

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 113
Issue No. 3

WEDNESDAY, 24 NOVEMBER 2010

PROHIBITED BEHAVIOUR ORDERS BILL 2010 [113-2]


[c1]When in committee on the *Prohibited Behaviour Orders Bill 2010*:

Clause 3

Hon Sally Talbot: To move -

32/3 Page 2, line 14 — To delete “or is likely to cause”.

Parliamentary Secretary representing the Attorney General: To move -

22/3  3, lines 16 and 17 — To delete “Supreme Court or the District Court” and insert —

Supreme Court, the District Court or the Children’s Court exercising jurisdiction under *Children’s Court of Western Australia Act 1988* section 19B(4)

Parliamentary Secretary representing the Attorney General: To move -

23/3 Page 3, lines 22 to 25 — To delete the lines and insert —

jurisdiction — the person referred to in the *Criminal Procedure Act 2004* section 20(3) who commenced the prosecution or another such person;

Hon Giz Watson: To move -

1/3 Page 4, lines 3 and 4 — To delete the lines.

Clause 6

Hon Alison Xamon: To move -

2/6 Page 5, lines 12 to 15 — To delete the lines and insert —

means a sentence imposed under the *Sentencing Act 1995* section 39(2).

Hon Alison Xamon: To move -

3/6 Page 5, line 27 — To delete “16” and insert —

18

Hon Adele Farina: To move -

41/6 Page 5, line 27 — To insert after “age” —

as at the date of the offence

Hon Alison Xamon: To move -

31/6 Page 6, after line 7 — To insert —

(5) Prohibited Behaviour Orders cannot be made in the Children’s Court.

Clause 8

Hon Sally Talbot: To move -

33/8 Page 7, line 7 — To delete “3 years” and insert —

1 year

Hon Sally Talbot: To move -

34/8 Page 7, lines 16 to 18 — To delete the lines.

Clause 9

Hon Alison Xamon: To move -

4/9 Page 8, lines 3 and 4 — To delete “or, if the person is a youth, a person responsible for the care, welfare or development of the person”.

Clause 12

Parliamentary Secretary representing the Attorney General: To move -

24/12 Page 10, line 26 — To insert after “Division 1;” —

or

- (d) a youth community based order made under the *Young Offenders Act 1994* Part 7 Division 6; or
- (e) an intensive youth supervision order made under the *Young Offenders Act 1994* Part 7 Division 7;

Hon Sally Talbot: To move -

35/12 Page 11, line 4 — To delete “6” and insert —

3

Hon Sally Talbot: To move -

36/12 Page 11, lines 9 and 10 — To delete “at least 6 months and not more than 2 years” and insert —

at least one month and not more than 3 months

Clause 14

Hon Sally Talbot: To move -

37/14 Page 12, lines 6 and 7 — To delete the lines.

Clause 16

Hon Alison Xamon:

6/16 Page 12, lines 14 to 17 — To oppose the clause.

Clause 17

Hon Alison Xamon:

7/17 Page 12, lines 18 to 22 — To oppose the clause.

Clause 18

Hon Alison Xamon:

8/18 Page 12, line 23 to page 13, line 20 — To oppose the clause.

Clause 19

Hon Alison Xamon:

9/19 Page 13, lines 21 to 26 — To oppose the clause.

Clause 20**Hon Alison Xamon:****10/20** Page 13, lines 27 to 30 — To oppose the clause.**Clause 28****Hon Alison Xamon:** To move -**11/28** Page 18, lines 14 to 17 — To delete the lines.**Clause 34****Parliamentary Secretary representing the Attorney General:** To move -**26/34** Page 23, lines 25 and 26 — To delete “anything that identifies, or is capable of identifying”.**Parliamentary Secretary representing the Attorney General:** To move -**27/34** Page 23, line 27 — To insert before “a child” —

anything that identifies, or is capable of identifying,

Hon Alison Xamon: To move -**12/34** Page 23, line 27 — To delete “other than the constrained person”.**Parliamentary Secretary representing the Attorney General:** To move -**28/34** Page 24, line 1 — To delete “any” and insert —

anything that identifies, or is capable of identifying, an

Hon Giz Watson: To move -**21/34** Page 24, line 2 — To delete “.” and insert —

; or

(d) any person other than the constrained person.

Hon Alison Xamon: To move -**13/34** Page 24, lines 8 to 11 — To delete the lines.**Hon Sally Talbot:** To move -**38/34** Page 24, lines 18 and 19 — To delete the lines.**Clause 35****Hon Alison Xamon:** To move -**14/35** Page 24, lines 24 and 25 — To delete the lines.

Hon Alison Xamon: To move -

15/35 Page 25, lines 1 to 5 — To delete the lines and insert —

- (2) Proceedings for breach of a PBO are to be brought in the Magistrates Court.

Clause 37

Hon Alison Xamon: To move -

16/37 Page 26, lines 4 to 14 — To delete the lines.

Clause 40

Hon Sally Talbot: To move -

39/40 Page 27, line 21 — To delete “3 years” and insert —

one year

Hon Sally Talbot: To move -

40/40 Page 27, after line 21 — To insert —

- (2) The Minister’s review will be informed by independent analysis and incorporate feedback from key community stakeholders.

Clause 41

Hon Alison Xamon:

17/41 Page 28, lines 4 to 6 — To oppose the clause.

Clause 42

Hon Alison Xamon:

18/42 Page 28, lines 7 to 13 — To oppose the clause.

Parliamentary Secretary representing the Attorney General: To move -

29/42 Page 28, line 12 — To delete “to a child.” and insert —

to —

- (a) a person who is under 18 years of age; or
- (b) a person who has reached 18 years of age but who committed the relevant offence referred to in the *Prohibited Behaviour Orders Act 2010* section 8(2)(a)(ii) while he or she was under 18 years of age.

Clause 43

Hon Alison Xamon:

19/43 Page 28, lines 14 to 24 — To oppose the clause.

Clause 44

Hon Alison Xamon:

20/44 Page 28, lines 25 to 30 — To oppose the clause.

New Clause 41A

Parliamentary Secretary representing the Attorney General: To move -

30/N41A Page 28, after line 6 — To insert —

41A. Section 3 amended

In section 3(1) in the definition of *child*:

(a) after paragraph (c) insert:

(d) a boy or girl dealt with under section 20(3)(b);

(b) after each of paragraphs (a) and (c) insert:

and

