

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 199

TUESDAY, 1 MAY 2012, 2.00 p.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

–	approximately 2.00 p.m. each day
–	one per week on any day
–	4.00 p.m. to 7.00 p.m. Wednesdays
–	approximately 9.00 a.m. Thursdays
–	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.*

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.*

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Teacher Registration Bill 2011** (Minister for Education) (No. 260, 2r. – 1/12/11)

Further consideration in detail – Clause 10.

2. **Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012**
(Attorney General) (No. 265, 2r. – 27/3/12)

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

3. **Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012**
(Attorney General) (No. 266, 2r. – 27/3/12)

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

4. ***Integrity (Lobbyists) Bill 2011** (Premier) (No. 243, 2r. – 9/11/11)

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

5. ***Community Protection (Offender Reporting) Amendment Bill 2011** (Minister for Police)
(No. 235, 2r. – 30/11/11)

Second reading. Adjourned debate (Ms J.M. Freeman).

6. **Criminal Appeals Amendment (Double Jeopardy) Bill 2011** (Attorney General) (LC No. 224, 2r. – 28/2/12)

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

7. ***Water Services Bill 2011** (Minister for Water) (No. 202, 2r. – 26/5/11)
***‡Water Services Legislation Amendment and Repeal Bill 2011** (Minister for Water)
 (No. 201, 2r. – 26/5/11)
 Second reading. Adjourned debate (Mr W.J. Johnston – continuation of remarks).
8. **Criminal Investigation (Identifying People) Amendment Bill 2012** (Minister for Police)
 (No. 262, 2r. – 28/2/12)
 Second reading. Adjourned debate (Mr M. McGowan).
9. **Litter Amendment Bill 2011** (Minister for Environment) (No. 240, 2r. – 3/11/11)
 Second reading. Adjourned debate (Mr D.A. Templeman).
10. ***Commercial Arbitration Bill 2011** (Attorney General) (No. 205, 2r. – 15/6/11)
 Consideration in detail of Legislative Council Message No. 197.
11. ***Legal Deposit Bill 2011** (Minister for Culture and the Arts) (No. 244, 2r. – 9/11/11)
 Consideration in detail of Legislative Council Message No. 206.
12. ***Road Traffic Legislation Amendment Bill 2011** (Minister for Transport) (No. 246, 2r. – 30/11/11)
 Consideration in detail of Legislative Council Message No. 209.
13. **Appropriation (Consolidated Account) Recurrent 2010–11 (Supplementary) Bill 2011**
 (Treasurer) (No. 258, 2r. – 1/12/11)
 Second reading. Adjourned debate (Mr D.A. Templeman).
14. **Appropriation (Consolidated Account) Capital 2010–11 (Supplementary) Bill 2011**
 (Treasurer) (No. 257, 2r. – 1/12/11)
 Second reading. Adjourned debate (Mr D.A. Templeman).
15. **Premier's Statement**
 Adjourned debate (Dr G.G. Jacobs – continuation of remarks) on the question, That the Premier's Statement be noted and that the Government recognise the value of school dental therapy assistants.
16. **Prostitution Bill 2011** (Attorney General) (No. 218, 2r. – 3/11/11)
 Second reading. Adjourned debate (Mr D.A. Templeman).
17. ***Lotteries Commission Amendment Bill 2011** (Premier) (No. 229, 2r. – 2/11/11)
 Second reading. Adjourned debate (Mr D.A. Templeman).
18. **Revenue Laws Amendment Bill 2011** (Treasurer) (No. 254, 2r. – 1/12/11)
 Second reading. Adjourned debate (Mr D.A. Templeman).
19. ***Joint Standing Committee on Delegated Legislation** (Leader of the House)
 Consideration in detail of Legislative Council Message No. 200.
20. ***Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08)
 (restored 28/2/12)
 Further consideration in detail – Clause 1.
21. **Adoption Amendment Bill 2011** (Minister for Planning) (LC No. 250, 27/3/12)
 To be read a first time.

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. Minister for Planning – Concrete Batching Plants in East Perth (Notice given – 20/9/11)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Planning for calling in the decision of the City of Vincent to refuse 24 hour operation and extension of concrete batching plants in the residential areas of East Perth, and notes that the City of Vincent's decision was supported by residents.

