

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 105

THURSDAY, 16 SEPTEMBER 2010, 9.00 a.m.

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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.*

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**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](http://www.parliament.wa.gov.au).*

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### GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **\*Police Amendment Bill 2010** (Minister for Police) (No. 137, 2r. – 23/6/10)

Further consideration in detail – Clause 4.

2. **\*Agriculture and Related Resources Protection Amendment Bill 2010** (Minister for Agriculture and Food) (No. 129, 2r. – 19/5/10)

Second reading. Adjourned debate (Ms R. Saffioti – continuation of remarks).

3. **Petroleum and Energy Legislation Amendment Bill 2009** (Minister for Commerce) (LC No. 106, 2r. – 10/8/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

4. **\*Children and Community Services Amendment Bill 2010** (Parliamentary Secretary representing the Minister for Child Protection) (No. 130, 2r. – 22/6/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

5. **Telecommunications (Interception) Western Australia Amendment Bill 2010** (Minister for Police) (No. 145, 2r. – 11/8/10)

Second reading. Adjourned debate (Mr M. McGowan).

6. **Liquor Control Amendment Bill 2010** (Minister for Racing and Gaming) (No. 146, 2r. – 18/8/10)

Second reading. Adjourned debate (Mr M. McGowan).

7. **Criminal Code Amendment (Infringement Notices) Bill 2010** (Minister for Police) (No. 151, 2r. – 8/9/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

8. **Perry Lakes Redevelopment Amendment Bill 2010** (Minister for Planning) (No. 150, 2r. – 8/9/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

#### 9. **Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

10. **Health, Safety and Civil Liability (Children in Schools and Child Care Services) Bill 2010** (Minister for Health) (No. 126, 2r. – 16/6/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

11. **\*Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08)

Further consideration in detail – Clause 1.

12. **Professional Combat Sports Amendment Bill 2009** (Minister for Sport and Recreation) (No. 074, 2r. – 14/10/09)

Second reading. Adjourned debate (Mr D.A. Templeman).

13. **Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2010** (Minister representing the Minister for Training and Workforce Development) (LC No. 135, 2r. – 15/9/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

14. **Child Support (Adoption of Laws) Amendment Bill 2009** (Attorney General) (No. 098, 2r. – 25/11/09)

Consideration in detail.

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## PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. **Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009** (Notice given – 17/6/09, renewed – 23/2/10)

Mr M.P. Murray: To move –

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009* under the *Genetically Modified Crops Free Areas Act 2003*, a copy of which was laid upon the Table of the House on 9 June 2009, is hereby disallowed.

**2. Burmese Constitution and Planned 2010 Elections** (Notice given – 25/11/09, renewed – 11/8/10)

Mr J.N. Hyde: To move –

That this House rejects the Burmese junta's newly adopted Constitution and planned 2010 elections and notes:

- (1) The Constitution was designed to institutionalise military rule; was drafted by the junta's hand-picked delegates rather than elected representatives; and was approved by coercion in a sham referendum held in the midst of devastation caused by Cyclone Nargis in May 2008.
- (2) The 2010 elections will be held only in accordance with the catastrophically flawed 2008 Constitution; will go ahead with the strict intention to nullify the 1990 democratic general elections, which Aung San Suu Kyi's party won by a landslide; and will guarantee a military-dominated parliament and military-controlled government.

**3. Pilbara Water Supply** (Notice given – 10/8/10)

Mr F.M. Logan: To move –

That this House condemn the Minister for Water for the failure to provide an adequate future water supply for Pilbara communities.

**4. Referral to Community Development and Justice Standing Committee** (Notice given – 18/8/10)

Mr E.S. Ripper: To move –

- (1) That this House refer the issue of the 29 December 2009 Toodyay bushfires which destroyed significant homes and property to the Community Development and Justice Standing Committee for investigation.
- (2) That the Committee specifically investigate:
  - (a) compensation for affected land owners who have lost property;
  - (b) liability in relation to the damage caused; and
  - (c) the actions of Western Power prior to and after the fire.

**5. Heritage Acts Amendments** (Notice given – 15/9/10)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for failing to:

- (a) introduce his own promised Heritage Act amendments; and
- (b) support Labor's proposed legislation to fix ongoing problems with demolition of valued heritage by neglect.

