

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 232

TUESDAY, 23 OCTOBER 2012, 2.00 p.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

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

**Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.*

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **Disability Services Amendment Bill 2012** (Deputy Premier) (LC No. 302)

To be read a first time.

2. **Browse (Land) Agreement Bill 2012** (Premier) (No. 308, 2r. – 20/9/12)

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

3. **Retirement Villages Amendment Bill 2012** (Parliamentary Secretary representing the Minister for Small Business) (LC No. 287, 2r. – 27/9/12)

Second reading. Adjourned debate (Mr J.M. Francis).

4. **Dangerous Sexual Offenders Amendment Bill 2012** (Minister for Corrective Services) (No. 310, 2r. – 17/10/12)

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

5. **Building Amendment Bill 2012** (Treasurer) (LC No. 304, 2r. 16/10/12)

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

6. **School Education Amendment Bill 2012** (Minister for Planning) (LC No. 315, 2r. – 17/10/12)

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

- 7. Sentencing Amendment Bill 2012** (Minister for Planning) (LC No. 295, 2r. – 27/9/12)
Second reading. Adjourned debate (Ms J.M. Freeman).
- 8. *Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08)
(restored 28/2/12)
Further consideration in detail – Clause 3, as amended.
- 9. Aboriginal Affairs Planning Authority Amendment Bill 2012** (Minister for Training and Workforce Development) (LC No. 314, 2r. – 17/10/12)
Second reading. Adjourned debate (Mr D.A. Templeman).
- 10. Loan Bill 2012** (Treasurer) (No. 277, 2r. – 15/8/12)
Second reading. Adjourned debate (Mr J.N. Hyde – continuation of remarks).
- 11. *Local Government Amendment Bill (No. 2) 2012** (Minister for Local Government) (No. 301, 2r. – 15/8/12)
Second reading. Adjourned debate (Mr D.A. Templeman).
- 12. Wills Amendment (International Wills) Bill 2012** (Minister for Planning) (LC No. 269, 2r. – 16/8/12)
Second reading. Adjourned debate (Ms R. Saffioti).
- 13. Inheritance (Family and Dependants Provision) Amendment Bill 2012** (Minister for Planning) (LC No. 271, 2r. – 14/8/12)
Second reading. Adjourned debate (Mr D.A. Templeman).
- 14. Workers' Compensation and Injury Management Amendment (Jockeys) Bill 2012** (Minister for Transport) (LC No. 296, 2r. – 26/9/12)
Second reading. Adjourned debate (Mr J.N. Hyde).
- 15. *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012** (Minister for Planning) (No. 266, 2r. – 27/3/12)
Consideration in detail of Legislative Council Message No. 232.
- 16. *Criminal Organisations Control Bill 2011** (Minister for Planning) (No. 230, 2r. – 23/11/11)
Consideration in detail of Legislative Council Message No. 213.
- 17. Mining Amendment Bill 2012** (Premier) (LC No. 294, 2r. – 25/9/12)
Second reading. Adjourned debate (Mr D.A. Templeman).
- 18. *Prostitution Bill 2011** (Minister for Planning) (No. 218, 2r. – 3/11/11)
Second reading. Adjourned debate (Mr D.A. Templeman).
- 19. *Corruption and Crime Commission Amendment Bill 2012** (Premier) (No. 275, 2r. – 21/6/12)
Second reading. Adjourned debate (Leader of the House).
- 20. Appropriation (Consolidated Account) Recurrent 2010–11 (Supplementary) Bill 2011** (Treasurer) (No. 258, 2r. – 1/12/11)
‡**Appropriation (Consolidated Account) Capital 2010–11 (Supplementary) Bill 2011** (Treasurer) (No. 257, 2r. – 1/12/11)
Second reading. Adjourned debate (Leader of the House).
- 21. 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.
- 22. Criminal Investigation (Identifying People) Amendment Bill 2012** (Minister for Police) (No. 262, 2r. – 28/2/12)
Second reading. Adjourned debate (Mr M. McGowan).
- 23. *Joint Standing Committee on Delegated Legislation** (Leader of the House)
Consideration in detail of Legislative Council Message No. 200.

24. *Dog Amendment Bill 2012 (Minister for Local Government) (No. 292, 2r. – 14/8/12)

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

25. Queen Elizabeth II Medical Centre Amendment Bill 2012 (Minister for Health) (No. 291, 2r. – 13/9/12)

Second reading. Adjourned debate (Mr J.R. Quigley).

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

Consideration in detail of Legislative Council Message No. 248.

27. *Criminal Investigation (Covert Powers) Bill 2011 (Minister for Police) (No. 210, 2r. – 18/8/11)

Consideration in detail of Legislative Council Message No. 245.

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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Referral to Community Development and Justice Standing Committee – Detention of Mr Marlon Noble (Notice given – 29/11/11) (renewed – 19/6/12)

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. Gngangara Sustainability Strategy (Notice given – 28/2/12) (renewed – 14/8/12)

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.

9. Minister for Local Government (Notice given – 16/8/12)

Mr J.N. Hyde: To move –

That this House –

- (1) condemns the Minister for Local Government for deliberately misleading the Assembly in Question on Notice No. 8160 by refusing to detail funding allocated to each grant or subsidy and referring Parliament to the Department's 2010–2011 Annual Report when the Minister knew, or should have known, that the Annual Report does not contain details on every grant or subsidy; and
- (2) calls on the Minister to transparently reveal to the Parliament exactly how and where he has allocated grants from the Budget which Parliament has approved.

10. Response by the Attorney General to Committee Report (Notice given – 20/3/12)
(renewed – 11/9/12)

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. Heritage Buildings (Notice given – 13/9/12)

Mr J.N. Hyde: To move –

That this House condemns the Barnett Government for failing to empower the Heritage Council to have any effect on the Government's destruction of the Florence Hummerston kiosk change-rooms, the integrity of Perth Oval façade and the continuing deterioration of the art deco Highgate sewerage tower and Perth Girls School.

12. Police and Community Youth Centres (Notice given – 25/9/12)

Mrs M.H. Roberts: To move –

That this House notes:

- (1) that the Premier misled the House when he advised that police officers would not be removed from PCYC's; and
- (2) the important role that police officers have traditionally fulfilled at PCYC's in terms of prevention and early intervention.

13. Adoption of Procedure and Privileges Committee Recommendations (Notice given – 28/3/12) (renewed – 26/9/12)

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.

14. Referral to Community Development and Justice Standing Committee – Local Government Standards Panel (Notice given – 27/9/12)

Mr J.N. Hyde: To move –

That this House refers to the Community Development and Justice Standing Committee an Inquiry with the following terms of reference –

In relation to the Local Government Standards Panel and the *Local Government Act 1995*, the Committee will examine:

- (1) The efficacy and independence of the Local Government Standards Panel; and
- (2) The relevance and effectiveness of declarations of interest in the current Local Government Act including but not limited to advice prepared and given by the Department of Local Government and the Minister.

15. Section 11 of the *Heritage of Western Australia Act 1990* (Notice given – 2/5/12) (renewed – 17/10/12)

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.

16. National Regional Arts Conference Funding (Notice given – 2/5/12) (renewed – 17/10/12)

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.

17. Overdue Rates (Notice given – 2/5/12) (renewed – 17/10/12)

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.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. 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).

2. 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).

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. Skilled Jobs (Benefits from the Boom) Bill 2012 (Mr P.C. Tinley) (No. 285, 2r. – 13/6/12)

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

9. Apprenticeships and Traineeships (Moved – 13/6/12)

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

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

10. Perth Theatre Trust Amendment Bill 2011 (Mr J.N. Hyde) (No. 209, 1r. – 25/5/11) (restored – 19/6/12)

To be read a second time.

11. Mental Health Amendment Bill 2012 (Mr M.P. Whitely) (No. 289, 2r. – 20/6/12)

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

12. Aboriginal Intestate Estates Legislation Amendment Bill 2012 (Mr B.S. Wyatt) (No. 290, 2r. – 20/6/12)

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

13. *Local Government Amendment (Regional Subsidiaries) Bill 2010 (Mr J.N. Hyde) (LC No. 184, 2r. – 20/6/12)

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

14. Equal Opportunity Amendment Bill 2011 (Mr J.N. Hyde) (No. 212, 1r. – 22/6/11) (restored – 8/8/12)

To be read a second time.