3. Economics and Industry Standing Committee Recommendations (Notice given – 12/4/11)
(renewed – 27/9/11)

Mr M. McGowan: To move –

That the House endorses the findings of the Economics and Industry Standing Committee inquiry into domestic gas prices and in particular the recommendation that:

- (a) the Government establishes an independent gas market monitor;
- (b) introduce the gas market bulletin board and statement of opportunities;
- (c) separate marketing of gas from the North West be supported; and
- (d) the Government immediately begin negotiations with the North West Shelf partners to ensure gas continues to be supplied into the domestic market from the Karratha gas plant beyond 2014.

4. Anti-Israel Boycott, Divestment and Sanctions (BDS) Campaign (Notice given – 29/9/11)

Mr J.N. Hyde: To move –

That this House:

- (a) notes with concern the anti-Israel boycott, divestment and sanctions (BDS) campaign against legitimate businesses operating in Australia which provide jobs to hundreds of Australians;
- (b) calls on all members to condemn the targeting of Max Brenner Chocolate Cafes and other businesses by anti-Israel protesters;
- (c) notes that some of the rhetoric used by proponents of the BDS campaign has descended into anti-Semitism; and
- (d) condemns anti-Semitism in all its forms.

5. Waterfront Project (Notice given – 1/11/11)

Mr J.N. Hyde: To move –

That this House condemns the Barnett Government for –

- (1) failing to consult with its own departments and agencies over the impact of the Waterfront Project; and
- (2) failing to transparently consult with Western Australia's planning, environmental and heritage experts over the impact of the Waterfront Project.

6. Minister for Heritage (Notice given – 1/11/11)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for –

- (1) misleading the Parliament over inaccurate information in the 2010–2011 Annual Report of the Heritage Council of Western Australia and failing to apologise for his mismanagement of information; and
- (2) failing to transparently account for funding allocations under the Goldfields Earthquake Restoration Fund.

7. Referral to Community Development and Justice Standing Committee – Detention of Mr Marlon Noble (Notice given – 29/11/11)

Mr J.R. Quigley: To move –

That this House expresses its concern over the extended detention of Mr Marlon Noble under the *Criminal Law (Mentally Impaired Accused) Act 1996* and requests the Standing Committee on Community Development and Justice to investigate and report by 31 May 2012 on:

- (1) whether Mr Noble's detention for such an extended period has involved any element of injustice;
- (2) why the Mentally Impaired Accused Review Board revoked the recommendation for his conditional release in 2008 and whether that involved any element of injustice;
- (3) following Mr Robert Cock QC's report on the deficiency and irregularity of drug testing of Mr Noble upon his return from day release, why he was not immediately re-released;
- (4) whether the proposed conditions for Mr Noble's release, announced on 22 November 2011 by the Mentally Impaired Accused Review Board, in January 2012 are just and reasonable in all the circumstances;
- (5) whether there any other persons detained under the *Criminal Law (Mentally Impaired Accused) Act 1996* who have been detained for periods longer than had they been convicted of the offence for which they were charged but detained because of unfitness to plead;
- (6) whether any of these cases in the Committee's opinion contain any elements of injustice to the detained person; and
- (7) the desirability of adopting recommendations 29, 33, 36 and 40 of the Law Reform Commission of Western Australia's 'Project Number 69 – the criminal process and persons suffering from mental disorder report' 1991.

8. Police Resourcing (Notice given – 9/8/11) (renewed – 29/11/11)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government on its failure to provide a visible, well-resourced police presence providing timely responses, a sense of safety in the community and inroads into the rapidly escalating methamphetamines manufacture.

9. Gnangara Sustainability Strategy (Notice given – 28/2/12)

Mr F.M. Logan: To move –

That this House condemns the Barnett Government for its failure to finalise the Gnangara Sustainability Strategy, two and a half years after the release of the draft, resulting in the consequent environmental damage inflicted on this critical aquifer by continuous over-drawing of water.

10. Response by the Attorney General to Committee Report (Notice given – 20/3/12)

Mr J.N. Hyde: To move –

That this House:

- (1) censures the Attorney General for failing to respond to the tabled report Number 20 by the Joint Standing Committee on the Corruption and Crime Commission by the required due date of 29 December 2011 and his failure to act on the Speaker's report to this House on his non-compliance; and
- (2) calls upon the Attorney General to immediately respond to Report 20 and detail precisely when his full amendments to the *Corruption and Crime Commission Act 2003* will be introduced into this House.

