

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 196

TUESDAY, 27 MARCH 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.*

BILLS – NOTICES OF MOTION

1. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012

(Notice given – 22/3/12)

The Attorney General: To move –

That a Bill for “An Act to amend the *Fines, Penalties and Infringement Notices Enforcement Act 1994* and the *Equal Opportunity Act 1984* and for related purposes.” be introduced and read a first time.

2. Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation)

Bill 2012 (Notice given – 22/3/12)

The Attorney General: To move –

That a Bill for “An Act to amend the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.” be introduced and read a first time.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **Retail Trading Hours Amendment Bill 2012** (Minister for Transport) (No. 263, 2r. – 28/2/12)

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

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

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

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

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

4. **Appropriation (Consolidated Account) Recurrent 2010–11 (Supplementary) Bill 2011** (Treasurer) (No. 258, 2r. – 1/12/11)

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

5. **Appropriation (Consolidated Account) Capital 2010–11 (Supplementary) Bill 2011** (Treasurer) (No. 257, 2r. – 1/12/11)

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

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

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

7. ***Commercial Arbitration Bill 2011** (Attorney General) (No. 205, 2r. – 15/6/11)

Consideration in detail of Legislative Council Message No. 197.

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

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

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. **Prostitution Bill 2011** (Attorney General) (No. 218, 2r. – 3/11/11)

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

11. **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).

12. **Criminal Investigation (Identifying People) Amendment Bill 2012** (Minister for Police) (No. 262, 2r. – 28/2/12)

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

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

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

14. **Lotteries Commission Amendment Bill 2011** (Premier) (No. 229, 2r. – 2/11/11)

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

15. **Revenue Laws Amendment Bill 2011** (Treasurer) (No. 254, 2r. – 1/12/11)

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

16. ***Joint Standing Committee on Delegated Legislation** (Leader of the House)

Consideration in detail of Legislative Council Message No. 200.

17. ***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.

18. **Gas Services Information Bill 2011** (Minister for Planning) (LC No. 248, 2r. – 20/3/12)

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

- 19. Business Names (Commonwealth Powers) Bill 2011** (Minister for Transport)
(LC No. 259, 2r. – 22/3/12)

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

- 20. *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.

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. Gngangara 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 Gngangara 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'.

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. No Privatisation of Midland Health Campus Bill 2011 (Mr R.H. Cook) (No. 255, 2r. – 23/11/11)

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

13. 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.

14. 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.

15. Local Government Amendment (Regional Subsidiaries) Bill 2010 (Mr V.A. Catania)
(LC No. 184)

To be read a first time.

16. 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).

17. 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.

18. 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.

COMMITTEES TO REPORT

| <i>Committee</i> | <i>Date Due</i> |
|--|------------------|
| Joint Standing Committee on the Corruption and Crime Commission: | 29 March 2012 |
| Inquiry into whether the Corruption and Crime Commission should continue to conduct public hearings in the exercise of its misconduct function | |
| 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 |

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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),

=====

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.
- (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.

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)

Clause 3.

The Minister for Education: To move –

Page 2, line 24 – To delete the line.

The Minister for Education: To move –

Page 3, after line 10 – To insert:

“

detention centre has the meaning given in the *Young Offenders Act 1994* section 3;

”.

The Minister for Education: To move –

Page 3, line 11 – To delete “the committee” and substitute:

“ a committee ”.

The Minister for Education: To move –

Page 3, after line 22 – To insert:

“ (d) a detention centre; ”.

The Minister for Education: To move –
Page 3, after line 28 – To insert:

“

inquiry means an inquiry under Part 5 Division 6 Subdivision 2;

”.

The Minister for Education: To move –
Page 4, after line 12 – To insert:

“

registered teacher means a person who is registered under Part 3;

”.

The Minister for Education: To move –
Page 4, line 31 – To delete “aide,” and substitute:

“ aide or ”.