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**PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY**

**1. \*Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009** (Mr E.S. Ripper) (No. 072, 2r. – 16/9/09)

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

**2. Butane Products Control Bill 2009** (Mr R.H. Cook) (No. 041, 2r. – 16/9/09)

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

**3. Planning and Development Amendment Bill 2009** (Mr J.N. Hyde) (No. 080, 1r. – 23/9/09)

To be read a second time.

- 4. Heritage of Western Australia Amendment Bill 2009** (Mr J.N. Hyde) (No. 079, 1r. – 23/9/09)

To be read a second time.

- 5. Implementation of Government's Hundred Day Plan** (Moved – 3/12/08) (last debated – 23/9/09)

Adjourned debate (Mr W.J. Johnston – continuation of remarks) on the motion moved by Mr M. McGowan –

That the House condemns the Barnett Government for its failure to implement the election promises contained within its first 100-day plan document.

- 6. Commercial Tenancy (Retail Shops) Amendment Bill 2009** (Mr F.M. Logan) (No. 081, 2r. – 14/10/09)

Second reading. Adjourned debate (Mr J.E. McGrath).

- 7. Directions 2031 Planning Document** (Moved – 14/10/09)

Adjourned debate (Ms A.S. Carles – continuation of remarks) on the motion moved by Mr M. McGowan –

That this House calls on the Minister for Planning to reconsider key elements of the Directions 2031 Planning Document, and the draft Activities Centres policy, with particular reference to:

- (a) the unreliable demographic data underpinning the plan;
- (b) the downgrading of the Armadale and Midland Regional Centres; and
- (c) the miscalculation of opportunities to implement growth strategies in the Peel.

- 8. South-West Infrastructure Projects** (Moved – 21/10/09)

Adjourned debate (Mr W.J. Johnston – continuation of remarks) on the motion moved by Ms A.J. MacTiernan –

That this House acknowledges the importance of infrastructure projects such as the Perth to Bunbury Highway for the development of the South-West and calls on the Barnett Government to continue work on Labor's initiatives for strategic infrastructure development in the South-West.

- 9. Criminal Code (Rock Throwing and Laser Pointing) Amendment Bill 2009** (Mr J.R. Quigley) (No. 99, 2r. – 11/11/09)

Second reading. Adjourned debate (Premier).

- 10. Criminal Code (Identity Theft) Amendment Bill (No. 2) 2009** (Mr J.R. Quigley) (No. 92, 2r. – 14/10/09) (last debated – 11/11/09)

Second reading. Adjourned debate (Attorney General – continuation of remarks).

- 11. \*Matter of Public Interest – Government Wages and Funding Cuts** (Moved – 18/11/09)

On the question, That the words be inserted, in the amendment moved by the Minister for Police to the motion moved by Mr E.S. Ripper.

- 12. Public Funding of the State's Critical Port Infrastructure** (Moved – 18/11/09)

Adjourned debate (Premier – continuation of remarks) on the motion moved by Ms A.J. MacTiernan –

That this House calls upon the Premier to explain:

- (a) his contradictory position on public funding of the State's critical port infrastructure;
- (b) his Government's clear intention not to proceed with the publicly owned Fremantle Outer Harbour container facility – a decision which imposes unsustainable traffic burden on the local communities and jeopardises the State's economic growth.

**13. Administration of Education and Tourism Portfolios** (Moved – 25/11/09)

Adjourned debate (Mr J.M. Francis – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That this House condemns the Minister for Education; Tourism for the poor administration of her portfolios and her failure to stand up for democratic principles in the House.

**14. Uranium Mining Prohibition (Keeping WA free from the Nuclear Fuel Chain) Bill 2009** (Ms A.S. Carles) (No. 112, 1r. – 23/2/10)

To be read a second time.

**15. Logging of Native Forests under the Existing Management Plan in South West Region of Western Australia** (Moved – 17/3/10)

Adjourned debate (Dr J.M. Woollard – continuation of remarks) on the motion moved by Dr J.M. Woollard –

- (1) That this House refers to the Standing Committee on Economics and Industry for consideration and report by 30 November 2010 the following:

To inquire into and report on the costs and benefits, including the broader community costs and considerations, of logging of native forests under the existing Forest Management Plan in the South West region of Western Australia.