11. Minister for Heritage (Notice given – 8/9/11) (renewed – 22/3/12)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for:

- (1) mismanaging the review of the *Heritage of Western Australia Act 1990*; and
- (2) failing to support adequate funding of regional heritage in Western Australia, including for such important heritage buildings as the Bill Sewell Complex in Geraldton.

12. Minister for Police (Notice given – 8/9/11) (renewed 22/3/12)

Mr B.S. Wyatt: To move –

That this House condemns the Minister for Police; Emergency Services for:

- (a) his refusal to honour the Government's election promise to reinstate school-based police officers in consultation with local communities; and
- (b) his attempt to mislead this House on Wednesday, 7 September 2011 by asserting that 'school-based' no longer means 'based in schools'.

13. Electronic Monitoring of Violence Restraining Order Respondents (Notice given – 27/3/12)

Dr A.D. Buti: To move –

That this House condemns the Attorney General for his flippant and negative response to the suggestion of introducing electronic monitoring of violence restraining order respondents for a trial period in relation to domestic and family violence.

14. Adoption of Procedure and Privileges Committee Recommendations (Notice given – 28/3/12)

Mr M. McGowan: To move –

That Recommendations 1 to 3 of the Procedure and Privileges Committee Report No. 9, "Minor Adjustments to the Standing Orders", be adopted by the House.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY
1. Perth Theatre Trust Amendment Bill 2011 (Mr J.N. Hyde) (No. 209, 1r. – 25/5/11)

To be read a second time.

2. Acts Amendment (Western Australia Day) Bill 2011 (Mr J.N. Hyde) (No. 216, 1r. – 15/6/11)

To be read a second time.

3. Equal Opportunity Amendment Bill 2011 (Mr J.N. Hyde) (No. 212, 1r. – 22/6/11)

To be read a second time.

4. Minister for Education (Moved – 17/8/11)

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

That this House calls on the Minister for Education to explain what actions she has taken in respect of the findings of the Standing Committee on Estimates and Financial Operations (Report 27), tabled on 1 July 2010 and the Public Sector Commissioner's investigation into the Orchestrating Lives: An Evaluation of the Early Intervention Conductive Education Trial at Carson Street School report, in relation to the quality and accuracy of advice, including briefing notes provided by the Department of Education to the Minister.

5. Indigenous Affairs (Moved – 23/6/11) (last debated – 31/8/11)

Adjourned debate (Mr T.G. Stephens – continuation of remarks) on the motion moved by Mr J.J.M. Bowler –

That this House recognise the need for a bipartisan and new approach on the matter of Indigenous affairs.

6. School Crossings (Moved – 7/9/11)

Adjourned debate (Mr A. Krsticevic – continuation of remarks) on the amendment moved by Mr A.P. Jacob –

To delete all words after "House" and substitute:

congratulates the Minister for Police on his decision to put on hold any removal of Type A and Type B crossings until the Government and the Children's Crossing and Road Safety Committee have reviewed the current policy to ensure children's crossings are safe.

on the motion moved by Mr A.P. O'Gorman –

That the House condemns the Government for withdrawal of crossings that do not fit the warrant criteria for a type A crossing across the State and subsequently endangering the lives of many school children who use these crossings.

7. Infrastructure Across Western Australia (Moved – 6/4/11) (last debated – 21/9/11)

Adjourned debate (Minister for Transport – continuation of remarks) on the motion moved by Mr E.S. Ripper –

That this House condemns the Barnett Government for its failure to invest in basic infrastructure across Western Australia, in particular its failure to purchase additional trains and buses or to construct new road works to keep up with population growth.

8. Liquor Control Amendment Bill 2011 (Dr J.M. Woollard) (No. 233, 2r. – 28/9/11)

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

9. Minister for Education – North Mandurah Primary School (Moved – 28/9/11)

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

That this House condemns the Minister for Education for her failures in relation to the North Mandurah Primary School and its loss of 17 permanent teaching positions and calls on her to immediately address this issue and other failures in her Education portfolio including the downgrading of a number of regional/district offices.