The Minister for Education: To move –
Page 4, line 31 – To delete “assistant or” and substitute:

“ assistant, or by ”.

The Minister for Education: To move –
Page 4, line 32 — To delete “teacher; or” and substitute:

“ teacher on practicum placement; or ”.

Heading to Part 2.

The Minister for Education: To move –
Page 6, line 1 – To delete “**persons — offences**” and substitute:

“ **persons and related offences** ”.

Clause 7.

The Minister for Education: To move –
Page 6, after line 11 — To insert:

“

(2) A person must not appoint, employ, engage or give permission to a teacher to teach in an educational venue in contravention of a condition to which the teacher’s registration is subject.

”.

Clause 9.

The Minister for Education: To move –

Page 7, after line 12 – To insert:

“

- (3) A registered teacher must not —
- (a) claim to be registered as a teacher in a category other than the category that the person is registered in; or
 - (b) claim to be qualified or entitled to teach in an educational venue in contravention of a condition to which the teacher’s registration is subject.

”.

Clause 10.

The Minister for Education: To move –

Page 8, line 27 — To delete “prescribed; and” and substitute:

“ prescribed. ”.

The Minister for Education: To move –

Page 9, lines 1 and 2 – To delete the lines.

Clause 11.

The Minister for Education: – To move –

Page 9, lines 17 and 18 – To delete “prescribed; and” and substitute:

“ prescribed. ”.

The Minister for Education: To move –

Page 9, lines 19 and 20 – To delete the lines.

Clause 13.

The Minister for Education: To move –

Page 10, line 2 – To delete “require — ” and substitute:

“ request — ”

Clause 15.

The Minister for Education: To move –

Page 11, line 18 – To delete “teacher; and” and substitute:

“ teacher. ”.

The Minister for Education: To move –

Page 11, lines 19 and 20 – To delete the lines.

Clause 16.

The Minister for Education: To move –

Page 12, line 6 To delete “teacher; and” and substitute:

“ teacher. ”.

The Minister for Education: To move –

Page 12, lines 7 and 8 — To delete the lines.

Clause 18.

The Minister for Education: To move –

Page 12, lines 21 and 22 — To delete “if the person —” and substitute:

“ if — ”.

The Minister for Education: To move –

Page 12, lines 23 to 27 — To delete the lines and substitute:

“

(a) the person —

(i) does not intend to teach in an educational venue for a period of time; and

(ii) holds full registration or provisional registration;

or

(b) the person intends to teach in an educational venue and meets the requirements for —

(i) full registration as set out in section 15, other than the requirement regarding professional standards set out in paragraph (b) of that section; or

(ii) provisional registration as set out in section 16, other than the requirement regarding professional standards set out in paragraph (b) of that section.

”.

Clause 21.

The Minister for Education: To move –

Page 13, line 23 — To delete “registration of” and substitute:

“ registration in ”.

Clause 24.

The Minister for Education: To move –

Page 16, line 6 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –
Page 16, line 16 — To delete “other” and substitute:

“ any ”.

Clause 27.

The Minister for Education: To move –
Page 17, lines 25 to 29 — To delete the lines and substitute:

“

- (a) the teacher has been convicted or found guilty of a sexual offence involving a child; or

”.

The Minister for Education: To move –
Page 18, lines 1 to 8 — To delete the lines and substitute:

“

- (b) a negative notice or an interim negative notice has been issued to the teacher under the *Working with Children (Criminal Record Checking) Act 2004*; or

”.

The Minister for Education: To move –
Page 18, line 20 — To delete “section” and substitute:

“ section, or if the registration has been cancelled must be reinstated by the Board, ”.

The Minister for Education: To move –
Page 18, line 21 — To insert after “applies,”:

“ the Board becomes aware that ”.

The Minister for Education: To move –
Page 18, line 24 — To insert after “applies,”:

“ the Board becomes aware that ”.