- (2) That this House calls on the Government to place a moratorium on any further logging of those native forests until the Government has reported to the Assembly its response to the report of the Committee.

**16. Perth Theatre Trust Amendment Bill 2009** (Mr J.N. Hyde) (No. 35, 1r. – 11/3/09) (restored – 18/3/10)

To be read a second time.

**17. No Privatisation of Hospitals and Schools Bill 2010** (Mr R.H. Cook) (No. 127, 2r. – 21/4/10)

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

**18. Equal Opportunity (Members of Parliament) Amendment Bill 2010** (Mr M.P. Whitely) (No. 124, 2r. – 21/4/10)

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

**19. Household Fees and Charges, 2010–2011 Budget and Forward Estimates** (Moved – 5/5/10)

Adjourned debate (Minister for Water – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That the House demands that the Premier:

- (a) limit further increases in household fees and charges after the record increases contained in the 2009 – 2010 Budget;
- (b) ensure that the 2010 – 2011 Budget is an honest reflection of the State's finances; and
- (c) ensure that the forward estimates contain all of the projects announced by the Liberal-National Government.

**20. Schools of Isolated and Distance Education Courses for Years 11 and 12 Students**  
(Moved – 26/5/10)

Adjourned debate (Minister for Agriculture and Food – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That the Government immediately cancel all bills sent to secondary schools for Year 11 and 12 students doing courses through Schools of Isolated and Distance Education (SIDE).

**21. Justice Reinvestment Strategy** (Moved – 16/6/10)

Adjourned debate (Mr P. Abetz – continuation of remarks) on the motion moved by Mr P. Papalia –

That this House calls on the Barnett Government to implement a ‘justice reinvestment’ strategy to lower the rate of re-offending and make our communities safer.

**22. Industrial Relations Amendment Bill 2010** (Mr V.A. Catania) (No. 147, 1r. – 11/8/10)

To be read a second time.

**23. Increases to Family Bills in Western Australia** (Moved – 18/8/10)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Mr E.S. Ripper –

That this House condemns the Barnett Government for its continued savage increases to family bills in Western Australia.

**24. Appointment of a Select Committee into the Increases to State Debt Since 2000** (Moved – 15/9/10)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That a Select Committee be appointed to inquire into and report on the level of increases to the State debt since 2000, particularly borrowings which are growing State debt to extraordinary levels, and the effects that these and other borrowings may have on the future financial management of Western Australia, and in particular, to –

- (a) ascertain the overall level of debt of the State, its agencies and business enterprises, and the amount of its increase since 2000;
- (b) estimate the level of likely borrowings over the next six years which will be needed to cover existing or foreseeable liabilities;
- (c) identify any contingent liabilities which may require borrowings during the next six years;
- (d) identify the contributions of individual Government departments, agencies and business enterprises to this level of debt and future or contingent liabilities;
- (e) ascertain whether the debt of individual Government departments, agencies or business enterprises is fully, partially or not matched by realistically valued assets;
- (f) assess the impact of the debt on the revenue and expenditure of the State over the next six years;
- (g) recommend strategies for management of the debt over the next six years which will minimise the adverse effect of the debt on the revenues and expenditures of the State, and on the taxpayers of the State; and
- (h) recommend a long-term policy approach to the management and reporting of Government debt.

## COMMITTEES TO REPORT

### Public Accounts Committee:

Inquiry into Project Planning and Funding Applications for Major Western Australia Infrastructure Projects – 21 October 2010

### Education and Health Standing Committee:

Inquiry into the Adequacy and Appropriateness of Prevention and Treatment Services for Alcohol and Illicit Drug Problems in Western Australia – 25 November 2010

### Community Development and Justice Standing Committee:

Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies – 25 November 2010

### Community Development and Justice Standing Committee:

Inquiry into the Adequacy and Future Directions of Social Housing in Western Australia – 7 April 2011

### Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into the Use of Controlled Operations and Informants by Anti-Corruption and Law-Enforcement Agencies with Particular Emphasis on the Risks of Misuse of Power, Corruption, and Threat to Public Safety – 21 April 2011