15. Electoral Amendment (Publicly Funded Advertising) Bill 2012 (Mr B.S. Wyatt) (No. 299, 2r. – 15/8/12)

Second reading. Adjourned debate (Mr A.P. Jacob).

16. Local Government Amalgamations (Moved – 2/5/12) (last debated 12/9/12)

Adjourned debate (Mr C.J. Tallentire – 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. Workers' Compensation and Injury Management (Fair Protection for Firefighters) Amendment Bill 2012 (Ms M.M. Quirk) (No. 264, 2r. – 29/2/12) (last debated 19/9/12)

Second reading. Adjourned debate (Ms J.M. Freeman – continuation of remarks).

18. Criminal Code Amendment (Domestic Violence) Bill 2012 (Mr M. McGowan) (No. 313, 2r. – 26/9/12)

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

19. Privatisation of Public Hospitals (Moved – 17/10/12)

Adjourned debate (Dr G.G. Jacobs – continuation of remarks) on the motion moved by Mr R.H. Cook –

That this House expresses its concern over the impact of privatisation of public hospitals and calls on the Barnett Government to immediately abandon its privatisation policies.

20. Liquor Control Amendment Bill 2011 (Dr J.M. Woollard) (No. 233, 2r. – 28/9/11) (restored 18/10/12)

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

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission: Inquiry into how the Corruption and Crime Commission deals with allegations and notifications of WA Police misconduct	15 November 2012
Community Development and Justice Standing Committee: Inquiry into the preparedness of relevant State Government agencies and community organisations for this year's fire season	15 November 2012
Education and Health Standing Committee: Inquiry into improving educational outcomes for Western Australians of all ages	30 November 2012

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 – Discontinuance of Contempt Proceedings against Members of the Coffin Cheaters Motorcycle Club	Minister representing the Attorney General	14 September 2012 [non-compliance reported 19 September 2012]
Joint Standing Committee on the Corruption and Crime Commission – Proceeds of Crime and Unexplained Wealth: A Role for the Corruption and Crime Commission?	Minister representing the Attorney General	7 November 2012
Economics and Industry Standing Committee – Inquiry into the 2011 Kimberley Ultramarathon	Minister for Tourism, Minister for Health, Minister for Police, Minister for Emergency Services, Minister for Regional Development and Lands, Minister for Environment, Minister for Sport and Recreation, Minister representing the Attorney General	16 November 2012
Education and Health Standing Committee – Foetal Alcohol Spectrum Disorder: The Invisible Disability	Premier, Minister for Health, Minister representing the Attorney General, Parliamentary Secretary representing the Minister for Disability Services, Minister for Racing and Gaming	20 December 2012

<i>Committee Report</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Community Development and Justice Standing Committee – The Toll of Trauma on Western Australian Emergency Staff and Volunteers	Premier, Parliamentary Secretary representing the Minister for Child Protection, Minister for Emergency Services, Minister for Environment, Minister for Health, Minister for Police	27 December 2012
Education and Health Standing Committee – The Role of ICT in Western Australian Education: Living and Working in a Digital World	Premier, Treasurer, Minister representing the Minister for Education	27 December 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

Community Protection (Offender Reporting) Amendment Bill 2011 (No. 235—2)

Legislative Council Message No. 248.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Community Protection (Offender Reporting) Amendment 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 Community Protection (Offender Reporting) Amendment Bill 2011

No. 1

Page 12, lines 27 and 28 — To delete “form of identification or other document,” and insert —

identification documents,

No. 2

Page 12, lines 30 and 31 — To delete the lines and insert —

required by subsection (2A);

No. 3

Page 13, after line 2 — To insert —

(2) Delete section 38(1)(c) and insert:

- (c) if not the reportable offender — present for inspection —
 - (i) any passport that the person holds; or
 - (ii) if the person does not hold a passport — the identification documents, relating to the identity of the person making the report, required by subsection (2A).

(3) After section 38(1) insert:

- (2A) For the purposes of subsection (1)(a)(ii) and (c)(ii), the identification documents required are —
 - (a) any one of the following —
 - (i) a current driver’s licence that displays a photograph or digital image of the licence holder;

- (ii) an Australian naturalisation or citizenship document;
 - (iii) an original birth certificate or a certified copy, or certified extract, of a birth certificate;
 - (iv) a form of identification or document prescribed for the purposes of this paragraph;
- and
- (b) any one of the following —
 - (i) a current signed credit or debit card, a passbook or a statement of account issued by a bank, building society or credit union;
 - (ii) a current Medicare card;
 - (iii) a gas, water, electricity or telephone account issued within 12 months before the report is made;
 - (iv) a notice of rates from a local government (however described) or a notice of water service charges or land valuation;
 - (v) a pensioner concession card, a Commonwealth seniors health card, an entitlement card issued under the *Veterans' Entitlements Act 1986* (Commonwealth) or another entitlement card issued by the Commonwealth government or a State or Territory government;
 - (vi) a lease or rental agreement;
 - (vii) a motor vehicle registration notice or certificate;
 - (viii) a renewal notice for a home building or contents, or a motor vehicle, policy of insurance;
 - (ix) a student identity card or a certificate or statement of enrolment from an educational institution;
 - (x) an electoral enrolment card or other evidence of electoral enrolment;
 - (xi) a form of identification or document prescribed for the purposes of this paragraph.

(2B) A form of identification or other document is not valid for the purposes of subsection (2A)(b)(iv) to (xi) unless it was issued or entered into, as the case requires, within 2 years before the report is made.

(2C) Except as stated in subsection (2A)(a)(iii), a form of identification or other document is not valid for the purposes of subsection (2A) unless it is an original.

Corruption and Crime Commission Amendment Bill 2012 (No. 275-1)

New clause 8A.

Mr J. Hyde: To move —

Page 6, after line 4 — To insert:

“

8A. Section 10 amended

Delete section 10(3).

”.

Clause 131.

Mr J.N. Hyde: To move –

Page 120, after line 8 – To insert:

“

131A. Section 216A amended

(1) After section 216A(2) insert:

“

- (3A) Upon the prorogation of the Parliament of Western Australia or the dissolution of the Legislative Assembly (whichever occurs first), the Joint Standing Committee on the Corruption and Crime Commission (in this section called the “former Committee”) shall be replaced by a body which:
- (a) shall be in existence until the commencement of the next Parliament;
 - (b) shall also be called the Joint Standing Committee on the Corruption and Crime Commission;
 - (c) shall, subject to subsection (3B), consist of the same members as comprised the former Committee; and
 - (d) shall have and exercise the same powers, functions, privileges and immunities of the former Committee as if the Legislative Assembly had not been dissolved or the Parliament had not been prorogued (as the case may be).
- (3B) A member under subsection (3A) continues to be a member of the body until whichever of the following occurs first:
- (a) the body ceases to exist upon the commencement of the new Parliament;
 - (b) the member resigns;
 - (c) the member dies;
 - (d) in the case of a member from the Legislative Assembly – the returning officer for the electoral district in which the member was nominated as a candidate for the election notifies the Electoral Commission that a person other than the member has been elected for the electoral district;
 - (e) in the case of a member from the Legislative Assembly – the member is replaced by a resolution of the House; or
 - (f) in the case of a member from the Legislative Council – the member is replaced by a resolution of the Legislative Council.
- (3C) If a member stops being a member of the body under subsection (3B), the person recognised as the leader of the political party to which the member belonged, may appoint another person as a member of the body until the commencement of the new Parliament.

”.

(2) Delete section 216A(3).

”.

Criminal Investigation (Covert Powers) Bill 2011 (No. 210—2)

Legislative Council Message No. 245.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Investigation (Covert Powers) 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 Criminal Investigation (Covert Powers) Bill 2011

No. 1

Page 2, after line 14 — To insert —

authorising officer, for a law enforcement agency, means —

- (a) in relation to the Police Force or the fisheries department — the Commissioner of Police;
- (b) in relation to the Australian Crime Commission — the Chief Executive Officer of the Australian Crime Commission;

No. 2

Page 2, line 15 — To delete the line and insert —

chief officer, of a law enforcement agency, means —

No. 3

Page 5, after line 28 — To insert —

Corruption and Crime Commission means the Corruption and Crime Commission established under the *Corruption and Crime Commission Act 2003*;

No. 4

Page 6, lines 12 to 14 — To delete the lines.

