move -

That a Bill for “An Act to -

- amend the *Minimum Conditions of Employment Act 1993*;
 - amend the *Industrial Relations Act 1979*;
 - amend the *Long Service Leave Act 1958*;
 - amend the *Construction Industry Portable Paid Long Service Leave Act 1985*; and
 - repeal the Long Service Leave General Order,
- and for related purposes.” be introduced and read a first time.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. *Terrorism (Preventative Detention) Bill 2005 (Premier) (No. 120, 2r. - 1/12/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

2. *Tobacco Products Control Bill 2005 (Minister for Health) (No. 60, 2r. - 29/06/05)

Consideration in detail of Legislative Council message No. 55.

3. *Swan and Canning Rivers Management Bill 2005 (Minister for the Environment) (No. 107, 2r. - 22/11/05)

Further consideration in detail - Clause 12.

4. Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005 (Minister for the Environment) (No. 108, 2r. - 22/11/05)

Second reading.

5. Premier’s Statement

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

6. Appropriation (Consolidated Fund) Bill (No. 3) 2005 (Treasurer) (No. 111, 2r. - 16/11/05)

‡**Appropriation (Consolidated Fund) Bill (No. 4) 2005** (Treasurer) (No. 112, 2r. - 16/11/05)

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

7. Road Traffic Amendment (Drug Impaired Driving) Bill 2005 (Minister for Community Safety) (No. 101, 2r. - 9/11/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

8. Criminal Investigation Bill 2005 (Attorney General) (No. 116, 2r. - 23/11/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

9. Criminal and Found Property Disposal Bill 2005 (Attorney General) (No. 114, 2r. - 23/11/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

10. Criminal Investigation (Consequential Provisions) Bill 2005 (Attorney General) (No. 115, 2r. - 23/11/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

- 11. Local Government (Official Conduct) Amendment Bill 2005** (Minister for Local Government and Regional Development) (No. 104, 2r. - 16/11/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

- 12. BHP Billiton (Termination of Agreements) Agreement Bill 2005** (Minister for State Development) (No. 92, 2r. - 24/11/05)

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

- 13. Local Government (Miscellaneous Provisions) Amendment Bill 2005** (Minister for Housing and Works) (No. 89, 2r. - 10/11/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

- 14. Medical Amendment Bill 2005** (Minister for Health) (No. 106, 2r. - 16/11/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

- 15. Nurses and Midwives Bill 2005** (Minister for Health) (No. 103, 2r. - 16/11/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

- 16. Dental Bill 2005** (Minister for Health) (No. 113, 2r. - 23/11/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

- 17. Food Bill 2005** (Minister for Health) (No. 110, 2r. - 23/11/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

- 18. Superannuation Legislation Amendment Bill 2005** (Minister for Government Enterprises) (No. 109, 2r. - 23/11/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

- 19. Comments Made by the Member for Warren-Blackwood** (Moved - 20/9/05)

Adjourned debate (Mr D.A. Templeman) on the motion moved by the Leader of the House -

That this House calls on the Member for Warren-Blackwood to apologise unreservedly for his false and unsubstantiated claims in mounting a malicious attack on the RSPCA and its officers by way of a Grievance made on 13 May 2004.

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

- 1. Industrial Relations** (Notice given - 5/5/05, renewed - 22/9/05)

Mr T.R. Buswell: To move -

That this House condemns the Government for implementing a centralised, union-orientated Industrial Relations systems that has forced tens of thousands of Western Australian employers and employees into the Federal Industrial Relations System.

2. Crime in the City of Geraldton and the Midwest-Gascoyne (Notice given - 17/5/05, renewed - 11/10/05)

Mr G.A. Woodhams: To move -

That this House acknowledges that crime in the City of Geraldton and the Midwest-Gascoyne is out of control and that this House initiates a public inquiry to examine –

- (a) issues that led the 2005 RAC LiveSafe Report to label Geraldton as the worst major regional centre for all home theft-related insurance claims in 2004;
- (b) why aggravated assaults in the Midwest-Gascoyne increased by 112% in the last six months of 2004;
- (c) the high incidence of anti-social behaviour, including a 24% increase in criminal damage to property;
- (d) why threatening behaviour in the Midwest-Gascoyne increased by 89%; and
- (e) why non-aggravated assaults in the region increased by 37% in the same period.