The Minister for Education: To move –
Page 18, line 25 — To delete “is no longer current” and substitute:

“ has been cancelled ”.

The Minister for Education: To move –
Page 19, line 3 — To insert after “cancellation”:

“ or reinstatement ”.

The Minister for Education: To move –

Page 19, line 5 — To insert after “cancellation”:

“ or reinstatement ”.

Clause 29.

The Minister for Education: To move –

Page 19, line 22 — To delete “registration granted;” and substitute:

“ registration; ”.

The Minister for Education: To move –

Page 19, line 23 — To delete “for which registration is granted;” and substitute:

“ of the registration; ”.

Clause 31.

The Minister for Education: To move –

Page 20, line 22 — To insert after “cancellation”:

“ or reinstatement ”.

The Minister for Education: To move –

Page 20, line 24 — To insert after “cancel”:

“ or reinstate ”.

The Minister for Education: To move –

Page 20, line 25 — To delete “cancelled; and” and substitute:

“ cancelled or reinstated; and ”.

The Minister for Education: To move –

Page 20, line 26 — To delete “held” and substitute:

“ holds, or held, ”.

The Minister for Education: To move –

Page 20, line 30 — To delete “cancelled; and” and substitute:

“ cancelled or reinstated; and ”.

The Minister for Education: To move –

Page 21, line 1 — To insert after “cancellation”:

“ or reinstatement ”.

The Minister for Education: To move –
Page 21, line 2 — To insert before “a statement”:

“ if the notice is about the cancellation of registration, ”.

The Minister for Education: To move –
Page 21, line 2 — To delete “applicant” and substitute:

“ person whose registration is cancelled ”.

Clause 32.
The Minister for Education: To move –
Page 21, lines 10 and 11 — To delete the lines.

Clause 34.
The Minister for Education: To move –
Page 21, line 27 — To delete “suspension.” and substitute:

“ suspension, other than for the purposes of Part 4. ”.

Clause 37.
The Minister for Education: To move –
Page 22, line 28 to page 23 line 1 — To delete “registered teachers, employers of registered teachers and principals,” and substitute:

“ any of the following persons, ”.

The Minister for Education: To move –
Page 23, line 2 — To delete “appropriate.” and substitute:

“

appropriate —

- (a) registered teachers, employers of registered teachers and principals;
- (b) such other persons, if any, as are prescribed.

”.

The Minister for Education: To move –
Page 23, line 6 — To insert after “person”:

“

to whom register information may be made available for inspection under this section

”.

The Minister for Education: To move –

Page 23, lines 7 to 8 — To delete “the register or a particular entry in the register.” and substitute:

“ all or some of that information. ”.

Clause 38.

The Minister for Education: To move –

Page 24, lines 6 to 8 — To delete “if the teacher, or a person who is or was an employer of the teacher, is — ” and substitute:

“ if — ”.

The Minister for Education: To move –

Page 24, line 9 — To insert before “ordered”:

“ the teacher, or a person who is or was an employer of the teacher, is ”.

The Minister for Education: To move –

Page 24, line 13 — To insert before “convicted”:

“ the teacher is ”.

The Minister for Education: To move –

Page 24, line 15 — To delete “in writing to the Board”.

Clause 39.

The Minister for Education: To move –

Page 24, line 24 — To delete “in writing to the Board”.

Clause 40.

The Minister for Education: To move –

Page 25, lines 2 and 3 — To delete “a current assessment notice is cancelled, or”.

The Minister for Education: To move –

Page 25, line 6 — To delete “in writing to the Board”.

The Minister for Education: To move –

Page 25, line 8 — To delete “issued, or written notice of the cancellation is given.” and substitute:

“ issued. ”.

Clause 41.

The Minister for Education: To move –

Page 25, line 15 — To insert after “to give”:

“ written ”.

The Minister for Education: To move –
Page 25, line 20 — To delete “court for” and substitute:

“ court for, ”.