10. Container Deposit and Recovery Scheme Bill 2011 (Mr E.S. Ripper) (No. 234, 2r. – 19/10/11) (last debated – 23/11/11)

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

11. Human Tissue and Transplant Amendment Bill 2011 (Mr M.P. Whitely) (No. 252, 2r. – 23/11/11)

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

12. Fiona Stanley Hospital – Facilities Management Contract (Moved – 30/11/11)

Adjourned debate (Mr D.A. Templeman) on the motion moved by Mr R.H. Cook –

That this House condemns the Barnett Government on its failure to publish in full the details of the Facilities Management Services Contract between the Western Australian Government and Serco Pty Ltd for services provided at Fiona Stanley Hospital and calls on the Government to table the full contract without exemptions.

13. Minister for Health and Minister for Police – Illegal Doctor and Pharmacy Shopping (Moved – 30/11/11)

Adjourned debate (Minister for Police – continuation of remarks) on the motion moved by Mr M.P. Whitely –

That this House condemns the Minister for Health and the Minister for Police and Emergency Services for failing to take action to prevent illegal doctor and pharmacy shopping for the abuse of prescription drugs and notes with deep regret the death of 52 Western Australians in 2011 from suspected prescription drug overdoses.

14. Local Government Amendment (Regional Subsidiaries) Bill 2010 (Mr V.A. Catania) (LC No. 184, 30/11/11)

To be read a first time.

15. Workers' Compensation and Injury Management (Fair Protection for Firefighters) Amendment Bill 2012 (Ms M.M. Quirk) (No. 264, 2r. – 29/2/12)

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

16. Public Transport Services (Moved – 29/2/12)

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

That this House condemns the Barnett Government for failing to adequately provide public transport services for our growing population.

17. Public Housing Maintenance (Moved – 21/3/12)

Debate interrupted (Mr D.A. Templeman continuation of remarks) on the motion moved by

Dr A.D. Buti, on behalf of Mr P.C. Tinley –

That this House condemns the Barnett Government for its failed Head Contractor model of public housing maintenance and its inability to adequately provide repairs and maintenance to its public housing stock.

18. Yanchep National Park Draft Management Plan (Moved – 28/3/12)

Debate interrupted (Mr J.R. Quigley continuation of remarks) on the motion moved by Mr J.R. Quigley –

That this House condemns the Barnett Government for its neglect of the Yanchep National Park and its failure to finalise the Yanchep National Park Draft Management Plan of 2010 and its failure to implement the recommendations contained therein.

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
Public Accounts Committee:	21 June 2012
Inquiry into the contract for the provision of non-clinical services at Fiona Stanley Hospital	
Joint Standing Committee on the Corruption and Crime Commission:	21 June 2012
Inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth	
Joint Standing Committee on the Corruption and Crime Commission:	15 November 2012
Inquiry into how the Corruption and Crime Commission deals with allegations and notifications of WA Police misconduct	
Education and Health Standing Committee:	30 November 2012
Inquiry into improving educational outcomes for Western Australians of all ages	
Community Development and Justice Standing Committee:	1 December 2012
Inquiry into the well-being of State Government workers and volunteers involved in emergency responses	

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	Inquiry into the 2011 Kimberley Ultramarathon	21 June 2012

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee Report</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Community Development and Justice Standing Committee – A Fading Dream – Affordable Housing in Western Australia	Minister for Housing; Treasurer; Minister for Local Government; Minister for Regional Development; Lands; Minister for Health; Minister for Planning; Minister representing the Minister for Mental Health; Minister representing the Minister for Seniors and Volunteering; Minister representing the Minister for Commerce	3 February 2012 [non-compliance reported 21 February 2012]
Education and Health Standing Committee – Child Health – Child Development: the first 3 years	Minister for Health	1 June 2012
Economics and Industry Standing Committee – Inquiry into Ironbridge Holdings Pty Ltd and other matters regarding residential land and property developments	Minister representing the Minister for Commerce	1 June 2012
Joint Standing Committee on the Corruption and Crime Commission – The post-CHOGM technological capability of the WA Police	Attorney General; Minister for Police	1 June 2012
Joint Standing Committee on the Commissioner for Children and Young People – Report on the functions of the Commissioner for Children and Young People: Working with children checks	Minister representing the Minister for Child Protection	1 June 2012
Joint Standing Committee on the Corruption and Crime Commission – The use of Public Examinations by the Corruption and Crime Commission	Attorney General	27 June 2012

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- * Denotes amendments appearing 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.