3. Indexation for British Pensions (Notice given - 24/5/05, renewed - 18/10/05)

Mr J.N. Hyde: To move -

That this House calls on –

- (a) the British Government to ensure that all British and Australian citizens (expatriates) who are entitled to a British pension because they had formerly worked in the United Kingdom and who now reside in Western Australia and other Australian States, also receive the same indexed pension arrangements as received by other former workers in the United Kingdom now residing in the United States of America, the European Union, Turkey, Israel, Bosnia, the Philippines and other countries; and
- (b) the Federal Treasurer to urgently negotiate this matter with his British Government counterpart on behalf of the 220,000 British pension recipients who reside in Australia.

4. Swan River and Catchment Drains (Notice given - 26/5/05, renewed - 20/10/05)

Dr G.G. Jacobs: To move -

That this Government be condemned for its inaction in introducing real measures to modify over thirty catchment drains and save Perth's icon the Swan River from 'death by pollution'.

5. World Population Day (Notice given - 28/6/05, renewed - 22/11/05)

Mr J.N. Hyde: To move -

That this House —

- (a) recognises that 11 July 2005 is World Population Day and that the day's theme is equality empowers;
- (b) recognises that the empowerment of women will greatly help to alleviate global poverty;
- (c) acknowledges that 500,000 women die each year due to the lack of adequate reproductive health services.

6. Commonwealth Road Funding (Notice given - 29/6/05, renewed - 23/11/05)

Mr P.D. Omodei: To move -

That this House calls on the State Labor Government to acknowledge the receipt of significant road funding from the Commonwealth through fuel excise GST revenue, the Auslink Investment Programme, the Auslink Strategic Regional Programme, the Auslink Black Spot Programme and financial assistance grants, and calls on the Government to –

- (a) return windfall gains from –
 - (i) GST funding; and
 - (ii) increased revenue from oil royalties, back to our state road network;
- (b) allocate \$15 million per annum for three years to the South West Highway from Boyanup to Manjimup, beginning in 2005-2006;

and condemns the State Government for its deception of the people of the South West over the closure of the South West railway from Bunbury to Lambert and the failure to provide funding for road works from 2005-2006 forward.

7. Local Government Endowment Land (Notice given - 16/8/05, renewed - 1/12/05)

Mr G.M. Castrilli: To move -

- (1) That this House calls on the State Government to cede vacant Crown land adjacent to Country Local Government town boundaries as endowment land to assist Local Government in their future development.
- (2) That this land be allocated in 'Fee Simple'.
- (3) That Local Government be given approval to either develop the land for residential, industrial or recreation purposes.
- (4) That individual Local Governments be allowed to sell the land with Ministerial approval.
- (5) That the proceeds of any land sale be used to assist Local Government in their capital works programmes.

8. Justice Portfolio (Notice given - 16/8/2005, renewed - 1/12/05)

Mr R.F. Johnson: To move -

That this House condemns the Gallop Labor Government for its inability and incompetence to carry out their duty within the Justice Portfolio.

9. Motor Vehicle Stamp Duty (Notice given - 18/8/05, renewed - 8/3/06)

Mr T.R. Sprigg: To move -

That this House condemns the State Government for allowing the Office of State Revenue to charge motor dealers exorbitant stamp duty via its interpretation of minor incidental purpose for loan vehicles thus depriving community and charitable organisations of an essential transport resource.

10. Uranium Mining Ban (Notice given - 23/8/05, renewed - 9/03/06)

Mr C.J. Barnett: To move -

That this House calls on the Labor Government to remove its ban on uranium mining in Western Australia.

11. Shenton Park Cottage Hospice (Notice given - 23/8/05, renewed - 9/3/06)

Ms S.E. Walker: To move -

That the Gallop Labor Government be condemned for the underhanded and deceitful manner in which it has moved to close the Shenton Park Cottage Hospice and in doing so to deprive the people of Western Australia of compassion, tranquillity and quality care at the end of their lives when medical intervention for their illness is no longer an option.

