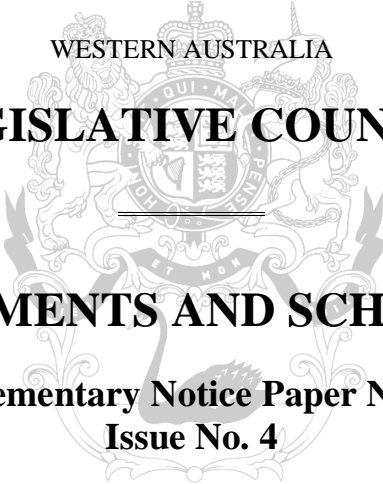


WESTERN AUSTRALIA



LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 161
Issue No. 4

THURSDAY, 12 NOVEMBER 2020

CRIMINAL LAW (UNLAWFUL CONSORTING) BILL 2020 [161-2]

When in committee on the *Criminal Law (Unlawful Consorting) Bill 2020*:

Clause 2

Hon Michael Mischin: To move –

3/2 Page 2, after line 10 — To insert:

- (2) However, if no day is fixed under subsection (1)(c) before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, this Act is repealed on the day after that period ends.

Clause 3

Hon Nick Goiran: To move –

4/3 Page 2, after line 12 — To insert:

CCC means the Corruption and Crime Commission established under the *Corruption, Crime and Misconduct Act 2003* section 8(1);

Hon Nick Goiran: To move –

5/3 Page 4, lines 3 to 5 — To delete the lines.

Clause 6

Hon Alison Xamon: To move –

1/6 Page 6, after line 22 — To insert:

- (2) Without derogating from subsection (1), it is not the intention of Parliament that the powers in this Act be used in a manner that would diminish the freedom of persons in this State to participate in advocacy, protest or dissent that is not intended —
- (a) to cause a person’s death;
 - (b) to cause serious physical harm to a person;
 - (c) to endanger a person’s life, other than the life of the person participating in the advocacy, protest or dissent; or
 - (d) to create a serious risk to the health or safety of the public.

Clause 9

Hon Michael Mischin: To move –

36/9 Page 8, line 22 to 27 — To delete the lines.

Hon Alison Xamon: To move –

2/9 Page 8, after line 31 — To insert:

- (x) participating in advocacy, protest or dissent that is not intended to cause a person’s death, to cause serious physical harm to a person, to endanger a person’s life (other than the life of the person participating in the advocacy, protest or dissent), or to create a serious risk to the health or safety of the public;

Clause 21

Hon Nick Goiran: To move –

6/21 Page 18, line 11 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

7/21 Page 18, lines 13 and 14 — To delete “Parliamentary Commissioner —” and insert:

CCC —

Clause 22

Hon Nick Goiran: To move –

8/22 Page 18, line 24 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

9/22 Page 19, line 4 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

10/22 Page 19, line 7 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

11/22 Page 19, line 8 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

12/22 Page 19, line 10 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

13/22 Page 19, line 11 — To delete “Parliamentary Commissioner” and insert:

CCC

Clause 23

Hon Nick Goiran: To move –

14/23 Page 19, line 14 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

15/23 Page 19, line 22 — To delete “Parliamentary Commissioner” and insert:

CCC

Clause 24

Hon Nick Goiran: To move –

16/24 Page 20, line 26 — To delete “Parliamentary Commissioner’s” and insert:

CCC's

Clause 25

Hon Nick Goiran: To move –

17/25 Page 21, lines 24 and 25 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

18/25 Page 21, line 27 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

19/25 Page 21, lines 30 and 31 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

20/25 Page 21, line 32 to page 22, line 1 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

21/25 Page 22, line 6 — To delete “Parliamentary Commissioner's” and insert:

CCC's

Hon Nick Goiran: To move –

22/25 Page 22, line 10 — To delete “Parliamentary Commissioner” and insert:

CCC

Clause 26

Hon Nick Goiran: To move –

23/26 Page 22, line 29 — To delete “Parliamentary Commissioner” and insert:

CCC

Clause 27

Hon Nick Goiran: To move –

24/27 Page 23, line 3 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

25/27 Page 23, line 7 — To delete “Parliamentary Commissioner’s” and insert:

CCC’s

Hon Nick Goiran: To move –

26/27 Page 23, lines 12 and 13 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

27/27 Page 23, lines 16 and 17 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

28/27 Page 23, lines 24 and 25 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

29/27 Page 23, lines 27 and 28 — To delete “Parliamentary Commissioner’s” and insert:

CCC’s

Hon Nick Goiran: To move –

30/27 Page 24, lines 1 and 2 — To delete “Parliamentary Commissioner” and insert:

CCC

Hon Nick Goiran: To move –

31/27 Page 24, line 3 — To delete “Parliamentary Commissioner’s” and insert:

CCC’s

Hon Nick Goiran: To move –

32/27 Page 24, line 5 — To delete “Parliamentary Commissioner’s” and insert:

CCC’s

Clause 28

Hon Nick Goiran: To move –

33/28 Page 24, lines 10 and 11 — To delete “Parliamentary Commissioner under the *Parliamentary Commissioner Act 1971*.” and insert:

CCC under the *Corruption, Crime and Misconduct Act 2003*.

Clause 31

Hon Nick Goiran:

34/31 Page 26, lines 7 to 30 — To oppose the clause.

New Clause 31

Hon Nick Goiran: To move –

35/NC31 Page 26, after line 30 — To insert:

31. Delegation by CCC

(1) In this section —

CCC officer has the meaning given to the term officer of the Commission by the *Corruption, Crime and Misconduct Act 2003* section 3.

- (2) Subject to subsection (4), the CCC may delegate any power or duty of the CCC under Part 3 of this Act to a CCC officer.
- (3) The delegation must be in writing executed by the CCC.
- (4) The CCC cannot delegate a power to report to the Minister under this Act.
- (5) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (7) Nothing in this section limits the ability of the CCC to perform a function through an officer or agent.

Clause 34**Leader of the House representing the Attorney General:**

37/34 Page 27, line 22 to page 28, line 7 — To oppose the clause.

New Clause 34**Leader of the House representing the Attorney General: To move –**

38/NC34 Page 28, after line 7 — To insert:

34. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review —
 - (a) as soon as practicable after the 3rd anniversary of the day on which this section comes into operation; and
 - (b) after that, at intervals of not more than 5 years.
- (2) The review must address the following —
 - (a) whether the policy objectives of the Act remain valid;
 - (b) whether the terms of the Act remain appropriate for securing the policy objectives of the Act;
 - (c) whether the powers exercised under the Act have been exercised in accordance with section 6;
 - (d) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (3) 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 3rd anniversary or the expiry of the period of 5 years, as the case may be.
- (4) If, in the Minister's opinion, a House of Parliament will not sit during the period of 21 days after finalisation of the report, the Minister must send the report to the Clerk of the House.
- (5) When the report is sent to the Clerk of a House it is taken to have been laid before the House.
- (6) The laying of the report that is taken to have occurred under subsection (5) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the report.