No. 5

Page 6, lines 26 and 27 — To delete the lines and insert —

- (b) an offence not covered by paragraph (a) that is prescribed for the purposes of this definition, being an offence under any of the following Acts —
 - (i) the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*;
 - (ii) *The Criminal Code*;
 - (iii) the *Firearms Act 1973*;
 - (iv) the *Fish Resources Management Act 1994*;

- (v) the *Misuse of Drugs Act 1981*;
- (vi) the *Prostitution Act 2000*;
- (vii) the *Weapons Act 1999*;

No. 6

Page 8, line 19 — To delete “chief officer of” and insert —

authorising officer for

No. 7

Page 9, line 2 — To delete “chief” and insert —

authorising

No. 8

Page 9, line 14 — To delete “chief” and insert —

authorising

No. 9

Page 9, line 21 — To delete “chief” and insert —

authorising

No. 10

Page 9, line 23 — To delete “chief” and insert —

authorising

No. 11

Page 9, line 27 — To delete “chief” and insert —

authorising

No. 12

Page 10, line 4 — To delete “chief” and insert —

authorising

No. 13

Page 10, line 10 — To delete “chief” and insert —

authorising

No. 14

Page 10, line 33 — To insert after “have” —

been

No. 15

Page 11, line 11 — To delete “chief” and insert —

authorising

No. 16

Page 11, line 15 — To delete “chief” and insert —

authorising

No. 17

Page 11, line 20 — To delete “chief” and insert —

authorising

No. 18

Page 11, line 27 — To delete “chief” and insert —

authorising

No. 19

Page 12, line 12 — To delete “chief” and insert —

authorising

No. 20

Page 12, line 23 — To delete “chief” and insert —

authorising

No. 21

Page 12, line 27 — To delete “chief” and insert —

authorising

No. 22

Page 13, line 18 — To delete “be” and insert —

be, or is likely to be,

No. 23

Page 14, lines 28 to 30 — To delete the lines and insert —

- (8) The authorising officer must, as soon as practicable after granting an urgent authority, make a record in writing of the particulars referred to in subsection (6) relating to the authority.

No. 24

Page 15, line 6 — To delete “chief” and insert —

authorising

No. 25

Page 15, line 7 — To delete “chief” and insert —

authorising

No. 26

Page 15, line 11 — To delete “chief” and insert —

authorising

No. 27

Page 15, line 16 — To delete “chief” and insert —

authorising

No. 28

Page 16, line 4 — To delete “chief” and insert —

authorising

No. 29

Page 16, line 30 — To delete “chief” and insert —

authorising

No. 30

Page 17, line 5 — To delete “chief” and insert —

authorising

No. 31

Page 17, line 7 — To delete “chief” and insert —

authorising

No. 32

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

authorising

No. 33

Page 17, line 15 — To delete “chief” and insert —

authorising

No. 34

Page 17, line 24 — To delete “chief” and insert —

authorising

No. 35

Page 18, line 11 — To delete “chief” and insert —

authorising

No. 36

Page 19, lines 16 to 18 — To delete the lines and insert —

- (6) The authorising officer must, as soon as practicable after making an urgent variation of authority, make a record in writing of the particulars referred to in subsection (5) relating to the variation of authority.

No. 37

Page 19, line 20 — To delete “chief” and insert —

authorising

No. 38

Page 19, line 23 — To delete “chief” and insert —

authorising

No. 39

Page 20, line 17 — To delete “jurisdictions specified in the authority; or” and insert —

jurisdictions; or

No. 40

Page 20, lines 18 and 19 — To delete “jurisdictions specified in the authority,” and insert —

jurisdictions,

No. 41

Page 21, line 7 — To insert after “hours” —

(or any longer period that the authorising officer may, in exceptional circumstances, allow)

No. 42

Page 21, line 8 — To delete “chief” and insert —

authorising

No. 43

Page 21, line 11 — To delete “chief” and insert —

authorising

No. 44

Page 21, line 12 — To delete “chief” and insert —

authorising

No. 45

Page 21, line 14 — To delete “chief” and insert —

authorising

No. 46

Page 21, line 17 — To delete “chief” and insert —

authorising

No. 47

Page 21, line 22 — To delete “chief” and insert —

authorising

No. 48

Page 22, line 30 — To delete “chief” and insert —

authorising

No. 49

Page 23, line 3 — To delete “A chief” and insert —

An authorising

No. 50

Page 23, line 4 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 51

Page 23, line 10 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 52

Page 23, line 10 — To delete “chief” and insert —

authorising

No. 53

Page 23, line 12 — To delete “Parliamentary Commissioner’s” and insert —

Corruption and Crime Commission’s

No. 54

Page 26, line 1 — To delete “chief officer of” and insert —

authorising officer for

No. 55

Page 26, line 8 — To delete “chief” and insert —

authorising

No. 56

Page 28, lines 26 and 27 — To delete “an authorised operation” and insert —

a controlled operation for which an authority is or was in force

No. 57

Page 29, after line 11 — To insert —

- (ca) for the purpose of seeking legal advice; or
- (cb) to a government agency for the purposes of a law enforcement operation conducted by that agency or for intelligence-gathering purposes; or

No. 58

Page 30, after line 8 — To insert —

- (g) details (to the extent known) of any loss of or serious damage to property, or any personal injuries, occurring as an indirect result of the operation;

- (h) information as to whether —
 - (i) in the course of the operation, any participant engaged in unlawful conduct (other than controlled conduct that the participant was authorised to engage in for the purposes of the operation); and
 - (ii) any unlawful conduct (other than controlled conduct) was engaged in during the operation; and
 - (iii) any person is, because of section 31, not criminally responsible for ancillary conduct (as defined in that section); and
 - (iv) any variations were made to an authority for the operation; and
 - (v) any of those variations were to extend the period of validity of the authority; and
 - (vi) any retrospective authority was granted in respect of the operation; and
 - (vii) any urgent authority was granted in respect of the operation; and
 - (viii) any conditions of an authority for the operation were breached.

No. 59

Page 30, line 12 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 60

Page 30, line 18 — To delete “chief officer,” and insert —

authorising officer for the agency,

No. 61

Page 30, line 20 — To delete “chief officer,” and insert —

authorising officer for the agency,

No. 62

Page 30, line 24 — To delete “chief officer; and” and insert —

authorising officer for the agency; and

No. 63

Page 30, lines 25 and 26 — To delete “chief officer; and” and insert —

authorising officer for the agency; and

No. 64

Page 30, line 29 — To delete “chief officer,” and insert —

authorising officer for the agency,

No. 65

Page 31, line 11 — To delete “chief officer” and insert —

authorising officer for the agency

No. 66

Page 31, line 16 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 67

Page 31, line 31 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 68

Page 32, lines 14 to 16 — To delete the lines and insert —

(3) The Minister must —

- (a) exclude information from the report if satisfied on the advice of the chief officer of any of the grounds set out in subsection (2); and

- (b) insert a statement to the effect that information has been excluded from the report under paragraph (a).

No. 69

Page 32, lines 22 and 23 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 70

Page 33, lines 10 and 11 — To delete “chief officer;” and insert —

authorising officer for the agency;

No. 71

Page 35, line 20 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 72

Page 35, lines 25 to 28 — To delete the lines and insert —

- (2) For the purposes of an inspection under this section, the Corruption and Crime Commission —
 - (a) after notifying the chief officer of the law enforcement agency, may enter at any reasonable time premises occupied by the agency; and
 - (b) is entitled to have full and free access at all reasonable times to all records of the law enforcement agency that are relevant to the inspection; and
 - (c) may require a person employed or engaged in the law enforcement agency to give the Corruption and Crime Commission any information that the Corruption and Crime Commission considers necessary, being information that is in the person’s possession, or to which the person has access, and that is relevant to the inspection.
- (2A) The Corruption and Crime Commission may delegate to an officer of the Commission (as defined in the *Corruption and Crime Commission Act 2003* section 3(1)) a power or duty of the Corruption and Crime Commission under this section and, for that purpose, the *Corruption and Crime Commission Act 2003* section 185(3) to (6) apply as if the delegation were a delegation under section 185.