12. Matters Relating to the Corruption and Crime Commission (Notice given - 30/8/05)

Ms S.E. Walker: To move -

That this House and public of Western Australia has lost confidence in the Premier and Members of his Government in relation to the handling of the Moira Rayner scandal and believes there needs to be a reconsideration of the legislative framework to ensure the integrity and confidence of the Corruption and Crime Commission is retained.

13. Orderly Development of Feedlots in Western Australia (Notice given - 14/9/05)

Ms K. Hodson-Thomas: To move -

That this House calls on both the Minister for the Environment and the Minister for Planning and Infrastructure to examine the guidelines for the orderly development of feedlots in Western Australia.

14. Select Committee into Reducing the Cost of Motor Fuels (Notice given - 20/9/05)

Mr D.F. Barron-Sullivan: To move -

- (1) That this House appoints a Select Committee to inquire into and report on strategies to reduce the cost of motor fuels including -
 - (a) determining the full and accurate extent of royalties and tax received by the State Government as a result of higher than expected international and domestic oil and fuel prices;
 - (b) determining the scope for meaningful and immediate tax relief for truck owners and operators and other commercial vehicle operators, private motorists and rural industries;
 - (c) investigating and reporting on the impact of increased fuel costs on consumer goods and services and on business costs;
 - (d) investigating the incidence of profiteering and monopoly pricing of petrol, diesel and LPG in Western Australia;
 - (e) recommending the most effective method to provide low and stable LPG pricing, including consideration of legislative price control;
 - (f) examining the benefits of changing the vehicle fleets of government departments and agencies, and ministerial offices to dedicated LPG vehicles to expand the autogas market and provide a stream of second hand dedicated LPG vehicles on the second hand market;
 - (g) examining the scope for financial incentives to encourage private motorists and fleet operators to purchase dedicated LPG vehicles or change to gas, including scrapping or reducing stamp duty on dedicated LPG vehicles and significantly increasing the existing subsidy for LPG conversions;
 - (h) determining the most effective strategy and incentives to promote the development of a natural gas market for private and freight use;

- (i) examining the benefits of changing the State's fuel specifications to boost competition and ensure the lowest possible petrol and diesel prices;
 - (j) assessing the impact of import parity pricing on petroleum products including LPG and the potential for an alternative pricing regime in Western Australia;
 - (k) reporting on the environmental benefits of using LPG and natural gas for automotive and freight use;
 - (l) determining the most effective mechanism to prevent excessive LPG prices in country areas, taking into account freight costs;
 - (m) assessing the availability of LPG in country centres; and
 - (n) examining available information on worldwide progress in relation to alternative automotive fuels and recommending a strategy to promote research and development of alternative fuel sources in Western Australia including biofuels and hydrogen cell technology.
- (2) That the committee shall present an interim report by 1 December 2005 and a final report by 1 June 2006.

15. State of the World Population (Notice given - 11/10/05)

Mr J.N. Hyde: To move -

That this House -

- (a) recognises -
 - (i) that a report from the United Nations Population Fund (UNFPA) on the *State of World Population 2005 - the Promise of Equality: Gender Equity, Reproductive Health and Millennium Development Goals* will be released on 12 October 2005, and that the theme of the report is that gender equality reduces poverty, saves and improves lives;
 - (ii) that a major platform for achieving sustainable development is gender equality and the empowerment of women; and
 - (iii) that gender inequalities in all countries limit the economic and social participation of women in the building of healthy and dynamic nations;
- (b) encourages the UNFPA to continue to work towards achieving gender equality;
- (c) urges the Federal and State Governments to continue to support the Millennium Development Goals because they have led to significant improvements in women's health, safety and economic participation and increased their share in the benefits of strengthened economic growth; and
- (d) recognises that these improvements have been achieved through culturally and religiously appropriate activities and has resulted in a reduction in the incidence of fistula, maternal and child mortality.

