

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 209

WEDNESDAY, 13 JUNE 2012, 12.00 noon

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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.*

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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 – NOTICES OF MOTION

1. **Leave to Meet When House is Sitting – Public Accounts Committee** (Notice given – 12/6/12)

The Leader of the House: To move –

That leave be given to the Public Accounts Committee to meet when the House is sitting on Thursday, 14 June 2012 from 10.00 am to 12 noon.

2. **Extension of Reporting Date – Economics and Industry Standing Committee** (Notice given – 12/6/12)

The Leader of the House: To move –

That the date for presentation of the report of the Economics and Industry Standing Committee on its inquiry into the 2011 Kimberley Ultramarathon be extended to 16 August 2012.

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## BILLS – NOTICES OF MOTION

### 1. **Skilled Jobs (Benefits from the Boom) Bill 2012** (Notice given – 12/6/12)

Mr P.C. Tinley: To move –

That a Bill for “An Act to provide for agreements about skilled work requirements for major projects in this State.” be introduced and read a first time.

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## GOVERNMENT BUSINESS – ORDERS OF THE DAY

### 1. **Appropriation (Consolidated Account) Recurrent 2012-13 Bill 2012** (Treasurer) (No. 273, 2r. – 17/5/12)

Third reading. Adjourned debate (Premier).

### 2. **Appropriation (Consolidated Account) Capital 2012-13 Bill 2012** (Treasurer) (No. 274, 2r. – 17/5/12)

To be read a third time.

### 3. **Water Services Bill 2011** (Minister for Water) (No. 202, 2r. – 26/5/11)

To be read a third time.

### 4. **\*‡Water Services Legislation Amendment and Repeal Bill 2011** (Minister for Water) (No. 201, 2r. – 26/5/11)

Second reading. Adjourned debate.

### 5. **\*Fire and Emergency Services Legislation Amendment Bill 2012** (Minister for Emergency Services) (No. 276, 2r. – 17/5/12)

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

### 6. **Petroleum and Geothermal Energy Safety Levies Amendment Bill 2012** (Minister for Environment) (No. 279, 2r. – 23/5/12)

Second reading. Adjourned debate (Ms R. Saffioti).

### 7. **Petroleum and Geothermal Energy Safety Levies Amendment Bill (No. 2) 2012** (Minister for Environment) (No. 280, 2r. – 23/5/12)

Second Reading. Adjourned debate (Ms R. Saffioti).

### 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. **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.

### 10. **Workers’ Compensation and Injury Management Amendment Bill 2012** (Minister for Transport) (LC No. 267, 2r. – 3/5/12)

Second reading. Adjourned debate (Mr J.C. Kobelke).

### 11. **Litter Amendment Bill 2011** (Minister for Environment) (No. 240, 2r. – 3/11/11)

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

### 12. **Adoption Amendment Bill 2011** (Minister for Planning) (LC No. 250, 2r. – 1/5/12)

Second reading. Adjourned debate (Mr W.J. Johnston).

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

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

- 14. \*Commercial Arbitration Bill 2011** (Minister for Police) (No. 205, 2r. – 15/6/11)  
Consideration in detail of Legislative Council Message No. 197.
- 15. Appropriation (Consolidated Account) Recurrent 2010–11 (Supplementary) Bill 2011**  
(Treasurer) (No. 258, 2r. – 1/12/11)  
Second reading. Adjourned debate (Mr D.A. Templeman).
- 16. Appropriation (Consolidated Account) Capital 2010–11 (Supplementary) Bill 2011**  
(Treasurer) (No. 257, 2r. – 1/12/11)  
Second reading. Adjourned debate (Mr D.A. Templeman).
- 17. Prostitution Bill 2011** (Minister for Police) (No. 218, 2r. – 3/11/11)  
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. Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2012** (Treasurer) (No. 268, 2r. – 16/5/12)  
Second reading. Adjourned debate (Mr D.A. Templeman).
- 22. \*Criminal Organisations Control Bill 2011** (Minister for Police) (No. 230, 2r – 23/11/11)  
Consideration in detail of Legislative Council Message No. 213.
- 23. Bank of Western Australia Amendment Bill 2012** (Treasurer) (LC No. 214)  
To be read a first time.

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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. 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.

**3. 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.

**4. 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.

**5. 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.

**6. 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.

**7. 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'.

**8. 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.

**9. Minister for Planning – Concrete Batching Plants in East Perth** (Notice given – 20/9/11) (renewed 27/3/12)

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.