No. 73

Page 35, lines 30 and 31 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 74

Page 35, line 31 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 75

Page 36, line 1 — To delete “Parliamentary Commissioner” and insert —

Corruption and Crime Commission

No. 76

Page 37, lines 3 to 12 — To delete the lines and insert —

senior officer means —

- (a) in relation to an authorising officer or chief officer who is the Commissioner of Police — a police officer of or above the rank of Commander; or
 - (b) in relation to an authorising officer or chief officer who is the Chief Executive Officer of the Australian Crime Commission —
 - (i) an SES employee as defined in the *Australian Crime Commission Act 2002* (Commonwealth) section 4(1); or
 - (ii) a person holding a prescribed office in the Australian Crime Commission;
- or
- (c) in relation to a chief officer who is the chief executive officer of the fisheries department — a fisheries officer holding a prescribed office in the department.

No. 77

Page 37, line 14 — To delete “of a” and insert —

of an authorising officer or

No. 78

Page 37, line 16 — To delete “chief officer of” and insert —

authorising officer for, or chief officer of,

No. 79

Page 37, lines 17 and 18 — To delete “of the agency any of the chief officer’s” and insert —

any of his or her

No. 80

Page 40, line 14 — To delete “chief officer of” and insert —

authorising officer for

No. 81

Page 41, line 2 — To delete “chief” and insert —

authorising

No. 82

Page 41, line 30 — To delete “chief” and insert —

authorising

No. 83

Page 42, line 1 — To delete “chief” and insert —

authorising

No. 84

Page 42, line 5 — To delete “chief” and insert —

authorising

No. 85

Page 42, line 9 — To delete “chief” and insert —

authorising

No. 86

Page 42, line 15 — To delete “chief” and insert —

authorising

No. 87

Page 43, line 27 — To delete “chief” and insert —

authorising

No. 88

Page 44, line 2 — To delete “chief” and insert —

authorising

No. 89

Page 45, lines 13 to 15 — To delete the lines and insert —

- (7) The authorising officer must, as soon as practicable after granting an urgent authority, make a record in writing of the particulars referred to in subsection (5) relating to the authority.

No. 90

Page 45, line 30 — To delete “chief” and insert —

authorising

No. 91

Page 46, line 5 — To delete “chief” and insert —

authorising

No. 92

Page 46, line 11 — To delete “chief” and insert —

authorising

No. 93

Page 46, line 17 — To delete “chief” and insert —

authorising

No. 94

Page 47, lines 12 to 14 — To delete the lines and insert —

- (10) The authorising officer must, as soon as practicable after making an urgent variation of authority, make a record in writing of the particulars referred to in subsection (9) relating to the variation of authority.

No. 95

Page 47, line 16 — To delete “chief” and insert —

authorising

No. 96

Page 47, line 17 — To delete “chief” and insert —

authorising

No. 97

Page 47, line 20 — To delete “chief” and insert —

authorising

No. 98

Page 47, line 26 — To delete “chief” and insert —

authorising

No. 99

Page 48, line 2 — To delete “chief” and insert —

authorising

No. 100

Page 48, lines 25 to 27 — To delete the lines and insert —

- (9) The authorising officer must, as soon as practicable after making an urgent cancellation of authority, make a record in writing of the particulars referred to in subsection (8) relating to the cancellation of authority.

No. 101

Page 48, line 29 — To delete “chief” and insert —

authorising

No. 102

Page 48, line 30 — To delete “chief officer or a delegate of the chief” and insert —

authorising officer or a delegate of the authorising

No. 103

Page 49, line 5 — To delete “chief” and insert —

authorising

No. 104

Page 49, line 8 — To delete “chief” and insert —

authorising

No. 105

Page 50, line 18 — To delete “chief officer” and insert —

authorising officer for a law enforcement agency

No. 106

Page 50, line 26 — To insert after “officer” —

of the law enforcement agency

No. 107

Page 50, line 29 — To insert after “officer” —

of the law enforcement agency

No. 108

Page 51, lines 23 and 24 — To delete “an authority granted under section 48 authorises” and insert —
the authorising officer for a law enforcement agency grants an authority under section 48 authorising

No. 109

Page 51, line 25 — To delete “who grants the authority” and insert —
of the law enforcement agency

No. 110

Page 55, line 8 — To delete “chief officer of” and insert —
authorising officer for

No. 111

Page 55, line 10 — To insert after “officer” —
of the law enforcement agency

No. 112

Page 56, lines 22 and 23 — To delete “an authority granted under section 48 authorises” and insert —
the authorising officer for a law enforcement agency grants an authority under section 48 authorising

No. 113

Page 56, line 24 — To delete “who grants the authority” and insert —
of the law enforcement agency

No. 114

Page 61, line 11 — To delete “both Houses” and insert —

each House

No. 115

Page 61, lines 18 to 20 — To delete the lines and insert —

- (3) The Minister must —
- (a) exclude information from the report if satisfied on the advice of the chief officer of any of the grounds set out in subsection (2); and
 - (b) insert a statement to the effect that information has been excluded from the report under paragraph (a).

No. 116

Page 63, lines 15 to 22 — To delete the lines and insert —

- (a) in relation to an authorising officer or chief officer who is the Commissioner of Police — a police officer of or above the rank of superintendent; or
- (b) in relation to an authorising officer or chief officer who is the Chief Executive Officer of the Australian Crime Commission —
 - (i) an SES employee as defined in the *Australian Crime Commission Act 2002* (Commonwealth) section 4(1); or
 - (ii) a person holding a prescribed office in the Australian Crime Commission;
- or
- (c) in relation to a chief officer who is the chief executive officer of the fisheries department — a fisheries officer holding a prescribed office in the department; or

No. 117

Page 63, line 28 — To delete “of a” and insert —

of an authorising officer or

No. 118

Page 64, line 1 — To delete “A chief officer of” and insert —

An authorising officer for, or chief officer of,

No. 119

Page 64, line 2 — To delete “of the agency any of the chief officer’s” and insert —

any of his or her

No. 120

Page 65, lines 22 and 23 — To delete “or by either or both Houses of Parliament”.

No. 121

Page 65, after line 27 — To insert —

court proceeding means any criminal, civil or other proceeding before, or inquiry, reference or examination by, a court, and includes an arbitration;

No. 122

Page 66, after line 8 — To insert —

parliamentary committee means a committee or other body established by either or both Houses of Parliament to inquire into any matter;

parliamentary proceeding means any proceeding before, or inquiry, reference or examination by, a parliamentary committee;

No. 123

Page 66, lines 16 to 18 — To delete the lines and insert —

proceeding means a court proceeding or a parliamentary proceeding;

No. 124

Page 67, lines 12 to 18 — To delete the clause.

No. 125**New Clause 84A**

Page 70, after line 14 — To insert —

Division 2A — Provisions applicable to court proceeding

84A. Application of Division

- (1) This Division applies in relation to a court proceeding in which an operative is, or may be, required to give evidence obtained as an operative.
- (2) To remove any doubt, this Division does not affect the operation of the common law in relation to the protection of the identity of a person who is not an operative who gives or intends to give evidence in a court proceeding.

No. 126

Page 70, line 17 — To insert after “to a” —

court

No. 127

Page 72, lines 17 to 19 — To delete “(including any applications relating to the proceeding, such as those referred to in sections 86, 88 and 90)” and insert —

(including any application relating to the proceeding, such as an application for an order under paragraph (b) or an application under section 86 or 90)

No. 128

Page 77, after line 8 — To insert —

Division 2B — Provisions applicable to parliamentary proceeding

93A. Application of Division

This Division applies in relation to a parliamentary proceeding in which an operative is, or may be, required to give evidence obtained as an operative.