16. Infill Sewerage (Notice given - 18/10/05)

Mr P.D. Omodei: To move -

That -

- (a) this House calls on the State Government to increase funding for infill sewerage in Western Australia;
- (b) in setting priorities for an enhanced program the Government considers health issues, environment damage and the ability of Local Governments to expand residential development; and
- (c) community service obligation be maintained to allow the infill sewerage program to be extended.

17. Corruption and Crime Commission and Failed Contempt Application (Notice given - 8/11/05)

Ms S.E. Walker: To move -

That this House calls on the Government to -

- (a) enquire and report on the circumstances regarding the Corruption and Crime Commission's failed contempt application against organised crime associates Marco Sorani and Hasaneen Mosa Issa Aboudi; and
- (b) advise what measures will be taken to bring them to justice and to ensure such an outcome does not occur again.

18. Whitby Falls Hostel (Notice given - 8/11/05)

Mr A.J. Simpson: To move -

That this House supports the member for Bassendean in his condemnation of the Gallop Government for its lack of action with regard to the Whitby Falls Hostel. Further, this House joins with the member for Bassendean to call for the Health Minister to be honest about the future of mental health facilities at Whitby Falls.

19. Children in Foster Care and Childcare (Notice given - 15/11/05)

Mr M.J. Birney: To move -

That this House condemns the Minister for Community Development for her abject failure to provide a safe environment for children in foster care and childcare, and further, for her disgraceful stewardship of the Department for Community Development.

20. Perimeter Road, Margaret River and Bridgetown Bypass (Notice given - 8/3/06)

Mr P.D. Omodei: To move -

That this House calls on the Government to give priority to the immediate construction of the Perimeter Road in Margaret River and the Bridgetown Bypass.

21. Manjimup Police Station (Notice given - 8/3/06)

Mr P.D. Omodei: To move -

That this House calls on the Government to -

- (a) place the Manjimup Police Station on the 'urgent construction program' or implement a Private/Public Partnership;
- (b) bring forward the redevelopment of the Margaret River Police Station; and
- (c) bring forward the redevelopment of the Bridgetown Police Station.

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY

1. **Violent Crime Management in Western Australia** (Moved - 27/4/05)

Adjourned debate (Dr G.G. Jacobs - continuation of remarks) on the amendment moved by Mr A.J. Simpson, To add after "Western Australia" the following –

“ and calls on the Labor Government to immediately repeal the two plant policy on marijuana which is sending the wrong message to young Western Australians often leading them into a lifetime of drug addiction and crime ”.

in the motion moved by Mr R.F. Johnson –

That this House condemns the Minister for Police and Emergency Services for her failure to manage violent crime in Western Australia.

2. **Rally Australia** (Moved - 4/5/05)

Adjourned debate (Minister for Tourism - continuation of remarks) on the motion moved by Mr R.F. Johnson -

That this House condemns the Labor Government on its decision to axe one of our most iconic events, namely Rally Australia, without consultation with the industry and thousands of rally enthusiasts.

3. **Community Protection (Offender Reporting) Amendment Bill 2005** (Mr M.J. Birney) (No. 62, 2r. - 22/6/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

4. **Salinity in the Agricultural Region of Western Australia** (Moved - 22/6/05)

Adjourned debate (Parliamentary Secretary to the Minister for Agriculture and Forestry - continuation of remarks) on the motion moved by Dr G.G. Jacobs -

That this Government be condemned for its lack of action in addressing the serious environmental damage caused by dry land salinity in this State's Agricultural Region.

5. **Auslink Agreement** (Moved - 14/9/05)

Adjourned debate (Mr J.H.D. Day - continuation of remarks) on the motion moved by Mr M.J. Cowper -

That this House condemns the Minister for Planning and Infrastructure for failing to sign the Auslink Agreement, which would result in \$680 million of Federal funding for vital infrastructure needs in Western Australia.