The Minister for Education: To move –
Page 25, line 31 — To delete “in writing to the Board”.

Heading to Part 5.

The Minister for Education: To move –
Page 28, line 1 — To delete “**Discipline**” and substitute:

“ **Disciplinary** ”.

Clause 46.

The Minister for Education: To move –
Page 28, line 24 — To delete “means that — ” and substitute:

“ means — ”.

The Minister for Education: To move –
Page 28, after line 24 — To insert:

“

- (a) an offence that, on conviction, would result in the person charged being a child sex offender; or

”.

The Minister for Education: To move –
Page 28, line 25 — To delete “the sexual offence was” and substitute:

“ a sexual offence ”.

The Minister for Education: To move –
Page 28, line 27 — To delete “the sexual offence was” and substitute:

“ a sexual offence ”.

The Minister for Education: To move –
Page 29, lines 1 to 3 — To delete the lines and substitute:

“

- (c) an offence the commission of which used or involved material the production of which involved a sexual offence against or in respect of a child;

”.

Clause 49.

The Minister for Education: To move –

Page 30, line 4 — To delete “a committee” and substitute:

“ one or more committees ”.

The Minister for Education: To move –

Page 30, lines 4 and 5 — To delete “the disciplinary committee.” and substitute:

“ disciplinary committees. ”.

The Minister for Education: To move –

Page 30, line 8 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

The Minister for Education: To move –

Page 30, line 14 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 30, line 16 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

The Minister for Education: To move –

Page 30, line 19 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 30, line 21 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

The Minister for Education: To move –

Page 30, line 26 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 31, line 1 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

Clause 51.

The Minister for Education: To move –

Page 32, lines 18 and 19 — To delete “person under Part 4 Division 2; or” and substitute:

“ person; or ”.

Clause 53.

The Minister for Education: To move –

Page 34, line 2 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 55.

The Minister for Education: To move –

Page 34, line 27 — To delete “the other” and substitute:

“ another ”.

Clause 57.

The Minister for Education: To move –

Page 35, line 18 — To delete “is not under a duty to deal with” and substitute:

“ may reject ”.

The Minister for Education: To move –

Page 35, line 23 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 58.

The Minister for Education: To move –

Page 36, line 3 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 36, line 5 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 36, line 11 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 36, lines 18 to 20 — To delete the lines and substitute:

“

(a) on the day —

(i) on which notice of the order is given to the person who is bound by the order; or

(ii) on a later day specified in the order;

and

(b) whether or not the person to whom it is given has had an opportunity to make representations to the Board.

”.

Clause 59.

The Minister for Education: To move –

Page 36, line 23 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 36, lines 26 and 27 — To delete “or more”.

Clause 60.

The Minister for Education: To move –

Page 37, line 3 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 37, line 4 — To delete “charged — ” and substitute:

“ charged ”.

The Minister for Education: To move –

Page 37, lines 5 to 7 — To delete the lines and substitute:

“ with a sexual offence involving a child ”.

The Minister for Education: To move –

Page 37, line 8 — To delete “or both”.

Clause 61.

The Minister for Education: To move –

Page 37, line 15 — To delete “making” and substitute:

“ the making of ”.

Clause 62.

The Minister for Education: To move –

Page 38, line 5 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

Clause 63.

The Minister for Education: To move –

Page 38, line 28 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 39, lines 1 and 2 — To delete “the exercise of power by the disciplinary committee” and substitute:

“ a disciplinary committee conducting an inquiry ”.

Clause 64.

The Minister for Education: To move –

Page 39, line 4 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 39, lines 6 and 7 — To delete “and proper” and substitute:

“ and a proper ”.

Clause 65.

The Minister for Education: To move –

Page 39, line 13 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 66.

The Minister for Education: To move –

Page 39, line 26 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 67.