**10. 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.

**11. Section 11 of the *Heritage of Western Australia Act 1990*** (Notice given – 2/5/12)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for:

- (1) failing to comply with the *Heritage of Western Australia Act 1990* – section 11, by allowing the destruction of the State Heritage Esplanade, "which will, or will be likely to, adversely affect a registered place"; and
- (2) having allowed the destruction of the Esplanade to begin, has failed to provide this House with evidence as to how he "is satisfied that there is no feasible and prudent alternative" as required under the Act.

**12. National Regional Arts Conference Funding** (Notice given – 2/5/12)

Mr J.N. Hyde: To move –

That this House condemns the Barnett Government for failing to guarantee funding for the National Regional Arts Conference, the nation's biggest regional arts event, to be held in Western Australia in 2014.

**13. Overdue Rates** (Notice given – 2/5/12)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Local Government for:

- (1) failing to consult with local governments on his enforced changes to penalty interest for overdue rates; and
- (2) further adding to the cost of living impost on local Western Australian families through the resultant rates increases all ratepayers will now have to pay.

**14. Anti-Israel Boycott, Divestment and Sanctions (BDS) Campaign** (Notice given – 29/9/11) (renewed 3/5/12)

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.

**15. Royal Perth Hospital Amendment By-laws (No. 2) 2011** (Notice given – 15/5/12)

Mr J.N. Hyde: To move –

That the *Royal Perth Hospital Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

**16. Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011** (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011* under the *Queen Elizabeth II Medical Centre Act 1966*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

**17. Hospitals (Services Charges) Amendment Regulations (No. 7) 2011** (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

**18. Women's and Children's Hospitals Amendment By-laws (No. 2) 2011** (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

**19. Metropolitan Health Service Amendment By-laws (No. 2) 2011** (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Metropolitan Health Service Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

**20. Fremantle Hospital Amendment By-laws (No. 2) 2011** (Notice given – 15/5/12)

Mr R.H. Cook: To move –

That the *Fremantle Hospital Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

**21. Osborne Park Hospital Amendment By-laws (No. 2) 2011** (Notice given – 15/5/12)

Mr J.C. Kobelke: To move –

That the *Osborne Park Hospital Amendment By-laws (No. 2) 2011* under the *Hospitals and Health Services Act 1927*, a copy of which was laid upon the Table of the Legislative Assembly on 22 February 2012, are hereby disallowed.

**22. Waterfront Project** (Notice given – 1/11/11) (renewed – 22/5/12)

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.



**23. Minister for Heritage** (Notice given – 1/11/11) (renewed – 22/5/12)

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.

**24. Apprenticeships and Traineeships** (Notice given – 12/6/12)

Mr M. McGowan: To move –

That this House calls on the Barnett Government to ensure that State Government construction projects provide a greater number of apprenticeships and traineeships.

**25. Redevelopment of Royal Perth Hospital Campus** (Notice given – 12/6/12)

Mr R.H. Cook: To move –

That this House condemns the Barnett Government for misleading the community over its election commitments on Royal Perth Hospital and for delays in the redevelopment of the campus.

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**PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY**
**1. Acts Amendment (Western Australia Day) Bill 2011** (Mr J.N. Hyde) (No. 216, 1r. – 15/6/11)

To be read a second time.

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

To be read a second time.

**3. 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.

**4. 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.

**5. 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.

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

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

**7. 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.

**8. 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).

**9. 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).

**10. 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.

**11. 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.

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

To be read a first time.

**13. 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).

**14. 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.

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

Adjourned debate (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.



**16. Local Government Amalgamations** (Moved – 2/5/12)

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

That this House calls on the Barnett Government to:

- (1) provide advice as to the cost of its flawed and failed amalgamation process to date, and the cost to both the State Government and local governments; and
- (2) rule out forced amalgamations of councils in Western Australia.

**17. Infrastructure Across Western Australia** (Moved – 6/4/11) (last debated – 16/5/12)

Adjourned debate (Mr A.J. Waddell – 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.

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**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	

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## 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

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## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee Report</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission – The post-CHOGM technological capability of the WA Police	Minister for Police	1 June 2012 [non-compliance reported 12 June 2012]
Joint Standing Committee on the Corruption and Crime Commission – The use of Public Examinations by the Corruption and Crime Commission	Minister for Police	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 1<sup>st</sup> row — To delete “14(4),” and insert —

14(3),

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***Criminal Organisations Control Bill 2011 (No. 230—2)***

**No. 1**

Page 4, lines 30 and 31 — To delete the lines and insert —

***firearm*** —

- (a) has the meaning given in the *Firearms Act 1973* section 4; and
- (b) includes ammunition as defined in that section;

**No. 2**

Page 9, lines 2 and 3 — To delete “organisations and other persons who engage in serious criminal activity.” and insert —

organisations.