NOTICES AND AMENDMENTS

Commercial Arbitration Bill 2011 (No. 205—2)

Legislative Council Message No. 197.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Commercial Arbitration Bill 2011* 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 Commercial Arbitration Bill 2011

No. 1

Page 13, lines 11 to 16 — To delete the lines and insert —

- (5) A decision within the limits of the Court's authority on a matter entrusted by subsection (3) or (4) to the Court is final.

No. 2

Page 15, lines 17 to 21 — To delete the lines and insert —

- (5) A decision of the Court under subsection (4) that is within the limits of the authority of the Court is final.

No. 3

Page 16, lines 9 to 13 — To delete the lines and insert —

- (3) A decision of the Court under subsection (2) that is within the limits of the authority of the Court is final.

No. 4

Page 18, lines 4 to 8 — To delete the lines and insert —

- (10) A decision of the Court under subsection (9) that is within the limits of the authority of the Court is final.

No. 5

Page 40, lines 9 to 13 — To delete the lines and insert —

- (5) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 6

Page 41, lines 9 to 13 — To delete the lines and insert —

- (4) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 7

Page 61, the Table item 14 the 1st row — To delete “14(4),” and insert —

14(3),

=====

Community Protection (Offender Reporting) Amendment Bill 2011 (No. 235—1B)

Clause 33.

The Minister for Police: To move —

Page 27, line 5 — To insert after “substance,”:

“

or requires a reportable offender to comply with an order of the Commissioner to undergo treatment that consists of or includes the taking of any specified medication,

”.

The Minister for Police: To move —

Page 27, line 12 — To insert after “blood,”:

“ hair, ”.

The Minister for Police: To move —

Page 27, line 15 — To insert before “specify”:

“

state that the reportable offender is to accompany a police officer to a police station or another specified place or

”.

The Minister for Police: To move —

Page 28, line 12 — To insert after “blood,”:

“ hair, ”.

The Minister for Police: To move –
Page 28, line 17 – To insert after “blood,”:

“ hair, ”.

The Minister for Police: To move –
Page 28, line 26 – To insert after “blood,”:

“ hair, ”.

Integrity (Lobbyists) Bill 2011 (No. 243—1)

Clause 10.
Mr M McGowan: To move –
Page 12, line 5 – To delete “may” and substitute:

“ must ”.

New Part 3.
Mr M McGowan: To move –
Page 15, before line 1 – To insert:

“

Part 3 — Disclosure of Lobbying

16. Lodgement of returns

- (1) A Minister, a registrant and a registered advocate to government as defined in section 3(1) of this Act, must lodge returns with the Commissioner setting out the information referred to in subsection (2) in respect of the periods —
 - (a) 1 January to 30 June;
 - (b) 1 July to 31 December,
 and the return must be lodged within 28 days of the end of each period.
Penalty: \$5,000, and a daily penalty of \$500.
- (2) A return lodged in accordance with subsection (1) shall set out the following information in relation to all of the lobbying activity carried out by the registrant or registered advocate to government in the preceding period —
 - (a) the name and business address of the registered advocate to government;
 - (b) the name and business address of the registrant;
 - (c) where the registrant is a corporation as defined in section 3(1) of this Act, the name and business address of any related entity of the registrant that, to the knowledge of the registrant or registered advocate to government, has a direct interest in the outcome of the registrant or registered advocate to government’s lobbying activity;

- (d) any other person that, to the knowledge of the registrant or registered advocate to government, has a direct interest in the outcome of the registrant or registered advocate to government's lobbying activity;
 - (e) a description, in summary form, of the registrant's business or activities and such other information to identify the nature of the registrant's business or activities as is prescribed;
 - (f) a description, in summary form, of the subject matter and of the lobbying activity, and such other information regarding the subject matter as is prescribed;
 - (g) the date on which any lobbying activity took place;
 - (h) particulars to identify any legislative proposal, Bill, subsidiary legislation, policy, programme, authority, power or expenditure to which the lobbying activity related;
 - (i) where the lobbying activity was directed at persons within the definitions of ***government representative*** and ***senior public sector executive*** in section 3(1) of this Act, the name and title of the persons;
 - (j) where the lobbying activity was directed at a member of either House of the Western Australian Parliament who is not defined in section 3(1) of this Act, the name of the member; and
 - (k) such other information in relation to the lobbying activity as is prescribed.
- (3) The Commissioner may, on the application of a registrant or registered advocate to government, extend the time within which a return required by subsection (1) must be lodged.
- (4) Where a registrant or registered advocate to government has not engaged in any lobbying activity in a particular period, the registrant or registered advocate to government must lodge an annual return stating that he or she has not engaged in any lobbying activity in that period.