The Minister for Education: To move –

Page 40, line 9 — To insert before “be represented”:

“ with the leave of a disciplinary committee, ”.

The Minister for Education: To move –

Page 40, lines 10 to 12 — To delete “practitioner (within the meaning of that term in the *Legal Profession Act 2008* section 3) is authorised — ” and substitute:

“

practitioner, within the meaning of that term in the *Legal Profession Act 2008* section 3, does not breach that Act, or any other Act merely by —

”.

The Minister for Education: To move –

Page 40, line 13 — To delete the line and substitute:

“

(a) representing a party before an inquiry; or

”.

The Minister for Education: To move –

Page 40, line 14 — To delete “to provide” and substitute:

“ providing ”.

Clause 68.

The Minister for Education: To move –

Page 40, lines 17 and 18 — To delete “the disciplinary committee may —” and substitute:

“ a disciplinary committee may do one or more of the following — ”.

The Minister for Education: To move –

Page 40, line 22 — To delete “or”.

The Minister for Education: To move –

Page 40, line 27 — To delete “or”.

The Minister for Education: To move –

Page 41, line 5 — To delete “or”.

The Minister for Education: To move –

Page 41, line 10 — To delete “or”.

The Minister for Education: To move –

Page 41, line 11 — To delete “or”.

The Minister for Education: To move –

Page 41, line 13 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

The Minister for Education: To move –

Page 41, line 18 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

Clause 69.

The Minister for Education: To move –

Page 41, line 24 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

The Minister for Education: To move –

Page 41, line 25 — To delete “inquiry.” and substitute:

“ inquiry conducted by the committee. ”.

Clause 70.

The Minister for Education: To move –

Page 42, line 2 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 42, line 3 — To insert after “one”:

“ or more ”.

The Minister for Education: To move –

Page 42, line 12 — To delete “condition” and substitute:

“ condition, or conditions, ”.

The Minister for Education: To move –

Page 42, line 13 — To delete “condition” and substitute:

“ condition, or conditions, ”.

The Minister for Education: To move –

Page 42, line 22 — To delete “The disciplinary” and substitute:

“ A disciplinary ”.

Clause 72.

The Minister for Education: To move –

Page 43, line 19 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 43, line 20 — To delete “the committee;” and substitute:

“ a disciplinary committee; ”.

Clause 75.

The Minister for Education: To move –

Page 44, lines 27 and 28 — To delete “and proper” and substitute:

“ and a proper ”.

Clause 78.

The Minister for Education: To move –

Page 46, line 23 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 80.

The Minister for Education: To move –

Page 47, line 21 — To delete “section 78” and substitute:

“ section 78(1)(f) ”.

Clause 83.

The Minister for Education: To move –

Page 49, line 6 — To delete “the recommendation of the” and substitute:

“ its own initiative or on the recommendation of a ”.

Clause 84.

The Minister for Education: To move –

Page 49, lines 21 and 22 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 49, line 24 — To delete “or”.

The Minister for Education: To move –

Page 50, lines 3 and 4 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

The Minister for Education: To move –

Page 50, line 5 — To delete “or”.

The Minister for Education: To move –

Page 50, line 7 — To delete “teacher.” and substitute:

“

teacher;

- (iii) if an order is made under subparagraph (ii), order that the person is disqualified from applying for registration as a teacher for a period of time specified in the order.

”.

The Minister for Education: To move –

Page 50, after line 7 — To insert:

“

- (2) If, in a proceeding commenced by a referral under this Act, the State Administrative Tribunal finds that an impairment matter exists in relation to a teacher the Tribunal may do one or more of the following —

- (a) dismiss the complaint;
- (b) order that the registration of the teacher be suspended for a period, not exceeding 2 years, as is specified in the order;
- (c) order that a condition, or conditions, be imposed on the registration of the teacher, or order that an existing condition, or conditions, be modified;
- (d) order that the teacher undergoes counselling or medical treatment or acts in accordance with medical advice given to the teacher;
- (e) order the cancellation of the person’s registration as a teacher;
- (f) if an order is made under paragraph (e), order that the person is disqualified from applying for registration as a teacher for a period of time specified in the order.