**No. 3**

Page 13, line 21 — To delete “either” and insert —

any

**No. 4**

Page 16, after line 18 — To insert —

- (aa) the designated authority must, as soon as practicable, provide a copy of the authority’s reasons for the decision to the respondent or the respondent’s representative, but only if the respondent or the respondent’s representative, before the hearing of the application for the declaration ends —
  - (i) requests to be provided with a copy; and

- (ii) provides an address to which the copy may be sent;  
and

**No. 5**

Page 23, lines 7 to 14 — To delete the lines and insert —

- (1) If the declaration relating to the declared criminal organisation identified in an interim control order or control order in accordance with section 60(1)(c) expires or is revoked, the order ceases to have effect on that expiry or revocation.

**No. 6**

Page 24, after line 3 — To insert —

- (4) The period of designation of a retired judge must not exceed 5 years, but a retired judge may be designated for a further term.

**No. 7**

Page 27, lines 4 to 9 — To delete the lines and insert —

- (1) This Part provides for the making of control orders in relation to persons who are members of a declared criminal organisation and persons who have an association with a declared criminal organisation.

**No. 8**

Page 32, lines 24 to 29 — To delete the lines and insert —

- (c) include the information that section 60(1)(c) requires to be included in a control order; and

**No. 9**

Page 36, line 17 — To delete “section 25(2).” and insert —

section 25(1).

**No. 10**

Page 42, lines 15 to 17 — To delete the lines and insert —

- (4) The following must be served with the application —
  - (a) a copy of the affidavit or affidavits that accompanied the application for the control order;

- (b) a written notice setting out an explanation of —
  - (i) the right to object to the making of a control order at the hearing of the application for the control order; and
  - (ii) the procedure to be followed in notifying the court before the hearing of the grounds of objection in accordance with section 55.

**No. 11**

Page 48, line 6 — To delete “if the order is made under section 57(2)(a), (b) or (c).”.

**No. 12**

Page 49, lines 1 to 3 — To delete the lines and insert —

- (h) set out an explanation of the circumstances in which the order might cease to have effect under section 25(1); and

**No. 13**

Page 50, line 11 — To delete “section 25(2).” and insert —

section 25(1).

**No. 14**

Page 63, after line 2 — To insert —

- (5A) If an interim control order is varied under section 50, or a control order is varied under section 66 or 68, and the effect of the variation is to include or remove a condition that the controlled person is prohibited from carrying on a prescribed activity, then this section applies as follows —
  - (a) if the effect of the variation is to include that condition —
    - (i) the prohibition on the controlled person carrying on the prescribed activity takes effect when the variation takes effect; and
    - (ii) the suspension of an authorisation or an application for an authorisation in relation to the prescribed activity takes effect when the variation takes effect; and
    - (iii) the prohibition on the controlled person applying for, or continuing with any existing application for, any authorisation to carry on the prescribed activity takes effect when the variation takes effect;
  - (b) if the effect of the variation is to remove that condition —
    - (i) the prohibition on the controlled person carrying on the prescribed activity ceases when the variation takes effect; and
    - (ii) the suspension of an authorisation or an application for an authorisation in relation to the prescribed activity ceases when the variation takes effect; and



- (iii) the prohibition on the controlled person applying for, or continuing with any existing application for, any authorisation to carry on the prescribed activity ceases when the variation takes effect.

#### No. 15

Page 65, line 22 to page 66, line 17 — To delete the clause.

#### No. 16

Page 65, after line 21 — To insert —

### 84. Dealing with things surrendered or seized: firearms, firearms licences and weapons

- (1) If a firearm or weapon is surrendered under section 82 or seized under section 83 —
  - (a) the firearm or weapon is forfeited to the State; and
  - (b) the *Criminal and Found Property Disposal Act 2006* applies to and in relation to the firearm or weapon as if —
    - (i) the firearm or weapon were property that has been seized in the course of a criminal investigation and has become forfeited property within the meaning of that Act; and
    - (ii) the interim control order or control order that prohibits the controlled person to whom the order relates from possessing the firearm or weapon were an order that ordered the forfeiture of the firearm or weapon to the State.
- (2) If a firearms licence is surrendered under section 82 or seized under section 83 —
  - (a) the Commissioner of Police must destroy the licence as soon as practicable; and
  - (b) the destruction of the licence is to be treated as a cancellation of the licence under the *Firearms Act 1973* section 20(4).
- (3) However, the Commissioner of Police must not exercise the powers in subsection (1) or (2) in relation to the surrendered or seized firearm, firearms licence or weapon —
  - (a) if the surrender or seizure is by virtue of an interim control order, before a control order confirming the interim control order is made; and
  - (b) if a control order confirming the interim control order is made, or if the surrender or seizure is by virtue of a control order, before the expiration of the time allowed for appealing against the control order or, if an appeal is lodged within that time, before the appeal is concluded.
- (4) If any of the things set out in subsection (5) (a *relevant event*) occurs —
  - (a) the Commissioner of Police must hold the surrendered or seized firearm, firearms licence or weapon in safe custody until it is reclaimed by the person lawfully entitled to possess it or it may be otherwise lawfully disposed of, whichever occurs first; and
  - (b) the person lawfully entitled to possess the firearm, firearms licence or weapon may reclaim it from the Commissioner of Police, unless it has been sooner lawfully disposed of; and