”.

Joint Standing Committee on Audit

Legislative Council Message No. 202.

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 235 it has disagreed to the amendments made by the Legislative Assembly to Legislative Council Message No. 179.

Joint Standing Committee on Delegated Legislation

Legislative Council Message No. 200.

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution, proposing amended terms of reference for the Joint Delegated Legislation Committee -

That the Legislative Assembly be acquainted that the Legislative Council has adopted proposed Schedule 1, Item 6, *Joint Delegated Legislation Committee*, and invites the Legislative Assembly to concur.

Schedule indicating the amendments made by the Legislative Council to the Terms of Reference of the Joint Standing Committee on Delegated Legislation.

6. Joint Delegated Legislation Committee

- 6.1 A *Joint Delegated Legislation Committee* is established.
- 6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 6.4 (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
- 6.4 (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 6.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
 - (a) is within power;
 - (b) has no unintended effect on any person's existing rights or interests;
 - (c) provides an effective mechanism for the review of administrative decisions; and
 - (d) contains only matter that is appropriate for subsidiary legislation.
- 6.7 It is also a function of the Committee to inquire into and report on -
 - (a) any proposed or existing template, *pro forma* or model local law;
 - (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
 - (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 6.8 In this order –

“instrument” means –

 - (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
 - (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;

“subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

Legal Deposit Bill 2011 (No. 244—1)

Legislative Council Message No. 206.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Legal Deposit Bill 2011* 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 Legal Deposit Bill 2011

No. 1

Page 4, lines 1 and 2 — To delete the lines.

No. 2

Page 5, lines 21 and 22 — To delete the lines.

Lotteries Commission Amendment Bill 2011 (No. 229—1)

New Clause.

The Premier: To move —

Page 3, after line 16 – To insert:

“

4A. Section 7A inserted

After section 6 insert:

7A. Exemptions from s. 6(4)

- (1) The Minister, with the Treasurer's concurrence, may by order exempt a contract or arrangement, or class of contracts or arrangements, from the operation of section 6(4) either unconditionally or on specified conditions.
- (2) An order under subsection (1) is to show sufficient particulars of the contract or arrangement, or class of contracts or arrangements, to which it relates to enable the contract or arrangement, or class, to be identified.
- (3) The Minister must, within 6 sitting days after an order under subsection (1) is made, cause it to be laid before each House of Parliament.
- (4) Subject to subsection (5), an order made under subsection (1) is not subsidiary legislation for the purposes of the *Interpretation Act 1984*.

- (5) The *Interpretation Act 1984* sections 43 (other than subsection (6)) and 44 and Part VIII apply to an order made under subsection (1) as if it were subsidiary legislation.

”

Road Traffic Legislation Amendment Bill 2011 (No. 246—1)

Legislative Council Message No. 209.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Road Traffic Legislation Amendment Bill 2011* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.
Schedule indicating the amendment made by the Legislative Council in the Road Traffic Legislation Amendment Bill 2011

No. 1

Page 11, line 17 — To delete “102D” and insert —

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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 B.S. Wyatt: 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 at the Bentley Hospital.

”

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** ”.

=====

Teacher Registration Bill 2011 (No. 260—1)

Mr P. Papalia: To move –

Page 52, after line 13 – To insert:

“

- (5) Of the persons appointed under subsection (4) –
- (a) one is to be a registered teacher who teaches or works at a government school; and
 - (b) one is to be –
 - (i) a registered teacher who teaches or works at a school that is part of a school system the governing body of which is the Catholic Education Commission of Western Australia; or
 - (ii) a registered teacher who teaches or works at a school other than a school referred to in paragraph (a) or (b)(i).

”.

=====

Water Services Bill 2011 (No. 202-1)

Clause 83.

The Minister for Water: To move –

Page 65, lines 15 and 16 – To delete “licence under the *Local Government (Miscellaneous Provisions) Act 1960*” and substitute:

“ permit under the *Building Act 2011* ”.

