

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 135

THURSDAY, 24 MARCH 2011, 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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#### BUSINESS OF THE ASSEMBLY – NOTICE OF MOTION

##### 1. Standing Committee Membership Changes

The Leader of the House: To move –

- (a) That the Member for Scarborough and the Member for South Perth be discharged from the Economics and Industry Standing Committee and the Member for Kingsley and the Member for Geraldton be appointed in their places; and
  - (b) That the Member for Geraldton be discharged from the Education and Health Standing Committee and the Member for Eyre be appointed in his place.
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## GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 (Minister for Police) (No. 188, 2r. – 23/02/11)**

Further consideration in detail – Clause 4.

2. **\*Building Services (Complaint Resolution and Administration) Bill 2010 (Minister for Transport) (No. 169, 2r. – 10/11/10)**

Further consideration in detail – Clause 49.

3. **\*Building Services (Registration) Bill 2010 (Minister for Transport) (No. 171, 2r. – 10/11/10)**

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

4. **Building Services Levy Bill 2010 (Minister for Transport) (No. 168, 2r. – 10/11/10)**

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

5. **\*Building Bill 2010 (Minister for Transport) (No. 172, 2r. – 10/11/10)**

Second reading. Adjourned debate (Mr C.J. Tallentire – continuation of remarks).

6. **\*Police Amendment Bill 2010 (Minister for Police) (No. 137, 2r. – 23/9/10)**

Consideration in detail of Legislative Council Message No. 136.

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

Consideration in detail of Legislative Council Message No. 139.

8. **\*Criminal Investigation Amendment Bill 2010 (Minister for Police) (No. 167, 2r. – 10/11/10)**

Consideration in detail of Legislative Council Message No. 140.

9. **Trustee Companies (Commonwealth Regulation) Amendment Bill 2010 (Attorney General) (No. 161, 2r. – 25/11/10)**

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

10. **Fish Resources Management Amendment (Fees) Bill 2010 (Deputy Premier) (No. 180, 2r. – 24/11/10)**

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

11. **Fish Resources Management Amendment (Fees) Bill (No. 2) 2010 (Deputy Premier) (No. 179, 2r. – 24/11/10)**

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

12. **Young Offenders Legislation Amendment (Research Information) Bill 2010 (Attorney General) (No. 181, 2r. – 25/11/10)**

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

13. **Parliamentary Superannuation Amendment Bill 2011 (Attorney General) (No. 191, 2r. – 23/2/11)**

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

14. **Charitable Trusts Amendment Bill 2010 (Attorney General) (LC No. 149, 2r. – 23/2/11)**

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

15. **Premier's Statement**

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

16. **\*Royal Perth Hospital Protection Bill 2008 (Minister for Health) (No. 008, 2r. – 11/11/08) (restored 22/02/11)**

Further consideration in detail – Clause 1.

- 17. Professional Combat Sports Amendment Bill 2009** (Minister for Sport and Recreation) (No. 074, 2r. – 14/10/09) (restored 22/2/11)

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

- 18. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011** (Minister for Transport) (No. 192, 2r. – 16/3/11)

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

- 19. Small Business and Retail Shop Legislation Amendment Bill 2011** (Parliamentary Secretary for Small Business) (No. 193, 2r. – 16/3/11)

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

- 20. Workers' Compensation and Injury Management Amendment Bill 2011** (Minister for Transport) (No. 196, 2r. – 17/3/11)

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

- 21. \*Road Traffic Legislation Amendment (Information) Bill 2010** (Minister for Transport) (LC No. 170, 2r. – 23/3/11)

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

- 22. Criminal Investigation (Identifying People) Amendment Bill 2011** (Minister for Police) (No. 194, 2r. – 23/3/11)

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

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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. Heritage Act Amendments** (Notice given – 15/9/10, renewed – 23/3/11)

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.

- 3. Minister for Tourism** (Notice given — 12/10/10)

Mr J.N. Hyde: To move –

That this House expresses its lack of confidence in the Minister for Tourism due to her lack of real action to tackle plummeting tourism arrivals and remedy a lack of vision in Western Australia tourism and events.