6. **Select Committee into Western Australia's Water Resources** (Moved - 21/9/05)

Adjourned debate (Mr T.R. Buswell - continuation of remarks) on the motion moved by Mr P.D. Omodei -

- (1) That a select committee of the Legislative Assembly be appointed to inquire into and report on —
 - (a) the extent of surface and groundwater available for consumption and use in Western Australia;
 - (b) the Government's role in planning for the future given climate change predictions;
 - (c) the Government's role in planning for increased water demand;
 - (d) the failure of the Government to implement alternative water recycling and re-use programs;

- (e) the failure of the Government to provide appropriate water supplies in high rainfall areas of Western Australia, such as Manjimup, Bridgetown and Boyup Brook;
- (f) the ability to source additional water from Wellington Dam, particularly 45 gegalitres of saline water purged from the dam;
- (g) the success of the Farm Water Grants Scheme and potential to expand the scheme further;
- (h) catchment thinning as an option to increase stream flow into water reservoirs;
- (i) research into innovative water conservation measures;
- (j) the social, economic and environmental impacts on the South West as a result of using the Southern Yarragadee aquifer;
- (k) the level of research undertaken in regard to the future regional water requirements of the South West, as it applies to the Southern Yarragadee; and
- (l) any other matter which will provide appropriate water supplies for the State of Western Australia.

(2) That the committee report to the Legislative Assembly by 30 June 2006.

7. Staffing and Funding Levels in Public Hospitals (Moved - 19/10/05)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Dr K.D. Hames -

That this House calls on the Government to give urgent consideration to the crisis in staffing and funding levels in public hospitals across the State which is having a severe impact on the quality of patient care being provided.

8. Law and Order Issues (Moved - 23/11/05)

Adjourned debate (Minister for Police and Emergency Services - continuation of remarks) on the motion moved by Ms S.E. Walker -

That this House has lost confidence in the ability of the Gallop Government to properly manage and resource law and order issues in the State of Western Australia.

9. Inland Rural Communities Funding (Moved - 29/3/06)

Adjourned debate (Mr J.E. McGrath - continuation of remarks) on the motion moved by Mr T.K. Waldron -

That the Premier immediately boost State Government funding to inland rural communities experiencing an upsurge in land and housing inquiry and to immediately provide increased funding for -

- (a) the small towns sewerage and infill sewerage;
- (b) regional headworks;
- (c) safety upgrades on dangerous country roads;
- (d) upgrade of community and recreational amenities;
- (e) implementation of inland town desalination projects; and
- (f) rural towns promotional campaigns.

AWAITING GOVERNOR'S MESSAGE

Scrutiny of Government Publicity Bill 2005 (Mr M.J. Birney) (No. 64, 2r. - 29/6/05)

Second reading.

COMMITTEES TO REPORT

Economics and Industry Standing Committee – Inquiry into the Production and Marketing of Foodstuffs	–	30 March 2006
Public Accounts Committee – Inquiry into Local Government Accountability in Western Australia	–	30 April 2006
Education and Health Standing Committee – Inquiry into Proposed Changes to Post-Compulsory Curriculum	–	30 June 2006
Education and Health Standing Committee – Inquiry into the Swimming Pool Program for Remote Communities	–	30 June 2006
Community Development and Justice Standing Committee – Inquiry into Fire and Emergency Services Legislation in Western Australia	–	31 August 2006
Procedure and Privileges Committee – Review of the <i>Members of Parliament (Financial Interests) Act 1992</i>	–	28 September 2006
Procedure and Privileges Committee – Review of Legislative Assembly's Committee System	–	28 September 2006
Public Accounts Committee – Review of the <i>Financial Management Bill 2005</i> and the <i>Auditor General Bill 2005</i>	–	6 April 2006

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee – Inquiry into the Production and Marketing of Foodstuffs	<i>Health (Fresh Produce - State or Territory of Origin) Amendment Bill 2005</i>	30 March 2006
Economics and Industry Standing Committee – Inquiry into the Production and Marketing of Foodstuffs	'Country of Origin' Petitions	30 March 2006

* 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

Swan and Canning Rivers Management Bill 2005 (No. 107 — 1B)

Clause 91.