The Minister for Water: To move –

Page 65, line 17 – To delete “building licence” and substitute:

“ permit ”.

The Minister for Water: To move –

Page 65, lines 19 and 20 – To delete “licence under the *Local Government (Miscellaneous Provisions) Act 1960*” and substitute:

“ permit under the *Building Act 2011* ”.

Clause 88.

The Minister for Water: To oppose the clause.

Clause 97.

The Minister for Water: To move –

Page 82, line 21 to page 83, line 9 – To delete the lines and substitute:

“

- (6) An agreement between a licensee and FESA or a local government about the provision and maintenance of fire hydrants in an area may displace the application of subsection (5) in relation to that area.
- (7) A licensee may recover the reasonable costs and expenses of installing, removing, repairing or maintaining a fire hydrant in accordance with the regulations, which (without limiting that) may —
 - (a) limit what may be recovered as costs and expenses;
 - (b) provide for the costs and expenses to be recovered from FESA or a local government (according to whose district the fire hydrant is in);
 - (c) provide for the recovery of the costs and expenses in a court of competent jurisdiction.
- (8) Subsection (7) does not prevent the costs and expenses from being recovered indirectly via statutory water service charges.

”.

Clause 221.

The Minister for Water: To move –

Page 178, after line 11 – To insert:

“

(2A) None of the following persons are liable for any losses, damage or injury resulting from the installation, removal, repair or maintenance of a fire hydrant unless the person was acting in bad faith —

- (a) a licensee;
- (b) a person authorised by a licensee for the purposes of Part 5 or 6;
- (c) an individual acting on behalf of a person (who may or may not be an individual) referred to in paragraph (b).

”.

The Minister for Water: To move –

Page 178, line 12 – To delete “Subsection (2) does” and substitute:

“ Subsections (2) and (3) do ”.

The Minister for Water: To move –

Page 178, lines 19 to 21 — To delete the lines and substitute:

“

(5) In this section —

- (a) a reference to losses, damage or injury includes a reference to loss of enjoyment or amenity value and to a change in the aesthetic environment; and
- (b) a reference to liability resulting from taking an action includes a reference to liability resulting from a failure to take that action.

”.

Schedule 1 clause 13.

The Minister for Water: To move –

Page 189, after line 35 – To insert:

“

(3A) Subclause (1) applies to fire hydrants on Crown land or in a road that, immediately before commencement day, were attached to the water service works of a licensee, as if those fire hydrants were property of the licensee at that time.

”.

The Minister for Water: To move –

Page 190, line 1 – To delete “Subclause (1) applies in relation” and substitute:

“ This clause applies ”.

The Minister for Water: To move –

Page 190, line 9 – To delete “paragraph (a)” and substitute:

“ subclause (1)(a) ”.

Water Services Legislation Amendment and Repeal Bill 2011 (No. 201—1)

Clause 16.

The Minister for Water: To move –

Page 7, line 8 – To delete “Department.” and substitute:

“ Department or a person authorised to do so by the Minister. ”.

Clause 205.

The Minister for Water: To oppose the clause.

New clause 205.

The Minister for Water: To move –

Page 90, after line 27 – To insert:

“

205. *Building Services (Complaint Resolution and Administration) Act 2011 amended*

- (1) This section amends the *Building Services (Complaint Resolution and Administration) Act 2011*.
- (2) In section 3 in the definitions of *building service Act* paragraph (f), *plumbing work* and *vocational regulatory body* paragraph (b) delete “*Water Services*” and insert:

Plumbers

- (3) In section 92(5)(e) delete “*Water Services*” and insert:

Plumbers

”.

Clause 207.

The Minister for Water: To move –

Page 92, lines 1 to 11 – To delete the lines.

Clause 213.

The Minister for Water: To oppose the clause.

New clause 213.

The Minister for Water: To move –

Page 95, after line 8 – To insert:

“

213. *Fire Brigades Act 1942* amended

(1) This section amends the *Fire Brigades Act 1942*.

(2) Delete sections 54 and 55.

(3) At the beginning of section 61 insert:

(1) In this section —

water services licensee means a licensee as defined in the *Water Services Act 2011* section 3(1).

(4) In section 61:

(a) delete “The Authority,” and insert:

(2) The Authority,

(b) delete “water supply authority” and insert:

water services licensee

”

PETER J. MCHUGH

Clerk of the Legislative Assembly