## REFERENCES TO COMMITTEES

| <i>Committee</i>  | <i>Reference</i>                               | <i>Date Due</i>  |
|---|--|------------------|
| Joint Standing Committee on the Review of the Racing and Wagering WA Acts | Review of the Racing and Wagering WA Acts      | 15 October 2010  |
| Economics and Industry Standing Committee                                 | Domestic Gas Prices for Industry and Consumers | 28 February 2011 |

## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

| <i>Committee</i>  | <i>Ministers to Respond</i>  | <i>Date Due</i>                                    |
|---|--|--|
| Education and Health Standing Committee: Invest Now or Pay Later: Securing the Future of Western Australia's Children | Minister for Health  | 11 June 2010<br>(Non compliance reported 16/6/10)  |
| Education and Health Standing Committee: Destined to Fail: Western Australia's Health System                          | Premier; Minister for Health; Minister for Indigenous Affairs; Minister for Mental Health; and Treasurer | 6 August 2010<br>(Non compliance reported 11/8/10) |
| Public Accounts Committee: Inquiry into Government Payments to Ms Tirzah Bell   | Premier  | 24 September 2010                                  |

|   |  |                   |
|---|--|-------------------|
| Community Development and Justice Standing Committee: Interim Report, Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies                                   | Minister for Corrective Services                   | 24 September 2010 |
| Economics and Industry Standing Committee: Inquiry into the Department of Environment and Conservation's Management of Former Pastoral Leases   | Minister representing the Minister for Environment | 19 November 2010  |
| Joint Standing Committee on the Corruption and Crime Commission: Inquiry into How the Corruption and Crime Commission Can Best Work Together with the Western Australian Police Force to Combat Organised Crime | Attorney General                                   | 9 December 2010   |

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- \* 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.
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## NOTICES AND AMENDMENTS

### *Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 (No. 072—1)*

Clause 4.

Ms M.M. Quirk: To move –

Page 3, line 9 – To delete “**Show Cause Notice**” and substitute:

“ **Enforcement notices** ”.

Ms M.M. Quirk: To move –

Page 3, lines 27 to 30 – To delete the lines and substitute:

“

the Inspector may issue either an improvement notice under subsection (2) or a prohibition notice under subsection (3).

- (2) An improvement notice shall –
  - (a) state that the Inspector has reasonable grounds to suspect that a person –
    - (i) is contravening a provision referred to in subsection (1); or
    - (ii) has contravened a provision referred to in subsection (1) in circumstances that make it likely that the contravention will continue or be repeated;
  - (b) state reasonable grounds for forming that suspicion;
  - (c) specify the provision referred to in subsection (1) in respect of which that suspicion is held;
  - (d) state that the CEO is required by the notice to remedy the contravention or likely contravention or the matters or activities occasioning the contravention or likely contravention before a specified time; and
  - (e) be in the prescribed form.
- (3) A prohibition notice shall –
  - (a) state that the Inspector has reasonable grounds to suspect that there is occurring or may occur an activity which involves or will involve a contravention of a provision referred to in subsection (1);
  - (b) state reasonable grounds for forming that suspicion;
  - (c) specify the activity which in the Inspector’s opinion involves or will involve the contravention;

- (d) state that the activity is prohibited until the Inspector is satisfied that the matters which give or will give rise to the contravention are remedied; and
- (e) be in the prescribed form.

”.

Clause 8.

Ms M.M. Quirk: To move –

Page 6, line 9 – After “treatment” insert:

“

; and

- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 6, after line 28 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 7A(1) in each calendar year.

”.

Clause 12.

Ms M.M. Quirk: To move –

Page 8, line 9 – After “treatment” insert:

“

; and

- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Mr E.S. Ripper: To move –

Page 8, line 13 – To delete “prisoner’s imprisonment” and substitute:

“ person in custody ”.

Ms M.M. Quirk: To move –

Page 8, after line 28 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 29A(1) in each calendar year.

”.

Clause 15.

Mr E.S. Ripper: To move –

Page 9, line 21 – To delete “held in custody or”.

Clause 16.

Ms M.M. Quirk: To move –

Page 10, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 10, after line 27 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 24A(1) in each calendar year.