Dr S.C. Thomas: To move —

Page 73, after line 7 — To insert the following —

“

- (2) The Trust will not issue under subsection (1) a river protection notice that will prevent an owner or occupier of land in the catchment area from carrying out normal agricultural practices as defined by the *Agricultural Practices (Disputes) Act 1995*.

”.

Terrorism (Preventative Detention) Bill 2005 (No. 120 - 1)

Clause 22.

The Minister for Justice: To move —

Page 21, lines 16 to 18 — To delete the lines.

New clause

The Minister for Justice: To move —

Page 32, after line 29 — To insert —

“

33A. Inspector of Custodial Services to be notified of detention

- (1) As soon as practicable after a person is first taken into custody under a preventative detention order, the senior police officer nominated under section 24(2) in relation to the order must —
 - (a) give the Inspector of Custodial Services a copy of the order; and
 - (b) notify the Inspector of Custodial Services as to the place where the person is being detained.
- (2) The lawfulness of a person's detention under a preventative detention order is not affected by a failure to comply with subsection (1).

”.

Clause 38.

The Minister for Justice: To move —

Page 37, after line 14 — To insert —

“

- (2) The Inspector of Custodial Services may, at any time, review the detainee’s detention under the PDO to determine whether subsection (1) is being complied with in relation to the detainee.
- (3) The Inspector of Custodial Services may, at any time, report to —
 - (a) the Commissioner; and
 - (b) the senior police officer nominated under section 24(2) in relation to the PDO,

on any matter relating to a review under subsection (2) and give advice or make recommendations as the Inspector of Custodial Services considers appropriate in relation to the matter.
- (4) For the purposes of this section the Inspector of Custodial Services may exercise any power conferred by the *Inspector of Custodial Services Act 2003* whether or not the place where the detainee is being detained is a place referred to in section 19 of that Act.

”.

Clause 43.

The Minister for Justice: To move —

Page 42, after line 22 — To insert —

“

- (7) If the lawyer referred to in subsection (2) has a current security clearance to “Secret” level given by the Attorney General’s Department of the Commonwealth, subsection (2) does not apply unless an issuing authority has made an order (a “**monitoring order**”) authorising the contact the detainee has with the lawyer under section 42 to be monitored.
- (8) Sections 18(1) to (5) and 19 apply in relation to a monitoring order, and an application for a monitoring order, as if references in those provisions to a prohibited contact order were references to a monitoring order.
- (9) An issuing authority may make a monitoring order if it is satisfied, on reasonable grounds, that making the monitoring order will assist in achieving the purpose for which the PDO was made.

”.

Clause 49.

The Minister for Justice: To move —

Page 53, line 12 — To insert after “38” —

“ (1) ”.

Clause 54.

The Minister for Justice: To move —

Page 56, after line 26 — To insert —

“

- (2) If a person is in detention under a preventative detention order, the *Parliamentary Commissioner Act 1971* section 23(1b) does not authorise the disclosure of information, or the making of a statement, in relation to the person or the detention unless the Parliamentary Commissioner has first consulted the Commissioner about disclosing the information or making the statement.
- (3) If a person is in detention under a preventative detention order, the *Inspector of Custodial Services Act 2003* section 46(1) does not authorise the disclosure of information, or the making of a statement, in relation to the person or the detention unless the Inspector of Custodial Services has first consulted the Commissioner about disclosing the information or making the statement.

”.

Tobacco Products Control Bill 2005 (No. 60 - 2)

Message No. 55

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Tobacco Products Control 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 Tobacco Products Control Bill 2005

No. 1

Clause 8, page 3, lines 24 and 25 - To delete the lines.

No. 2

Clause 13, page 5, after line 22 - To insert -

“

- (a) that at the relevant time the person charged had no reason to believe that the receiver had not reached 18 years of age;

”.

No. 3

Clause 15, page 6, line 29 - To delete “see section 116” and insert instead -
“ a fine of \$100 ”.

No. 4

Clause 23, page 9, line 5 - To insert after “person” -
“ or any other person ”.

No. 5

Clause 23, page 9, line 7 - To delete “at 1 July 2005,”.

