

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**AMENDMENTS AND SCHEDULES**  
**Supplementary Notice Paper No. 42**  
**Issue No. 1**  
**TUESDAY, 21 AUGUST 2018**

---

***HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT BILL 2017***  
***[42-1]***

When in committee on the *Historical Homosexual Convictions Expungement Bill 2017*:

**Clause 5**

**Hon Michael Mischin:** To move –

**3/5** Page 5, line 6 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**4/5** Page 6, line 13 — To delete “refused by the CEO” and insert:

refused

**Hon Michael Mischin:** To move –

**5/5** Page 6, lines 14 and 15 — To delete “considered by the CEO if the CEO” and insert:

Dealt with under this Act if the Minister

**Clause 6**

**Hon Michael Mischin:** To move –

**6/6** Page 7, line 14 — To delete “CEO” and insert

Minister

**Hon Michael Mischin:** To move –

**7/6** Page 7, line 18 — To delete “to the CEO”.

**Hon Michael Mischin:** To move –

**8/6** Page 7, line 22 — To delete “entity; and” and insert:

entity for the purposes of dealing with the application under this Act; and

**Hon Michael Mischin:** To move –

**9/6** Page 7, line 29 — To delete “CEO” and insert:

Minister

**Clause 7**

**Hon Michael Mischin:** To move –

**10/7** Page 8, line 3 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**11/7** Page 8, line 4 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**12/7** Page 8, line 5 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**13/7** Page 8, line 7 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**14/7** Page 8, line 9 — To delete “CEO.” and insert:

Minister.

**Hon Michael Mischin:** To move –

**15/7** Page 8, line 10 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**16/7** Page 8, line 12 — To delete “CEO” (each occurrence) and insert:

Minister

**Hon Michael Mischin:** To move –

**17/7** Page 8, line 18 — To delete “CEO” and insert:

Minister

**Clause 8**

**Hon Michael Mischin:** To move –

**18/8** Page 8, line 22 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**19/8** Page 8, line 23 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**20/8** Page 8, line 28 — To delete “CEO” and insert:

Minister

**Clause 9**

**Hon Michael Mischin:** To move –

**21/9** Page 9, line 3 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**22/9** Page 9, line 6 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**23/9** Page 9, line 8 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**24/9** Page 9, line 10 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**25/9** Page 9, line 11 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**26/9** Page 9, line 12 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**27/9** Page 9, line 13 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**28/9** Page 9, line 21 — To delete “CEO” and insert:

Minister

**Clause 10**

**Hon Michael Mischin:** To move –

**29/10** Page 9, line 26 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**30/10** Page 10, line 11 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**31/10** Page 10, line 18 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**32/10** Page 10, line 28 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**33/10** Page 10, line 29 — To delete “CEO” and insert:

Minister

**Clause 11**

**Hon Michael Mischin:** To move –

**34/11** Page 10, line 32 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**35/11** Page 11, line 1 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**36/11** Page 11, line 6 — To delete “CEO” (each occurrence) and insert:

Minister

**Hon Michael Mischin:** To move –

**37/11** Page 11, line 10 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**38/11** Page 11, line 13 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**39/11** Page 11, line 19 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**40/11** Page 11, line 25 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**41/11** Page 11, line 28 — To delete “CEO” and insert:

Minister

**Clause 12**

**Hon Michael Mischin:** To move –

**42/12** Page 12, line 6 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**43/12** Page 12, line 9 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**44/12** Page 12, line 11 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**45/12** Page 12, line 12 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**46/12** Page 12, line 16 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**47/12** Page 12, line 21 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**48/12** Page 12, line 28 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**49/12** Page 13, line 1 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**50/12** Page 13, line 7 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**51/12** Page 13, line 14 — To delete “CEO” and insert:

Minister

**Clause 13**

**Hon Michael Mischin:** To move –

**52/13** Page 14, line 3 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**53/13** Page 14, line 12 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**54/13** Page 14, line 21 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**55/13** Page 14, line 23 — To delete “CEO” and insert:

Minister

**Clause 15**

**Hon Michael Mischin:** To move –

**56/15** Page 16, line 5 — To delete “CEO” and insert:

Minister

**Hon Michael Mischin:** To move –

**57/15** Page 16, line 6 — To delete “CEO” and insert:

Minister



**Clause 18****Hon Michael Mischin:** To move –**58/18** Page 18, line 10 — To delete “CEO — ” and insert:

Minister —

**Hon Michael Mischin:** To move –**59/18** Page 18, line 17 — To delete “CEO” and insert:

Minister

**Clause 24****Hon Michael Mischin:** To move –**60/24** Page 20, line 24 — To delete “CEO” and insert:

Minister

**Clause 25****Hon Michael Mischin:** To move –**61/25** Page 21, line 3 — To delete “CEO or a delegate of the CEO” and insert:

Minister

**Hon Michael Mischin:** To move –**62/25** Page 21, lines 11 and 12 — To delete “CEO or a person who was, at that time, a delegate of the CEO, as the case requires.” and insert:

Minister.