”.

Clause 85.

The Minister for Education: To move –

Page 50, line 21 — To delete the line.

The Minister for Education: To move –

Page 50, line 22 — To insert before “a decision”:

“ an order or ”.

The Minister for Education: To move –

Page 50, line 24 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 87.

The Minister for Education: To move –

Page 52, line 9 — To delete “least one member is to be a lawyer.” and substitute:

“

least —

- (a) one member is to be a lawyer; and
- (b) 3 members are to be registered teachers.

”.

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).

”.

Clause 89.

The Minister for Education: To move –

Page 53, line 2 — To delete “teacher education” and substitute:

“ initial teacher education programmes ”.

The Minister for Education: To move –

Page 53, lines 4 to 6 — To delete the lines and substitute:

“

- (c) to work with, and join associations of, teacher regulatory authorities (however described) of other States or Territories or New Zealand —
 - (i) to establish such an accreditation scheme; and
 - (ii) generally, to participate in, and contribute to, debate and activities relating to teaching and teachers;

”.

The Minister for Education: To move –

Page 53, line 7 — To delete “facilitate and assist in the administration of” and substitute:

“ implement and administer for Western Australia ”.

The Minister for Education: To move –

Page 53, line 8 — To delete “teacher education” and substitute:

“ initial teacher education programmes ”.

Clause 91.

The Minister for Education: To move –

Page 53, line 29 — To delete “an agent.” and substitute:

“

a member of staff provided to the Board by the CEO under this Act or a person representing the Board.

”.

Clause 93.

The Minister for Education: To move –

Page 54, line 17 — To delete “The copy” and substitute:

“ A copy ”.

Clause 100.

The Minister for Education: To move –

Page 58, line 9 — To delete “constitutes” and substitute:

“ constitute ”.

Clause 105.

The Minister for Education: To move –

Page 59, line 8 — To delete “half of the number of” and substitute:

“ 5 ”.

Clause 107.

The Minister for Education: To move –

Page 60, line 4 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 114.

The Minister for Education: To move –

Page 62, line 27 to page 63, line 2 — To delete the lines and substitute:

“ to include the report of the Board under subsection (1). ”.

Clause 118.

The Minister for Education: To move –

Page 65, lines 26 and 27 — To delete “the disciplinary” and substitute:

“ of a disciplinary ”.

The Minister for Education: To move –

Page 65, line 30 — To delete “or”.

Clause 124.

The Minister for Education: To move –

Page 68, after line 25 — To insert:

“

(b) an applicant for registration as a teacher; or

”.

The Minister for Education: To move –

Page 69, lines 7 to 9 — To delete “under section 26 when granting or renewing an application by the person for registration; or” and substitute:

“

on the person’s registration under section 26 when granting or renewing that registration; or

”.

The Minister for Education: To move –

Page 69, line 15 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 128.

The Minister for Education: To move –

Page 71, line 27 — To insert after “regulating”:

“ applications and ”.

The Minister for Education: To move –
Page 71, after line 29 — To insert:

“

- (iii) the provision of information about eligibility for registration;
- (e) implementing and administering an accreditation scheme for initial teacher education programmes including —
 - (i) the grant and cancellation of accreditation, including conditions on accreditation and the duration of accreditation;
 - (ii) eligibility criteria for accreditation;
 - (iii) the fees to be paid for accreditation, and in relation to the accreditation scheme, and the person liable for the payment of any fee;
 - (iv) providing for accreditation panels, including the functions and powers of accreditation panels;
 - (v) the role of the Board and other bodies, including any accreditation panel or panels, in the accreditation scheme;
 - (vi) the review of accreditation decisions;
 - (vii) anything supplementary or additional for the implementation or administration of the accreditation scheme;

”.