- 4. Swan Urban Growth Corridor and East Landsdale Development** (Notice given – 9/11/10)

Ms R. Saffioti: To move –

That the Government address the outstanding issues in relation to the Swan Urban Growth Corridor and the East Landsdale development, including addressing the outstanding planning issues and improving roads and public transport in the area.

**5. Classroom First and Networking Strategy** (Notice given – 15/3/11)

Mr B. Wyatt: To move –

That the House calls on the Minister for Education to outline how the Classroom First and Networking Strategy will improve the educational outcomes of our State's children and improve the quality of teaching in Western Australia.

**6. Organ Donation** (Notice given – 22/3/11)

Mr V. Catania: To move –

That the State Government make available information that will assist community consideration of options for organ donation, including an 'opt out' option and to debate the motion in accordance with the time limits applying to a matter of public interest.

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

**1. 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).

**2. 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.

**3. 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).

**4. 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.

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

To be read a second time.

**6. 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.

**7. Appointment of a Select Committee into the Increases to State Debt Since 2000** (Moved – 15/9/10) (last debated – 22/9/10)

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.

**8. \*Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009** (Mr E.S. Ripper) (No. 072, 2r. – 16/9/09) (restored – 23/9/10)

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

**9. Maintenance of Homeswest Properties** (Moved – 13/10/10)

Adjourned debate (Mrs L.M. Harvey – continuation of remarks) on motion moved by Mr P.C. Tinley –

That the House condemns the Barnett Government for its many failures in the area of housing, especially in the area of maintenance of Homeswest properties.

**10. Planning and Development Amendment Bill 2009** (Mr J.N. Hyde) (No. 080, 1r. – 23/9/09) (restored – 14/10/10)

To be read a second time.

**11. Heritage of Western Australia Amendment Bill 2009** (Mr J.N. Hyde) (No. 079, 1r. – 23/9/09) (restored – 14/10/10)

To be read a second time.

**12. Commercial Tenancy (Retail Shops) Amendment Bill 2009** (Mr F.M. Logan) (No. 081, 2r. – 14/10/09) (restored – 21/10/10)

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

**13. Referral to Committee (Moved – 17/11/10)**

Adjourned debate (Mr J.N. Hyde – continuation of remarks) on the motion moved by Mr J.N. Hyde –

- (1) That a bipartisan Select Committee of four members be established to review the *Heritage of Western Australia Act 1990* with the view to considering:
  - (a) the effectiveness of the operations of the Heritage Council;
  - (b) the need for the continuation of the functions of the Heritage Council; and
  - (c) any other matters relevant to the operation and effectiveness of the Act.
- (2) That, in accordance with Standing Order 277, the responsible Minister be directed to respond to the Committee's recommendations.
- (3) That the Committee report to the Legislative Assembly by 16 June 2011.

**14. Manufacturing and Engineering Sector (Moved – 24/11/10)**

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

That the Barnett Government be condemned for its failure to act on the important issues of local content and jobs in the manufacturing and engineering area.

**15. Road Safety Council Amendment (Functions) Bill 2010 (Ms M.M. Quirk) (No. 173, 2r. – 17/11/10) (last debated – 23/2/11)**

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

**16. Minister for Education (Moved – 16/3/11)**

Adjourned debate (Mr A.J. Waddell – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That this House condemns the Minister for Education for the uncertainty she is causing parents with her continued delay in making a decision on the entry of Year Seven students to secondary schools and calls on the Minister for Education to immediately make and announce a decision on whether Year Seven students in Government schools will be required to attend secondary school.