**Clause 27****Hon Michael Mischin:** To move –**63/27** Page 21, after line 28 — To insert:

- (1A) The Minister may delegate to the CEO any function of the Minister under another provision of this Act, other than section 11(2), 12(1) or 29B.
- (1B) A delegation under subsection (1A) may expressly authorise the CEO to further delegate the function.

**Hon Michael Mischin:** To move –

**64/27** Page 21, lines 29 and 30 — To delete “any function of the CEO under another provision of this Act”.

**Hon Michael Mischin:** To move –

**65/27** Page 22, line 2 — To delete “Department.” And insert:

Department any function —

- (a) of the CEO under another provision of this Act; or
- (b) delegated to the CEO under subsection (1A) that the CEO is authorised to further delegate under subsection (1B).

**Hon Michael Mischin:** To move –

**66/27** Page 22, line 3 — To delete “The” and insert:

A

**Hon Michael Mischin:** To move –

**67/27** Page 22, line 3 — To insert after “delegation”:

Under subsection (1A) or (1)

**Hon Michael Mischin:** To move –

**68/27** Page 22, line 3 — To delete “CEO.” and insert:

Minister or the CEO, as the case requires.

**Hon Michael Mischin:** To move –

**69/27** Page 22, line 4 — To delete “this section” and insert:

subsection (1)

**Hon Michael Mischin:** To move –

**70/27** Page 22, line 10 — To insert after “ability of the”:

Minister or the

**New Clause 29A****Leader of the House representing the Attorney General:** To move –**1/NC29A** Page 23, after line 15 — To insert:**29A. Annual Report**

- (1) The CEO must prepare and submit to the Minister, not later than 30 September in each year, a report for the previous financial year that contains details of the following —
  - (a) the number of applications made under section 5;
  - (b) for applications determined under section 11 —
    - (i) the number of applications approved under section 11(2);
    - (ii) the number of applications refused under section 11(2) and a summary of the grounds for refusal;
    - (iii) the number of convictions expunged under section 11(3) and a summary of the offences to which the expunged convictions relate;
    - (iv) the average amount of time taken to determine an application;
  - (c) the number of determinations that a conviction is no longer an expunged conviction under section 12(1) and a summary of the grounds for the determinations;
  - (d) the number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available;
  - (e) any other matters that are, in the CEO's opinion, of such significance as to require reporting.
- (2) The Minister must cause a copy of the annual report to be laid before each House of Parliament within 14 sitting days after the report is received by the Minister.

**Hon Michael Mischin:** To move –**71/NC29** Page 23, after line 15 — To insert:**29A. Annual Report**

- (1) The CEO must prepare and submit to the Minister, not later than 30 September in each year, a report for the previous financial year that contains details of the following —
  - (a) the number of applications made under section 5;
  - (b) for applications determined under section 11 —
    - (i) the number of applications approved under section 11(2);
    - (ii) the number of applications refused under section 11(2) and a summary of the grounds for refusal;
    - (iii) the number of convictions expunged under section 11(3) and a summary of the offences to which the expunged convictions relate;
    - (iv) the average amount of time taken to determine an application;
  - (c) the number of determinations that a conviction is no longer an expunged conviction under section 12(1) and a summary of the reasons for the determinations;

- (d) the number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available;
  - (e) any other matters that are, in the CEO's opinion, of such significance as to require reporting.
- (2) The Minister must cause a copy of the annual report to be laid before each House of Parliament within 14 sitting days after the report is received by the Minister.

**New Clause 29B**

**Leader of the House representing the Attorney General:** To move –

**2/NC29B** Page 23, after line 15 — To insert:

**29B. Review of Act**

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5<sup>th</sup> anniversary of the day on which this section comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5<sup>th</sup> anniversary.

**Hon Michael Mischin:** To move –

**72/NC29B** Page 23, after line 15 — To insert:

**29B. Review of Act**

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after every 5th anniversary of the commencement of this section.
- (2) In the course of each review the Minister must consider and have regard to the following —
  - (a) the objects of this Act;
  - (b) the adequacy of the procedure for the expungement of certain convictions for historical homosexual offences under this Act;
  - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (3) The Minister must prepare a report based on each review and cause it to be laid before each House of Parliament —
  - (a) as soon as practicable after the review is completed; but
  - (b) not later than 1 year after each 5 year anniversary.