Clause 135.

The Minister for Education: To move –
Page 75, after line 18 — To insert:

“

currently teaching, in relation to an individual, means engaged, employed, appointed or given permission to teach, in an educational venue other than a school, whether or not the individual was actually teaching, immediately before the commencement day;

”.

The Minister for Education: To move –
Page 75, line 21 — To insert after “section 7;”:

“ and ”.

Clause 137.

The Minister for Education: To move –
Page 76, line 17 — To delete “who —” and substitute:

“ who immediately before commencement day — ”.

The Minister for Education: To move –
Page 76, line 21 — To delete “was teaching” and substitute:

“ is currently teaching and has taught ”.

The Minister for Education: To move –

Page 76, lines 22 to 24 — To delete “school, for a period of at least 3 years is to be taken on commencement day to hold full registration.” and substitute:

“

school —

- (a) for a period of at least 3 years is eligible for full registration as a teacher; and
- (b) for a period of less than 3 years is eligible for provisional registration as a teacher.

”.

The Minister for Education: To move –

Page 76, lines 25 to 28 — To delete the lines and substitute:

“

- (3) An individual to whom this section applies who is not currently teaching but has taught at an educational venue other than a school at some time before commencement day is eligible for either full registration or provisional registration as a teacher, as the Board decides is appropriate.
- (4) The Board must, on application made in the manner approved by the Board, register an individual eligible for registration as a teacher under this section unless the Board is satisfied that the person is not a fit and proper person to be a registered teacher.
- (5) An application for registration —
 - (a) by a person eligible for registration under subsection (2) must be made within 18 months after commencement day; or
 - (b) by a person eligible for registration under subsection (3) must be made within 24 months after commencement day, or such later time as the Board may allow having regard to the circumstances of a particular case.
- (6) Part 2 does not apply to, or in respect of, an individual to whom this section applies until whichever is the earlier of the following —
 - (a) the expiration of the period during which the individual could apply for registration under this section;
 - (b) if the individual has made an application for registration under this section, when that application is dealt with by the Board.
- (7) An individual to whom this section applies who is aggrieved by a decision of the Board under this section may apply to the State Administrative Tribunal for a review of the decision.

”.

Clause 146.

The Minister for Education: To move –

Page 80, line 10 — To delete “continue under the direction and control of the Board.” and substitute:

“ be dealt with under this Act. ”.

Clause 147.

The Minister for Education: To move –

Page 80, line 15 — To delete “the disciplinary” and substitute:

“ a disciplinary ”.

Clause 155.

The Minister for Education: To move –

Page 83, after line 8 — To insert:

“

(1) In section 15(2):

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

information.

(b) delete paragraph (c).

”.

The Minister for Education: To move –

Page 83, line 9 — To delete “(2)(c) and”.

Clause 165.

The Minister for Education: To oppose the clause.

New clause 165.

The Minister for Education: To move –

Page 86, after line 20 — To insert:

“

165. *Oaths, Affidavits and Statutory Declarations Act 2005* amended

(1) This section amends the *Oaths, Affidavits and Statutory Declarations Act 2005*.

(2) In Schedule 2 delete item 42 and insert:

42. A person registered under the *Teacher Registration Act 2011*. Registered teacher

”.

New clause 170.

The Minister for Education: To move –

Page 88, after line 5 — To insert:

“

170. *State Administrative Tribunal Act 2004* amended

- (1) This section amends the *State Administrative Tribunal Act 2004*.
- (2) In Schedule 1 insert in alphabetical order:

Teacher Registration Act 2011

”.

Long title.

The Minister for Education: To move –

Page 1, third bullet point — To delete “**establishment**” and substitute:

“ **establishment, implementation** ”.

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

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

”
.

PETER J. MCHUGH

Clerk of the Legislative Assembly