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**COMMITTEES TO REPORT**

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

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

– 26 May 2011

Community Development and Justice Standing Committee:

Inquiry into the Adequacy and Future Directions of Social Housing in Western Australia

– 8 September 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into how the Corruption and Crime Commission deals with allegations and notifications of WA Police misconduct

– 22 September 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into whether the Corruption and Crime Commission should continue to conduct public hearings in the exercise of its misconduct function

– 22 September 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth

– 22 September 2011

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## REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	Domestic Gas Prices for Industry and Consumers	24 March 2011
Economics and Industry Standing Committee	<i>Franchising Bill 2010</i>	26 May 2011

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## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission: Analysis of Recommended Reforms to the <i>Corruption and Crime Commission Act 2003</i>	Attorney General	17 May 2011
Joint Standing Committee on the Corruption and Crime Commission: Death of a Witness	Attorney General	24 May 2011
Education and Health Standing Committee: Alcohol Restrictions in the Kimberley: A Window of Opportunity for Improved Health, Education, Housing and Employment	Premier; Attorney General; Treasurer; Minister for Mental Health; Minister for Sport and Recreation; Minister for Racing and Gaming; Minister for Health; Minister for Police; Minister for Education; Minister for Child Protection; Minister for Community Services; Minister for Women's Interests; Minister for Youth; Minister for Transport; Minister for Corrective Services Minister for Housing; Minister for Indigenous Affairs; Minister for Regional Development;	17 June 2011

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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.

## 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:

“

- (6) 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.

”.

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***Building Services (Complaint Resolution and Administration) Bill 2010 (No. 169—1)***

Clause 53.

The Minister for Transport representing the Minister for Commerce: To move —

Page 40, line 5 — To insert after “must not”:

“ without reasonable excuse ”.

Clause 64.

The Minister for Transport representing the Minister for Commerce: To move —

Page 48, line 14 — To insert after “records of a”:

“ local government or other ”.

The Minister for Transport representing the Minister for Commerce: To move —

Page 48, line 15 — To delete “of permits” and insert:

“

or issue of building and demolition licences under the *Local Government  
(Miscellaneous Provisions) Act 1960* and permits

”.

Clause 93.

The Minister for Transport representing the Minister for Commerce: To move —

Page 71, after line 7 — To insert:

“

(d) a building licence issued under the *Local Government (Miscellaneous Provisions)  
Act 1960* section 374; or

(e) a demolition licence issued under the *Local Government (Miscellaneous Provisions)  
Act 1960* section 374A.

”.

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***Building Services (Registration) Bill 2010 (No. 171—1)***

Clause 3.

The Minister for Transport representing the Minister for Commerce: To move —

Page 2, lines 24 and 25 — To delete the lines and substitute:

“

***building permit*** means —

- (a) a building permit granted under the *Building Act 2010*; or
- (b) a building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960* section 374 before that provision was deleted by the *Building Act 2010*;

”.

Clause 38.

The Minister for Transport representing the Minister for Commerce: To move —

Page 25, lines 5 and 6 — To delete the lines and substitute:

“

***building work*** means work for which a building permit is required;

”.

Clause 45.

The Minister for Transport representing the Minister for Commerce: To move —

Page 28, lines 2 to 9 — To delete the lines.

Clause 47.

The Minister for Transport representing the Minister for Commerce: To move —

Page 29, line 27 and 28 — To delete “permit granted under the *Building Act 2010*; and” and substitute:

“ permit; and ”.

Clause 53.

The Minister for Transport representing the Minister for Commerce: To move —

Page 33, lines 22 and 23 — To delete “*Building Act 2010* or” and substitute:

“

*Building Act 2010*, the *Local Government (Miscellaneous Provisions) Act 1960* or

”.

Clause 149.

The Minister for Transport representing the Minister for Commerce: To move —

Page 80, line 27 — To insert before “granted”:

“ issued a building licence or ”.

The Minister for Transport representing the Minister for Commerce: To move —

Page 81, line 10 — To insert before “granted”:

“ issued a building licence or ”.

Clause 152.

The Minister for Transport representing the Minister for Commerce: To move —

Page 82, line 21 — To insert after “date”:

“ the building licence is issued, or ”.

The Minister for Transport representing the Minister for Commerce: To move —

Page 82, line 22 — To delete “granted” and substitute:

“ granted, ”.