93B. Witness identity protection certificate to be given to Parliament

- (1) A witness identity protection certificate for an operative in relation to a parliamentary proceeding must be given —
 - (a) to the Clerk of the House of Parliament that established the parliamentary committee concerned; or
 - (b) if the parliamentary committee concerned was established by both Houses of Parliament, to the Clerk of each House of Parliament,
 before the operative gives evidence in the proceeding.
- (2) The certificate must be given at least 14 days before the day on which the operative is to give evidence, unless in the circumstances it is not reasonably practicable to do so.
- (3) The person who gives the certificate must give a copy of it to the operative before the day on which the operative is to give evidence.

93C. Effect of witness identity protection certificate

- (1) This section applies if a witness identity protection certificate for an operative is given in accordance with section 93B in relation to a parliamentary proceeding.
- (2) If this section applies —
 - (a) the operative may give evidence in the proceeding under the assumed name, or court name, stated in the certificate; and
 - (b) subject to any resolution passed under section 93D(4) —
 - (i) a question must not be asked of a witness, including the operative, that may lead to the disclosure of the operative's true identity or where the operative lives; and
 - (ii) a witness, including the operative, cannot be required to (and must not) answer a question, give evidence or provide information that discloses, or may lead to the disclosure of, the operative's true identity or where the operative lives; and
 - (iii) a person involved in the proceeding must not make a statement that discloses, or may lead to the disclosure of, the operative's true identity or where the operative lives.
- (3) For the purposes of subsection (2)(b)(iii), a person involved in a proceeding includes —
 - (a) a member of the parliamentary committee; and
 - (b) a party to the proceeding; and
 - (c) a person given leave to be heard or make submissions in the proceeding; and
 - (d) a lawyer representing a person referred to in paragraph (b) or (c) or a lawyer assisting the parliamentary committee in the proceeding; and
 - (e) any other person assisting the parliamentary committee in the proceeding; and
 - (f) a person acting in the execution of any process or the enforcement of any order in the proceeding.
- (4) If this section applies, any evidence given by the operative in the proceeding must be given in private.

93D. Disclosure of operative's true identity or location despite certificate

- (1) In this section —
relevant House, in relation to a parliamentary committee, means —
 - (a) if the parliamentary committee was established by a House of Parliament — that House; or
 - (b) if the parliamentary committee was established by both Houses of Parliament — each House.
- (2) This section applies if a witness identity protection certificate for an operative is given in accordance with section 93B in relation to a parliamentary proceeding.
- (3) The parliamentary committee may seek the authorisation of the relevant House —
 - (a) to ask a question of a witness, including the operative, that may lead to the disclosure of the operative's true identity or where the operative lives; or
 - (b) to require a witness, including the operative, to answer a question, give evidence or provide information that discloses, or may lead to the disclosure of, the operative's true identity or where the operative lives; or
 - (c) for a person involved in the proceeding to make a statement that discloses, or may lead to the disclosure of, the operative's true identity or where the operative lives.
- (4) The relevant House may pass a resolution authorising the doing of anything mentioned in subsection (3)(a), (b) or (c).
- (5) However, the relevant House must not pass a resolution unless satisfied about each of the following —
 - (a) there is evidence that, if accepted, would substantially call into question the operative's credibility;
 - (b) it would be impracticable to test properly the credibility of the operative without allowing the risk of disclosure of, or disclosing, the operative's true identity or where the operative lives.

93E. Restrictions on content of reports to Parliament

If a witness identity protection certificate for an operative is given in accordance with section 93B in relation to a parliamentary proceeding, the parliamentary committee must not disclose in a report to a House of Parliament —

- (a) the operative's true identity or where the operative lives; or
- (b) information that may lead to the disclosure of the operative's identity or where the operative lives.

Division 2C — Other matters**No. 129**

Page 77, lines 17 to 21 — To delete the lines and insert —

- (3) If the chief officer cancels the certificate —
 - (a) after it has been filed in a court and before the matter has been finalised by the court, the chief officer must immediately give written notice to the court and each party to the proceeding that the certificate has been cancelled; or

- (b) after it has been given to the Clerk of a House of Parliament and before the matter has been finalised by the parliamentary committee concerned, the chief officer must immediately give written notice to the Clerk that the certificate has been cancelled.

No. 130

Page 78, after line 23 — To insert —

- (3) Nothing in this section limits or otherwise affects the operation of the *Parliamentary Privileges Act 1891*.

No. 131

Page 81, line 8 — To delete the line and insert —

- (i) an SES employee as defined in the *Australian Crime Commission Act 2002* (Commonwealth) section 4(1); or

No. 132

Page 82, after line 6 — To insert —

101A. Review of Parts 2 and 3

- (1) The Minister must carry out a review of the operation and effectiveness of Parts 2 and 3 as soon as is practicable after the end of the period of 5 years beginning on the day on which this Act receives the Royal Assent.
- (2) The Minister must prepare a report based on the review and must cause the report to be laid before each House of Parliament as soon as is practicable after it is prepared and, in any event, not later than 18 months after the end of the period referred to in subsection (1).

No. 133

Page 84, after line 10 — To insert —

Part 7A — *Criminal Injuries Compensation Act 2003* amended

106A. Act amended

This Part amends the *Criminal Injuries Compensation Act 2003*.

106B. Section 13 amended

In section 13(5) delete “section 27.” and insert:

section 27 or the *Criminal Investigation (Covert Powers) Act 2012* section 27, 31 or 34.

106C. Section 16 amended

In section 16(5) delete “section 27.” and insert:

section 27 or the *Criminal Investigation (Covert Powers) Act 2012* section 27, 31 or 34.

106D. Section 17 amended

In section 17(5) delete “section 27.” and insert:

section 27 or the *Criminal Investigation (Covert Powers) Act 2012* section 27, 31 or 34.

No. 134

Page 89, line 16 — To delete “34D” and insert —

34D or 34K

No. 135

Page 89, after line 21 — To insert —

Subdivision 1 — Terms used

No. 136

Page 90, after line 13 — To insert —

court includes —

- (a) a tribunal or other body established or continued under a written law and having a power to obtain evidence or information;

- (b) a Royal Commission established under the *Royal Commissions Act 1968*;
 - (c) a commission, board, committee or other body established by the Governor or by the Government of the State to inquire into any matter;
- court proceedings* means any proceedings in a court;

No. 137

Page 90, after line 17 — To insert —

parliamentary committee means a committee or other body established by either or both Houses of Parliament to inquire into any matter;

parliamentary proceedings means any proceedings before a parliamentary committee;

No. 138

Page 90, after line 25 — To insert —

proceedings means *court proceedings* or *parliamentary proceedings*;

No. 139

Page 91, after line 17 — To insert —

Subdivision 2 — Non-disclosure certificates for protected persons

No. 140

Page 91, line 23 — To delete “court,” and insert —

court or in parliamentary proceedings,

No. 141

Page 91, lines 27 to 29 — To delete the lines and insert —

- (3) The Commissioner may give a certificate for the protected person in relation to the proceedings and —
 - (a) file a copy with the court; or

- (b) give a copy to the Clerk of the House of Parliament that established the parliamentary committee concerned or, if the parliamentary committee concerned was established by both Houses of Parliament, to the Clerk of each House of Parliament,

as the case requires.

No. 142

Page 92, after line 17 — To insert —

Subdivision 3 — Provisions applicable to court proceedings

34CA. Application of Subdivision

This Subdivision applies in relation to court proceedings in which a protected person is, or may be, required to give evidence.

No. 143

Page 98, after line 6 — To insert —

Subdivision 4 — Provisions applicable to parliamentary proceedings

34I. Application of Subdivision

This Subdivision applies in relation to parliamentary proceedings in which a protected person is, or may be, required to give evidence.

34J. Effect of non-disclosure certificate

- (1) In this section —

person involved, in proceedings, includes —

- (a) a member of the parliamentary committee; and
- (b) a party to the proceedings; and
- (c) a person given leave to be heard or make submissions in the proceedings; and
- (d) a lawyer representing a person referred to in paragraph (b) or (c) or a lawyer assisting the parliamentary committee in the proceedings; and
- (e) any other person assisting the parliamentary committee in the proceedings; and
- (f) a person acting in the execution of any process or the enforcement of any order in the proceedings.

- (2) This section applies if a non-disclosure certificate for a protected person is given under section 34A(3)(b) in relation to parliamentary proceedings.