- (c) if the firearm, firearms licence or weapon is not reclaimed within one month after the relevant event occurs, the Commissioner of Police may —
  - (i) in the case of a firearm, dispose of the firearm under the *Firearms Act 1973* section 33 as if the owner of the firearm cannot be found; or
  - (ii) in the case of a firearms licence, exercise the power in subsection (2); or
  - (iii) in the case of a weapon, make a direction under the *Weapons Act 1999* section 18(1) as if the weapon had been forfeited to the State under that Act.
- (5) The following are the relevant events referred to in subsection (4) —
  - (a) in the case of an interim control order —
    - (i) the order is varied to remove the firearms condition or, as the case requires, the condition prohibiting the person to whom the order relates from possessing a weapon;
    - (ii) the application for a control order confirming the interim control order is withdrawn or dismissed;
    - (iii) the interim control order is revoked under section 47(2)(a) or 56(1)(b);
    - (iv) the interim control order ceases to have effect under section 25(1);
  - (b) in the case of a control order, on an appeal under section 64 —
    - (i) the decision of the court to make the order is reversed; or
    - (ii) the order is varied under section 66 to remove the firearms condition or, as the case requires, the condition prohibiting the person to whom the order relates from possessing a weapon.

## No. 17

Page 66, line 19 to page 67, line 12 — To delete the lines and insert —

- (1) If an authorisation (other than a firearms licence or an authorisation to which an order made under section 59(2)(c) applies) is surrendered under section 82 or seized under section 83 —
  - (a) the Commissioner of Police must hold the authorisation in safe custody until it is reclaimed by the holder of the authorisation or it may be otherwise lawfully disposed of, whichever occurs first; and
  - (b) when the relevant interim control order or control order ceases to be in force, the holder of the authorisation may reclaim it from the Commissioner of Police, unless it has been sooner lawfully disposed of; and
  - (c) if the authorisation is not reclaimed within one month after the relevant interim control order or control order ceases to be in force, the Commissioner of Police must destroy the authorisation as soon as practicable.
- (2) The destruction of an authorisation under subsection (1)(c) has no effect on the validity of the authorisation.

## No. 18

Page 67, after line 33 — To insert —

- (5) If an interim control order is varied under section 50, or a control order is varied under section 66 or 68, and the effect of the variation is to remove a prohibition of the kind

referred to in section 82(1), this section applies as if the references in subsection (1)(b) and (c) and (4)(a)(ii) to the relevant interim control order or control order ceasing to be in force were references to the prohibition ceasing to have effect.

#### **No. 19**

Page 69, line 27 — To delete “section 25(2); or” and insert —

section 25(1); or

#### **No. 20**

Page 131, lines 26 to 30 — To delete the lines and insert —

- (ii) in association with one or more persons who, at the time of the commission of the offence, were members of a declared criminal organisation (whether or not those persons were also convicted of the offence), but only if the offender knew, at the time of the commission of the offence, that one or more of those persons were members of a declared criminal organisation; or

#### **No. 21**

##### **Long Title**

Page 1, the first bullet point — To delete “**associates and certain other persons who engage in serious criminal activity,**” and insert —

**associates,**

---

#### ***Fire and Emergency Services Legislation Amendment Bill 2012 (No. 276-1)***

Clause 7.

The Minister for Emergency Services: To move —

Page 8, line 27 – To insert after “money”:

“

from the Western Australian Treasury Corporation, or as otherwise approved by the Treasurer,

”.

***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.

”

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### ***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.

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### ***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.
- (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*.

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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** ”.

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### ***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 91, after line 3 – 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 206.

The Minister for Water: To oppose the clause.

New clause 206.

The Minister for Water: To move –

Page 91, after line 17 – To insert:

“

**206. *Bulk Handling Act 1967* amended**

- (1) This section amends the *Bulk Handling Act 1967*.
- (2) Delete section 52A.

”.

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 96, after line 3 – 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

”.

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**PETER J. McHUGH**

Clerk of the Legislative Assembly