Clause 156.

The Minister for Transport representing the Minister for Commerce: To move —

Page 84, after line 19 — to insert:

“

(4) After section 374 insert —

**374AAA. Local governments not to issue building permits in certain circumstances**

- (1) A local government must not issue a building licence to commence or proceed with any building work with a value of \$20 000 or more unless the licence is issued to a person who —
  - (a) is a building service contractor, as defined in the *Building Services (Registration) Act 2010* section 3, registered in a class of building service contractor prescribed by the regulations for the purposes of this section; or
  - (b) has been granted owner-builder approval, as defined in the *Building Services (Registration) Act 2010* section 38, to carry out the building work.

- (2) A person who for the purposes of obtaining or attempting to obtain a building licence from a local government makes a representation or statement that is false in a material particular in relation to —
- (a) the value of building work to be carried out under the building licence; or
  - (b) the fee or charge payable in respect of the carrying out of the building work; or
  - (c) whether the person is registered, or has been granted approval, under the *Building Services (Registration) Act 2010*,
- commits an offence.
- Penalty: a fine of \$10 000.

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***Building Bill 2010 (No. 172—1)***

Clause 23.

The Minister for Transport representing the Minister for Commerce: To move —

Page 20, lines 20 and 21 — To delete “not later than 35 days after the application is made; or” and substitute:

“

before the expiration of the period —

- (i) that is prescribed for the purposes of this subsection for the classification of the building that is the subject of the application; and
- (ii) starting on the day after the application is made;

or

”.

The Minister for Transport representing the Minister for Commerce: To move —

Page 20, lines 22 to 25 — To delete the lines and substitute:

“

- (b) if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

”.

The Minister for Transport representing the Minister for Commerce: To move —

Page 20, lines 29 and 30 — To delete “not later than 14 days after the application is made; or” and substitute:

“

before the expiration of the period —

- (i) that is prescribed for the purposes of this subsection for the classification of the building that is the subject of the application; and
- (ii) starting on the day after the application is made;

or

”.

The Minister for Transport representing the Minister for Commerce: To move —  
Page 20, lines 31 and 32 — To delete the lines and substitute:

“

- (b) if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

”.

The Minister for Transport representing the Minister for Commerce: To move —  
Page 21, line 22 — To delete “subsection (3),” and substitute:

“ subsection (3) and section 18(2), ”.

The Minister for Transport representing the Minister for Commerce: To move —  
Page 21, line 25 — To delete “(2)” and substitute:

“ (2), or the time specified under section 18(1), ”.

Clause 59.

The Minister for Transport representing the Minister for Commerce: To move —  
Page 48, lines 6 and 7 — To delete “not later than 14 days after the application is made; or” and substitute:

“

before the expiration of the period —

- (i) that is prescribed for the purposes of this subsection for that kind of application; and
- (ii) starting on the day after the application is made;

or

”.

The Minister for Transport representing the Minister for Commerce: To move —  
Page 48, lines 8 and 9 — To delete the lines and substitute:

“

- (b) if there is a requirement under section 55(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

”.

The Minister for Transport representing the Minister for Commerce: To move —

Page 48, after line 24 — To insert:

“

- (5) Despite subsection (2) and section 55(2), the permit authority may decide whether or not to grant or modify the occupancy permit or grant the building approval certificate, and may give the applicant written notice of its decision, after the period applicable under subsection (1), or the time specified under section 55(1), has expired, and the validity of the decision is not affected by the expiry.

”.

Clause 81.

The Minister for Transport representing the Minister for Commerce: To move —

Page 65, after line 12 — To insert:

“

- (8) A person does not commit an offence under subsection (2), (3), (4) or (5) if the other land concerned comprises, or is part of —
- (a) a place that —
    - (i) the public is entitled to use; or
    - (ii) is open to members of the public; or
    - (iii) is used by the public,
 whether or not on payment of money; or
  - (b) a place that the occupier allows members of the public to enter, whether or not on payment of money.

”.