- (3) If this section applies, in the proceedings —
 - (a) a question must not be asked of a witness, including the protected person, that may lead to the disclosure of the protected person's protected identity or protected address or both; and
 - (b) a witness, including the protected person, cannot be required to (and must not) answer a question, give evidence or provide information that discloses, or may lead to the disclosure of, the protected person's protected identity or protected address or both; and
 - (c) a person involved in the proceedings must not make a statement that discloses, or may lead to the disclosure of, the protected person's protected identity or protected address or both.
- (4) The parliamentary committee may disclose to each party to the proceedings —
 - (a) that a non-disclosure certificate for a person who may be required to give evidence in the proceedings has been given; and
 - (b) what the certificate states.
- (5) If the parliamentary committee makes a disclosure about the non-disclosure certificate under subsection (4), the committee must also inform the parties of the effect of the certificate.
- (6) This section applies despite any other Act, but subject to section 34K.

34K. Disclosure of protected person's identity despite certificate

- (1) In this section —
relevant House, in relation to a parliamentary committee, means —
 - (a) if the parliamentary committee was established by a House of Parliament — that House; or
 - (b) if the parliamentary committee was established by both Houses of Parliament — each House.
- (2) This section applies if a non-disclosure certificate for a protected person is given under section 34A(3)(b) in relation to parliamentary proceedings.
- (3) The parliamentary committee may seek the authorisation of the relevant House —
 - (a) to ask a question of a witness, including the protected person, that may lead to the disclosure of the protected person's protected identity or protected address or both; or
 - (b) to require a witness, including the protected person, to answer a question, give evidence or provide information that discloses, or may lead to the disclosure of, the protected person's protected identity or protected address or both; or
 - (c) for a person involved in the proceedings to make a statement that discloses, or may lead to the disclosure of, the protected person's protected identity or protected address or both.
- (4) The relevant House may pass a resolution authorising the doing of anything mentioned in subsection (3)(a), (b) or (c).

- (5) However, the relevant House must not pass a resolution unless satisfied about each of the following —
- (a) there is evidence that, if accepted, would substantially call into question the protected person's credibility;
 - (b) it would be impracticable to test properly the credibility of the protected person without allowing the risk of disclosure of, or disclosing, the protected person's protected identity or protected address or both.

34L. Restrictions on content of reports to Parliament

If a non-disclosure certificate for a protected person is given under section 34A(3)(b) in relation to parliamentary proceedings, the parliamentary committee must not disclose in a report to a House of Parliament —

- (a) the protected person's protected identity or protected address; or
- (b) information that may lead to the disclosure of the protected person's protected identity or protected address.

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

Legislative Council Message No. 213.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Organisations Control 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 Criminal Organisations Control Bill 2011

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,

Dog Amendment Bill 2012 (No. 292—1)

Clause 26.

Ms L. Baker: To move —

Page 36, line 11 — To insert after “**expense**”:

“ **or, if the dog is to be transferred, sterilised at new owner’s expense** ”.

Ms L. Baker: To move –

Page 36, line 15 – To insert after “facility”:

“ or sterilised where the identity of the owner of a dog is unknown ”.

Ms L. Baker: To move –

Page 36, line 22 – To delete “22(4).” and substitute:

“

22(4); and

- (c) believes on reasonable grounds that the dog is not sterilised and the operator has made every reasonable attempt to identify the owner of the dog as required under section 28.

”.

Ms L. Baker: To move –

Page 36, after line 26 – To insert:

“

- (3A) If the identity of the owner of a dog kept at a dog management facility is unknown and cannot be identified by the operator of the facility, the operator may recover the reasonable costs associated with the sterilisation of the dog under subsection (1) from the new owner of the dog if the dog is transferred from the facility.

”.

Mr J Hyde: To move –

Page 74, after line 4 – To insert:

“

Part 4 — Review of Act

61. Review of Act

- (1) The Minister must carry out a review of the operation and effectiveness of the *Dog Amendment Act 2012* as soon as practicable five years after 1 November 2013.
- (2) The Minister must prepare a report based on the review under subsection (1) and must cause the report to be laid before each House of Parliament as soon as practicable after the report is prepared.

”.

Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012 (No. 266—1)

Legislative Council Message No. 232.

No. 4

Page 3, lines 17 and 18 — To delete the lines and insert —

number plate —

- (a) before the *Road Traffic (Vehicles) Act 2012* section 3 comes into operation — has the meaning given in the *Road Traffic Act 1974* section 5(1); or

- (b) after the *Road Traffic (Vehicles) Act 2012* section 3 comes into operation — has the meaning given in that section;

No. 2

Page 4, lines 8 to 13 — To delete the lines and insert —

- (2) Delete section 5(4) and insert:

- (4) For the purposes of the service of any document under this Act, a person's last known address may be taken to be the person's current address shown in the records of —
 - (a) the Director General; or
 - (b) the Electricity Retail Corporation.

No. 3

Page 5, line 6 — To insert after “*Road Traffic Act 1974*” —

or, after the *Road Traffic (Administration) Act 2008* section 4 comes into operation, a road law

No. 4

Page 17, after line 24 — To insert —

23A. Section 48A inserted

After section 47B insert:

48A. Order to attend for work and development: cancellation

- (1) If —
 - (a) an order to attend for work and development is issued under section 47 or 47A; and
 - (b) it is not reasonably practicable to serve the order on the offender personally,
 the Registrar may cancel the order to attend for work and development and make or again make a licence suspension order in respect of the offender.
- (2) For the purposes of subsection (1), section 43(2) to (9) (but not section 43(4)), with any necessary changes, apply and a licence suspension order may be made even if section 42 has not been complied with.

No. 5

Page 17, after line 24 — To insert —

23B. Section 53A inserted

After section 52 insert:

53A. WDO: effect of cancellation

- (1) If a WDO is cancelled under section 52, the Registrar may make or again make a licence suspension order in respect of the offender.
- (2) For the purposes of subsection (1), section 43(2) to (9) (but not section 43(4)), with any necessary changes, apply and a licence suspension order may be made even if section 42 has not been complied with.

No. 6

Page 22, after line 6 — To insert —

- or
- (c) the person is a person protected under a violence restraining order, or police order, in force under the *Restraining Orders Act 1997*; or
- (d) the publication of the relevant details would endanger the person's safety.

No. 7

Page 23, after line 20 — To insert —

***vehicle licensing law* —**

- (a) before the *Road Traffic (Vehicles) Act 2012* section 3 comes into operation — means the *Road Traffic Act 1974*; or
- (b) after the *Road Traffic (Vehicles) Act 2012* section 3 comes into operation — means that Act;

No. 8

Page 25, after line 7 — To insert —

- (2) After section 68A(4) insert:
 - (5A) If the Sheriff cancels an arrangement made under subsection (1) and a licence suspension order is not in force in respect of the debtor and the amount specified in the warrant under section 21A(3) or 45(4), as the case requires, the Registrar may make or again make a licence suspension order in respect of the debtor.
 - (5B) For the purposes of subsection (5A) —
 - (a) if the cancelled arrangement related to a warrant issued under section 21A — section 19(2) to (9), with any necessary changes, apply and a licence suspension order may be made without the issue of a further order to pay or

elect under section 17 or further notice of intention to enforce under section 18; or

- (b) if the cancelled arrangement related to a warrant issued under section 45 — section 43(2) to (9), with any necessary changes, apply and a licence suspension order may be made without the issue of a further notice of intention to enforce under section 42.

No. 9

Page 32, lines 18 and 19 — To delete “the *Road Traffic Act 1974*,” and insert —

a vehicle licensing law,

No. 10

Page 35, lines 21 and 22 — To delete “the *Road Traffic Act 1974*,” and insert —

a vehicle licensing law,

No. 11

Page 42, lines 11 to 28 — To delete the lines and insert —

36. Section 101C amended

- (1) In section 101C(1)(d) and (e) after “issued” insert:

by the Registrar

- (2) After section 101C(1) insert:

- (2A) Evidence —

- (a) that a vehicle licence suspension order was made under section 95G or a vehicle licence cancellation order was made under section 95J;
- (b) of the details of a vehicle licence suspension order made under section 95G, or a vehicle licence cancellation order made under section 95J, and of the matter to which it relates;
- (c) that a vehicle licence suspension order made under section 95G had not, at a particular time, been cancelled;
- (d) that a vehicle licence cancellation order made under section 95J had not, at a particular time, been cancelled to the extent that the order would disqualify a person from holding or obtaining a vehicle licence;
- (e) that a document issued by the Sheriff under this Act has been served on a person in accordance with section 5;

- (f) of any matter relevant to the service of a document issued by the Sheriff under this Act,

may be given by tendering a certificate to that effect in the prescribed form signed by the Sheriff.