”.

Clause 20.

Ms M.M. Quirk: To move –

Page 12, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 12, after line 27 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 9A(1) in each calendar year.

”.

*Agriculture and Related Resources Protection Amendment Bill 2010 (No. 129—1)*

New Clause 7.

Mr C.J. Tallentire: To move –

Page 5, after line 5 – To insert:

“

**7. Sections 8A to 8D inserted**

**8A. Biosecurity Council**

- (1) The Minister must establish a Biosecurity Council by an instrument signed by the Minister that sets out —
  - (a) the membership of the Council; and
  - (b) any other matters in relation to the operation and procedures of the Council that the Minister considers appropriate.
- (2) The Minister may, by instrument signed by the Minister, amend an instrument made under subsection (1).
- (3) Subject to the instrument made under subsection (1), the Biosecurity Council may determine its own procedures.
- (4) Each member of the Biosecurity Council must be paid such remuneration and allowances as the Minister, on the recommendation of the Minister for Public Sector Management, determines in the case of that member.

**8B. Membership of Biosecurity Council**

- (1) The Biosecurity Council must —
  - (a) be comprised of members who, in the opinion of the Minister, have a general or specific interest and expertise in the management of biosecurity in the State; and
  - (b) include members of community and producer organisations.
- (2) The regulations may make provision for the nomination of members referred to in subsection (1) by prescribed community and producer organisations.

**8C. Functions of Biosecurity Council**

The functions of the Biosecurity Council are —

- (a) to advise the Minister or the Director General, as the case requires, on any matter related to biosecurity, whether referred to the Council by the Minister or the Director General or of its own motion; and
- (b) if the Minister so approves, to advise any other Minister on any matter related to biosecurity.

**8D. Annual report**

- (1) The Biosecurity Council must on or before 30 November in each year make and submit to the Minister an annual report of its proceedings for the year ending on the preceding 30 June.

- (2) The Minister must cause a copy of the annual report to be laid before each House of Parliament within 14 sitting days of the House after the report is received by the Minister.

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***Children and Community Services Amendment Bill 2010 (No. 130—1)***

Dr J.M. Woollard: To move –

That the scope of the *Children and Community Services Amendment Bill 2010* be extended to allow the member for Alfred Cove to move her proposed New Clause 66A, as listed on the Notice Paper.

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Clause 4.

The Parliamentary Secretary representing the Minister for Child Protection: To move –

Page 3, line 10 – To delete “designated” and substitute:

“ appointed ”.

Clause 17.

The Parliamentary Secretary representing the Minister for Child Protection: To move –

Page 15, lines 13 and 14 – To delete the lines and substitute:

“

- (2) The CEO may, in writing, appoint a person to be an assessor if the CEO is satisfied that the person has the experience, skills, attributes or qualifications the CEO considers appropriate to enable the person to effectively exercise the powers in subsection (3).

- (3A) An officer is not eligible for appointment under subsection (2).

- (3B) An assessor is to be paid such remuneration and allowances (if any) as the CEO, on the recommendation of the Minister for Public Sector Management, determines.

”.

Ms L.L. Baker: To move –

Page 15, after line 24 – To insert:

“

- (f) be accessible to hear complaints concerning any child in the facility made by the child, their guardians or their relatives;
- (g) enquire into and seek to resolve complaints concerning any child in the facility made by those persons, their guardians or their relatives;
- (h) determine if it would be appropriate for any other person or body to further enquire into or deal with any matter, to refer the matter to that person or body; and
- (i) assist with the making and presentation of an application of Review under s.88G and/or 88H under this Act in respect of a child in the facility or, where authorized by this Act to do so, to make any application.

”.

Ms L.L. Baker: To move –

Page 15, after line 24 – To insert:

“

(4A) A child in the facility, or any person on behalf of a child in the facility, that person may –

- (a) request the person who is in charge of the facility to arrange for the child to be visited by an assessor.

”.

The Parliamentary Secretary representing the Minister for Child Protection: To move –

Page 16, line 8 – To delete “designation” and substitute:

“ appointment ”.

Clause 33.