Clause 93.

Mr Tallentire to move:

Page 73, line 17 - To delete “ building. ” and substitute -

“

building; and

- (c) the mandatory disclosure of energy ratings whether or not an occupancy permit is required for the building.

”.

Clause 133.

The Minister for Transport representing the Minister for Commerce: To move —

Page 101, line 21 — To delete “jurisdiction” and insert:

“ jurisdiction ”.



***Criminal Code Amendment (Infringement Notices) Bill 2010 (No. 151—I)***

Legislative Council Message 139.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Code Amendment (Infringement Notices) Bill 2010* 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 Criminal Code Amendment (Infringement Notices) Bill 2010*

**No. 1**

Page 4, after line 3 — To insert —

**723. Monitoring of Chapter by Ombudsman**

- (1) For the period of 12 months after the commencement of this section, the Ombudsman is to keep under scrutiny the operation of the provisions of this Chapter and the regulations made under this Chapter and the *Criminal Investigation (Identifying People) Act 2002* Part 7 and section 67.
- (2) The scrutiny referred to in subsection (1) is to include review of the impact of the operation of the provisions referred to in that subsection on Aboriginal and Torres Strait Islander communities.
- (3) For that purpose, the Ombudsman may require the Commissioner of Police or any public authority to provide information about police or the public authority's participation in the operation of the provisions referred to in subsection (1).
- (4) The Ombudsman must, as soon as practicable after the expiration of that 12 month period, prepare a report on the Ombudsman's work and activities under this section and furnish a copy of the report to the Minister for Police and the Commissioner of Police.
- (5) The Ombudsman may identify, and include recommendations in the report to be considered by the Minister about, amendments that might appropriately be made to this Act with respect to the operation of the provisions referred to in subsection (1).
- (6) The Minister is to lay (or cause to be laid) a copy of the report furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.

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***Criminal Investigation Amendment Bill 2010 (No. 167—1)***

Legislative Council Message 140.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Investigation Amendment Bill 2010* 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 Criminal Investigation Amendment Bill 2010*

**No. 1**

Page 2, lines 12 to 19 — To delete the lines and insert —

- (a) in item 4 delete “Doctor” and insert:

Doctor, or a qualified person who is a nurse, midwife or other prescribed person

- (b) in item 6 delete “Doctor” and insert:

Doctor, or a qualified person who is a nurse, midwife or other prescribed person

**No. 2**

Page 2, after line 9 — To insert —

**4A. Section 73 amended**

In section 73 insert in alphabetical order:

***midwife*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* whose name is entered on the Register of Midwives kept under that Law;

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***Police Amendment Bill 2010 (No. 137—2)***

Legislative Council Message 136.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Police Amendment Bill 2010* 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 Police Amendment Bill 2010*

**No. 1**

Page 6, after line 10 — To insert —

- (4) If the Commissioner decides to charge a person for providing police services for an event, that person may apply to the State Administrative Tribunal for a review of the decision on the ground that what the person is promoting or organising is not an event as defined in section 39E.

**No. 2**

Page 9, after line 26 — To insert —

**39N. Review of Part IVB**

- (1) In this section —  
*commencement day* means the day on which the *Police Amendment Act 2011* section 4 comes into operation.
- (2) The Minister is to carry out a review of the operation and effectiveness of this Part as soon as is practicable after the expiration of 36 months after the commencement day, and in the course of that review the Minister is to consider and have regard to —
  - (a) the effectiveness of this Part; and
  - (b) the need for the retention of this Part; and
  - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Part.
- (3) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

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***Road Traffic Amendment (Information) Bill 2010***

Clause 10.

Mrs M.H. Roberts: To move -

Page 15, line 12 — To delete “must” and insert —

“ may ”

Mrs M.H. Roberts: To move -

Page 15, after line 15 — To insert after “written law —

“

, if the Director General is satisfied that there is compelling reason in the public interest for disclosure of the photographs

”

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***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 ”.

**PETER J. McHUGH**

Clerk of the Legislative Assembly