(3) After section 101C(3) insert:

- (4) Unless the contrary is proved, it is to be presumed that a certificate purporting to have been signed by the Sheriff was signed by a person who at the time was the Sheriff.

No. 12

Page 65, after line 8 — To insert —

- (fa) a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 19 or 43 is not in force in respect of the vehicle; and

No. 13

Page 66, after line 16 — To insert —

Division 7A — *Road Traffic (Vehicles) Act 2012* amended

70A. Act amended

This Division amends the *Road Traffic (Vehicles) Act 2012*.

70B. Section 5 amended

In section 5(3):

- (a) in paragraph (e) delete “vehicle.” and insert:

vehicle; and

- (b) after paragraph (e) insert:

- (f) a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 19 or 43 is not in force in respect of the vehicle; and
- (g) the vehicle is not immobilised under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95C; and
- (h) the vehicle’s number plates have not been removed under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95F; and
- (i) a vehicle licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95G is not in force in respect of the vehicle; and

- (j) a vehicle licence cancellation order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95J is not in force in respect of the vehicle.

70C. Section 16 amended

- (1) After section 16(1) insert:

- (2A) If a vehicle licence suspension order is made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95G in respect of a person, a licence held by that person in respect of the vehicle specified in the order is, by force of this section, suspended so long as the vehicle licence suspension order continues in force and during that period is of no effect.

- (2) In section 16(2) delete “Subsection (1) does” and insert:

Subsections (1) and (2A) do

- (3) After section 16(3) insert:

- (4) If a vehicle licence cancellation order is made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95J in respect of a person, a licence held by that person in respect of the vehicle specified in the order is, by force of this section, cancelled.

70D. Section 125 amended

In section 125(8) delete “section 19 or 43.” and insert:

section 19, 43, 95G or 95J.

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*.

Local Government Amendment Bill (No. 2) 2012 (No. 301—1)

Clause 8.

Mr J. Hyde: To move –

Page 4, line 7 – To insert after “activity”:

“ or perform a function ”.

Mr J. Hyde: To move –

Page 4, line 10 – To insert after “activity”:

“ or perform that function ”.

The Minister for Local Government: To move –

Page 4, line 15 – To delete “approved by the Minister” and substitute:

“

appointed in accordance with the charter on the basis of which the Minister approved the formation of the regional subsidiary or that charter as amended.

”.

Mr J Hyde: To move –

Page 4, line 15 – To delete “Minister” and substitute:

“ local governments ”.

The Minister for Local Government: To move –

Page 4, line 29 – To insert after “addressing the”:

“

process for selecting and appointing members of the regional subsidiary’s governing body and any other

”.

Mr J Hyde: To move –

Page 5, line 31 – To insert after “activity”:

“ or performs a function ”.

Mr J Hyde: To move –

Page 6, line 2 – To insert after “activity”:

“ or perform a function ”.

Local Government Amendment (Regional Subsidiaries) Bill 2010 (LC No. 184–1)

Clause 8.

Mr J.N. Hyde: To move –

Page 4, lines 1 to 3 – To delete the lines and substitute:

“

- (c) provide for the establishment of a regional subsidiary as a corporate body under the *Local Government Act 1995* and provide for the powers and duties of a regional subsidiary; and

”.

Prostitution Bill 2011 (No. 218—1)

Clause 2.

Dr J.M. Woollard: To move –

Page 2, line 7 — To insert after “Assent”:

“ (assent day) ”.

Dr J.M. Woollard: To move –
Page 2, after line 7— To insert:

“

(b) Part 14 – on the last day of the period of 5 years after assent day;

”.

Clause 3.

Dr G.G. Jacobs: To move –
Page 3, after line 3 – To insert:

“ *emotive* means drawing out or arousing emotion; ”.

Clause 27.

Dr G.G. Jacobs: To move –
Page 18, line 24 to page 20, line 11 – To delete the lines and substitute:

“

(2) A person must not place or display any signs advertising a prostitution business.

”.

Dr G.G. Jacobs: To move –
Page 19, line 1 – To insert after “mobile telephone”:

“ and does not contain any emotive images or language ”.

Dr G.G. Jacobs: To move –
Page 19, line 3 – To delete “regulations.” and substitute:

“

regulations; and

(d) does not contain any emotive images or language.

”.

Dr G.G. Jacobs: To move –
Page 19, line 23 – To delete “may” and substitute:
“ must ”.

Clause 44.

Dr J.M. Woollard: To move –
Page 30, lines 5 to 14 — To delete the lines and substitute:
“ *health and drug management plan* has the meaning given in section 44A; ”.

New clause 44A.

Dr J.M. Woollard: To move –
Page 30, after line 29 — To insert:

“

44A. Health and drug management plans

- (1) A health and drug management plan, in relation to a prostitution business or a proposed prostitution business, means a document in a prescribed form setting out –
 - (a) the steps that will be taken to minimise the risk of any prostitute working for the business, and any client of the business, acquiring or transmitting an STI as defined in section 30; and

- (b) how it is proposed to prevent, monitor and deal with the use of prohibited drugs in the place in which the business is conducted.
- (2) The Governor, in consultation with the Education and Health Standing Committee of the Legislative Assembly (the Committee), shall make regulations prescribing one or more forms for health and drug management plans.
- (3) A health and drug management plan shall set out the maximum number of hours in a specified period for which a person may act as a prostitute for the prostitution business but cannot affect the application of the *Minimum Conditions of Employment Act 1993* Part 2A.
- (4) The Committee is to report and make recommendations to the Legislative Assembly each year on the appropriateness of each prescribed form of health and drug management plan.

”.

Clause 48.

Dr J.M. Woollard: To move –

Page 32, after line 26 — To insert:

“

- (1) The CEO must not issue an operator’s licence (even if satisfied as to each of the matters referred to in section 55) if, at the time of the proposed issue, the total number of operator’s licences that are in effect or suspended exceeds twenty (20).

”.

Dr G.G. Jacobs: To move –

Page 32, lines 28 to 30 – To delete the lines and substitute:

“

- (a) the maximum number of licences of each kind, whether generally or for a particular area, and which will be limited to 20 in total for the State once the legislation is enacted; and

”.

Dr J.M. Woollard: To move –

Page 33, after line 4 — To insert:

“

- (3) In subsection (2) – licence means a manager’s licence, a prostitute’s licence (general) or a prostitute’s licence (self-employed).

”.

Clause 55.

Dr G.G. Jacobs: To move –

Page 39, line 25 – To delete “18” and substitute:

“ 25 ”.

Dr J.M. Woollard: To move –

Page 41, line 4 — To insert after “proposed prostitution business”:

“ complies with section 44A(1) and ”.

Clause 56.

Dr G.G. Jacobs: To oppose the clause.

New clause 56.

Dr G.G. Jacobs: To move –

Page 42, after line 28 – To insert:

“

56. One person may hold only one operator’s licence

Only one operator will be issued one licence to operate one prostitution business provided the person who is to be the operator has not been convicted of an offence under this Act.

”.

Clause 57.

Dr G.G. Jacobs: To move –

Page 43, line 1 – To delete “18” and substitute:

“ 25 ”.

Clause 58.

Dr J.M. Woollard: To move –

Page 45, line 24 — To insert after “proposed prostitution business”:

“ complies with section 44A(1) and ”.

Clause 62.

Dr J.M. Woollard: To move –

Page 47, line 8 — To delete “the prescribed number of” and substitute:

“ ten (10) ”.