The Parliamentary Secretary representing the Minister for Child Protection: To move –

Page 24, lines 20 to 30 – To delete the lines and substitute:

“

(1) An individual is eligible to make an application under subsection (2) in respect of a child if —

- (a) the individual has been the carer of the child; and
- (b) the child has been the subject of one or more of the following types of protection order —
  - (i) a protection order (time-limited);
  - (ii) a protection order (until 18),

for at least the period of 2 years immediately preceding the day on which the application is made.

(2) An individual who is the carer of a child may, if eligible to do so under subsection (1), apply to the Court for the revocation of a protection order (time-limited) or protection order (until 18) and the making of a protection order (special guardianship) in respect of the child.

”.

New clause 66A.

Dr J.M. Woollard: To move –

Page 46, after line 5 – To insert:

“

## **66A. Section 104A inserted**

After section 103 insert:

### **104A. Body piercing**

(1) In this section —

*body piercing* means piercing a part of the body for the purpose of inserting a bar, pin, ring, stud or similar thing.

- (2) A person must not carry out body piercing on any of the following parts of the body of a child —

- (a) the genitals;
- (b) the anal area;
- (c) the perineum;
- (d) the nipples.

Penalty: a fine of \$18 000 and imprisonment for 18 months.

- (3) It is not a defence to a charge under subsection (2) that the child, or a parent of the child, consented to the body piercing.
- (4) A person must not carry out body piercing on any other part of the body of a child unless the person has first obtained the written consent of a parent of the child to carry out body piercing on that part of the child's body.

Penalty: a fine of \$12 000 and imprisonment for one year.

- (5) Subsection (4) does not apply to body piercing carried out on the ear of a child who has reached 16 years of age.
- (6) This section does not apply to body piercing carried out for a medical or therapeutic purpose.

”.

Clause 67.

The Parliamentary Secretary representing the Minister for Child Protection: To move —

Page 46, lines 10 and 11 – To delete the lines and substitute:

“

***approved person*** means a person who is approved or belongs to a class of persons approved under section 113A(1);

”.

Clause 68.

The Parliamentary Secretary representing the Minister for Child Protection: To move —

Page 46, lines 21 to 25 – To delete the lines and substitute:

“

- (1) The CEO may approve a person or class of persons for the purposes of this Division if the CEO is satisfied that the person has, or persons belonging to that class have, the experience and training that the CEO considers necessary for the proper exercise of the powers conferred by this Division.
- (2) An approval under subsection (1) —
- (a) must be in writing; and
  - (b) may be subject to such conditions as the CEO considers appropriate; and
  - (c) may be revoked at any time.

”.

Clause 69.

The Parliamentary Secretary representing the Minister for Child Protection: To move —

Page 47, line 2 – To delete “and (2)”.

The Parliamentary Secretary representing the Minister for Child Protection: To move –  
Page 47, after line 5 – To insert:

“

(1A) In section 113(2):

(a) delete “The powers” and insert:

A power

(b) in paragraph (a) delete “section 41; and” and insert:

section 41 or to a secure care facility under a secure care arrangement; and

”.

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***Matter of Public Interest – Government Wages and Funding Cuts (Moved – 18/11/09)***

The Minister for Police moved,

To delete all words after “House” and insert:

“supports decent and fair pay rates for education assistants, gardeners and cleaners employed in cleaning government buildings and offices and also supports the fair and equitable distribution of the funds allocated for the original Redress WA scheme to all eligible applicants.”

on the motion moved by Mr E.S. Ripper:

That this House condemns the Barnett Government for its lack of care and compassion towards those Western Australians most in need including:

1. Its failure to support the state’s education assistants, gardeners and cleaners secure a fair pay increase; and
2. Its decision to cut Redress WA funding at a time when the Federal Government and opposition has apologised and recognised the struggle of those abused in care.

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***Police Amendment Bill 2010 (No. 137—1)***

Clause 4.

The Minister for Police: To move –

Page 2, after line 22 — To insert:

“

***charitable organisation*** means —

(a) a public benevolent or religious institution;



- (b) a public hospital or a hospital carried on by an association or other body of persons otherwise than for purposes of profit or gain to the individual members of that association or body;
- (c) a university;
- (d) a government college, a government school, or a college or school carried on by an association or other body of persons otherwise than for purposes of profit or gain to the individual members of that association or body;
- (e) a trust the moneys of which may be applied only for charitable purposes;
- (f) an institution established for any other charitable purpose;
- (g) a society, institution or organisation established, and carried on, solely for the purpose of raising money for, or otherwise promoting the interests of, an entity that is a charitable organisation under any of paragraphs (a) to (f);

”.