No. 6

Clause 23, page 9, line 8 - To insert after “business” -
“ for the financial year 2004 to 2005 ”.

No. 7

Clause 23, page 9, line 12 - To insert after “person” -
“ or any other person ”.

No. 8

Clause 23, page 9, line 14 - To delete “at 1 July 2005,”.

No. 9

Clause 23, page 9, line 15 - To insert after “business” -
“ for the financial year 2004 to 2005 ”.

No. 10

Clause 23, page 9, after line 30 - To insert -

“

- (3) If a person is charged with an offence under section 22(1) it is a defence to prove that the person was a specialist retailer at the time the offence is alleged to have been committed.

”.

No. 11

Clause 23, page 10, after line 4 - To insert -

“

- (b) the tobacco products or packages that could be seen from a public place outside the premises specified in the licence were displayed in such a way that the total surface area of the products or packages was not greater than 1 m² or such lesser area as prescribed at the time for the purposes of section 22(2); and

”.

No. 12

Clause 23, page 10, line 5 - To insert before “the” -

“ the rest of ”.

No. 13

Clause 25, page 11, lines 8 and 9 - To delete “immediately adjacent to any tobacco products display in or”.

No. 14

Clause 32, page 14, line 29 - To insert after “from” -
 “ premises specified in a retailer’s licence or ”.

No. 15

Clause 32, page 15, line 2 - To delete “24(2)” and insert -
 “ 24(1) or (2) ”.

No. 16

Clause 32, page 15, after line 2 - To insert -

- “
- (e) a tobacco advertisement comprising only information about the availability of tobacco products from premises specified in a wholesaler’s licence or the prices of those products;
- ”.

No. 17

Clause 32, page 15, lines 26 and 27 - To delete the lines and insert instead -

- “
- (i) the appearance of —
 - (i) the business name of a licence holder at the premises specified in the licence;
 - (ii) a description of the business of a licence holder at the premises specified in the licence; or
 - (iii) the name of a tobacco company in or on land or a building that is occupied by the tobacco company.
- ”.

No. 18

Clause 33, page 17, after line 4 - To insert -

- “
- (4) In the case of a sale of tobacco products to the holder of a licence, subsection (1) does not apply to a discount provided in connection with that sale as long as the discount is based on, and only on, the quantity of tobacco products the subject of that sale.
- ”.

No. 19

Clause 35, page 18, lines 7 to 9 - To delete the lines.

No. 20

Clause 36, page 18, line 10 to page 20, line 2 - To delete the clause.

No. 21

Clause 37, page 21, line 9 - To delete the line and insert instead -

- “
- (2) However, no more than one of each type of licence mentioned in subsection (1) is to be issued to a particular person in respect of the same premises.

”.

No. 22

Clause 37, page 21, after line 11 - To insert -

- “
- (b) is to specify the premises to which it applies;

”.

No. 23

Clause 62, page 36, line 18 - To delete “Arts Voice (WA)” and insert instead -

“ the Western Australian Arts Federation ”

No. 24

Clause 87, page 52, lines 12 to 22 - To delete the lines.

No. 25

Clause 100, page 59, after line 19 - To insert -

- “
- (3) The power under subsection (1) or (2) to seize a tobacco product or smoking implement is not to be exercised in respect of a person unless —
- (a) the person has been requested to produce a document mentioned in section 15(1) showing that the person has reached 18 years of age; and
- (b) the document was not produced at the time of the request.

”.

No. 26

Clause 103, page 60, lines 26 to 29 - To delete the clause and insert instead -

“

103. Limitation of powers of investigator

An investigator is not to exercise the powers mentioned in section 85 for the purposes of performing a function under this Division.

”.

No. 27

Clause 114, page 67, lines 18 to 21 - To delete the lines.

No. 28

Glossary, page 88, after line 33 - To insert -

“ and includes a part of premises; ”.

No. 29

Glossary, page 89, after line 5 - To insert -

“

(d) the number of items in the package containing the tobacco product,

”.

PETER J. McHUGH

Clerk of the Legislative Assembly