The Minister for Police: To move –

Page 3, lines 15 to 18 — To delete the lines and substitute:

“

- (ii) an event run by or for the benefit of a charitable organisation; or

”.

### ***Royal Perth Hospital Protection Bill 2008 (No. 008—1)***

Clause 1.

Mr R.H. Cook: To move –

Page 2, line 2 – To insert after “the”:

“ *Tertiary* ”.

Mr R.H. Cook: To move –

Page 2, line 2 – To delete “*Protection*” and substitute:

“ *Health Services* ”.

Clause 3.

Mr R.H. Cook: To move –

Page 2, after line 9 – To insert alphabetically:

“

***continued operation*** means to remain in existence and provide ongoing health services at the current level at Royal Perth Hospital, other health institutions, hospitals and health services in Western Australia;

***for the time being*** means at the time of the Act coming into operation;

***Protection*** means the safeguarding of existing health services provided by Royal Perth Hospital and other health institutions, hospitals and health services in Western Australia;

*tertiary* means tertiary health care which may include but is not limited to, services provided by state-designated trauma centres, a burn centre, trauma surgery neurosurgery, cardiothoracic surgery, organ transplant, paediatric surgery, magnetic resonance imaging and positron emissions tomography, and include secondary, primary and emergency care;

*the entity* means the Board of a public hospital;

”.

Mr R.H. Cook: To move –

Page 2, line 11 – To insert after “being”:

“ any of the following ”.

Mr R.H. Cook: To move –

Page 2, line 15 – To insert after “whole”:

“ or part ”.

Clause 6.

Mr R.H. Cook: To move –

Page 2, line 26 – To insert before “tertiary”:

“ 400 bed ”.

Mr W.J. Johnston: To move –

Page 3, after line 2 – To insert:

“

- (2) For the purpose of maintaining Royal Perth Hospital, future annual appropriations shall not be reduced to levels below the allocation to the hospital as at 6 September 2008.

”.

Clause 7.

Mr R.H. Cook: To move –

Page 3, after line 8 – To insert:

“

- (2) No development is to take place at Royal Perth Hospital to the extent that development will impact on proposed services, resources and scope of services at the Fiona Stanley Hospital.

”.

Mr A.P. O’Gorman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Joondalup Health Campus.

”.

Mr W.J. Johnston: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Armadale-Kelmscott Hospital.

”.

Mr P. Papalia: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Rockingham General Hospital.

”.

Mrs M.H. Roberts: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the new Midland Health Campus.

”.

Mr D.A. Templeman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Peel Health Campus.

”.

Mr M.P. Murray: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the South West Regional Health Campus and Associated South West Hospitals.

”.

Mrs C.A. Martin: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Broome Regional Health Campus.

”.

Mr T.G. Stephens: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not negatively impact on the services, resources and scope of services at the Hedland Hospital

(Hedland's Regional Resource Centre), Newman Hospital, Tom Price Hospital, and Paraburdoo Hospital.

”.

Mr J.C. Kobelke: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Osborne Park Hospital.

”.

Ms J.M. Freeman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on the development of planned or anticipated health services in the Mirrabooka area.

”.

Mr R.H. Cook: To move –

Page 3, lines 9 to 11 – To delete the lines and substitute:

“

- (2) **Development** means improving and advancing the health facilities at Royal Perth Hospital in a manner which ensures its continued operation as a tertiary hospital without undue interruption to service.

”.

Clause 9.

Ms J.M. Freeman: To move –

Page 3, lines 17 to 20 – To delete all words after “prescribing” and substitute:

“ medical and support services for the purpose of Section 6 ”.

Long title.

Mr R.H. Cook: To move –

Page 1, line 10 – To insert after “**Hospital**”:

“ **and other associated Western Australian hospitals** ”.

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**PETER J. MCHUGH**

Clerk of the Legislative Assembly