Dr J.M. Woollard: To move –

Page 47, line 12 — To delete the line and substitute:

“

same time; and

- (c) no more than 15 prostitutes have entered into a contract of service with, or been engaged to work for the purposes of the business under a contract of services by, a person who operates the business, to work in the place.

”.

Dr G.G. Jacobs: To move –

Page 47, line 12 – To delete the line and substitute:

“

same time; and

- (c) the prescribed number of rooms to which the licence applies is 10 and the prescribed number of persons who act, or who are available to act, as prostitutes in the place at the same time is 10.

”.

Clause 66.

Dr G.G. Jacobs: To move –

Page 50, line 4 – To delete “3” and substitute:

“ 5 ”.

Dr G.G. Jacobs: To move –

Page 50, lines 6 to 9 – To delete the lines and substitute:

“ (3) All licences will expire after 5 years and no new licence will be issued. ”.

Clause 73.

Dr J.M. Woollard: To move –

Page 58, line 9 — To insert after “as”:

“ complying with section 44A(1) and ”.

Dr J.M. Woollard: To move –

Page 58, line 15 — To insert after “as”:

“ complying with section 44A(1) and ”.

Clause 75.

Dr G.G. Jacobs: To move –

Page 59, line 4 – To delete “**for 5 years**”.

Dr G.G. Jacobs: To move –

Page 59, lines 8 and 9 – To delete all words after “capacity” and substitute:

“ indefinitely. ”.

Dr G.G. Jacobs: To move –

Page 59, line 8 – To delete “5” and substitute:

“ 10 ”.

Dr G.G. Jacobs: To move –

Page 59, lines 12 and 13 – To delete all words after “capacity” and substitute:

“ indefinitely. ”.

Dr G.G. Jacobs: To move –

Page 59, line 13 – To delete “5” and substitute:

“ 10 ”.

Clause 166.

Dr G.G. Jacobs: To move –

Page 119, after line 31 – To insert:

“

- (b) for a purpose associated with the implementation of mental health and drug counselling, drug rehabilitation and alternative job training and any measures deemed important in assisting people exit the industry; or

”.

New Part 14.

Dr J.M. Woollard: To move –

After page 142 — To insert:

“

Part 14 – Amendments to this Act to delete licensing provisions

195. Act amended

This Part amends the *Prostitution Act 2011*.

196. Section 3 amended

(1) In section 3 delete the definitions of:

licence

licence holder

manager's licence

operator's licence

prostitute's licence (general)

prostitute's licence (self-employed)

(2) In section 3 in the definition of **Department** delete "Part 6;" and insert:

" Part 6 before Part 14 comes into operation; "

197. Section 5 deleted

Delete section 5.

198. Sections 13 and 14 replaced and section 15A inserted

Delete sections 13 and 14 and insert:

"

13. Operating or managing prostitution business prohibited

A person other than a self-employed prostitute must not operate or manage a prostitution business.

Penalty: a fine of \$50 000 or imprisonment for 3 years.

14. Person not to take part in, or negotiate, act of prostitution as client

(1) A person must not, as a client, take part in an act of prostitution in any place.

(2) A person must not, in any place, enter into, or offer to enter into, an agreement under which the person would take part, as a client, in an act of prostitution in any place.

Penalty applicable to subsections (1) and (2):

(a) If the person was not a child at the time the offence was committed –

(i) for a first offence, a fine of \$6 000;

(ii) for a second or subsequent offence, a fine of \$6 000 or imprisonment for one year; or

(iii) if the person was a child at the time the offence was committed, a fine of \$2 000.

15A. No advertising, signs, for prostitution business

(1) A person must not publish, place, or seek to place, an advertisement –

(a) for a prostitution business; or

(b) to the effect that a particular person is available to act as a prostitute.

Penalty: a fine of \$50 000.

- (2) It is a defence to a charge of an offence under subsection (1) for the accused to prove that he or she believed on reasonable grounds that the advertisement that is the subject of the charge was not, as is applicable in the case –
 - (a) for a prostitution business; or
 - (b) to the effect that a particular person is available to act as a prostitute.
- (3) Subsection (2):
 - (a) applies to an accused who is alleged to have published the advertisement that is the subject of the charge; but
 - (b) does not apply to an accused who is alleged to have placed, or to have sought to place, the advertisement that is the subject of the charge.
- (4) A person must not display, or cause to be displayed, any sign for a prostitution business.

Penalty: a fine of \$50 000.

”

199. Part 3 deleted

Delete Part 3.

200. Section 31 amended

Delete section 31(3), (4) and (5).

201. Section 32 amended

Delete section 32(2), (3) and (4).

202. Section 33 amended

Delete section 33(3).

203. Section 34 amended

Delete section 34(2).

204. Section 35 deleted

Delete section 35.

205. Section 41 deleted

Delete section 41.

206. Part 6 Divisions 1 to 7 deleted

Delete Part 6 Divisions 1 to 7 inclusive.

207. Section 79 amended

In section 79 delete the definitions of:

caretaker's dwelling

City of Perth inner zone

protected place

208. Sections 80 and 81 deleted

Delete sections 80 and 81.

209. Section 82 amended

Delete section 82(3).

210. Section 83 amended

Delete section 83(2).

211. Sections 84, 85, 86 deleted

Delete sections 84, 85 and 86.

212. Part 6 Division 9 deleted

Delete Part 6 Division 9.

213. Section 92 deleted

Delete section 92.

214. Section 95 amended

Delete section 95(4).

215. Section 96 deleted

Delete section 96.

216. Part 7 Division 3 deleted

Delete Part 7 Division 3.

217. Section 102 amended

(1) Delete section 102(2).

(2) In section 102(3) delete “or an authorised person who enters a place under subsection (1) or (2) may require a person in the place apparently operating, managing or working for a prostitution business to give the police officer or authorised person” and insert:

“

who enters a place under subsection (1) may require a person in the place apparently operating, managing or working for a prostitution business to give the police officer

”.

218. Section 103 amended

(1) In section 103(1):

(a) Delete paragraph (b);

(b) In paragraph (c) delete “or authorised person”.

(2) In section 103(2) delete “or authorised person to give the police officer or authorised person his or her name and address or provide proof of his or her identity, a person must not fail to give the police officer or authorised person” and insert:

“

to give the police officer his or her name and address or provide proof of his or her identity, a person must not fail to give the police officer

”.

219. Part 7 Divisions 5 and 6 deleted

Delete Part 7 Divisions 5 and 6.

220. Section 131 amended

In section 131(3):

- (a) after paragraph (a)(i) delete “place; and” and insert:

“ place; ”

- (b) delete paragraph (a)(ii); and

- (c) delete paragraph (b)(i).

221. Section 133 amended

Delete 133(3).

222. Section 135 amended

In section 135(5):

- (a) in paragraph (a) delete “place; and” and insert:

“ place. ”.

- (b) delete paragraph (b).

223. Section 137 amended

Delete 137(3).

224. Part 8 deleted

Delete Part 8.

225. Section 154 amended

Delete section 154(3).

226. Section 156 amended

In section 156(1) delete “section 27(1),” and insert:

“ section 15A(1), ”.

227. Section 160, 161 and 162 deleted

Delete sections 160, 161 and 162.

228. Section 164 amended

- (1) In section 164(2)(a) delete “162 or”.

- (2) In section 164(3):

- (a) delete paragraph (a);

(b) in paragraph (b) delete “officer; or” and insert:

“ officer, ”; and

(c) delete paragraph (c).

229. Section 166 amended

(1) Delete section 166(3)(a).

(2) In section 166(5):

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

“ Act. ”; and

(b) delete paragraph (c).

230. Section 167 amended

(1) Delete section 167(2) and (3).

(2) In section 167(4) delete “Subsections (1), (2) and (3) do” and insert:

“ Subsection (1) does ”.

231. Section 168 deleted

Delete section 168.

232. Section 171 amended

Delete section 171(4)(a).

233. Section 174 deleted

Delete section 174.

234. Section 175 amended

Delete section 175(2) and (3).

235. Schedule 1 deleted

Delete Schedule 1.

236. *Workers’ Compensation and Injury Management Act 1981* amended

(1) This section amends the *Workers’ Compensation and Injury Management Act 1981*.

(2) Delete section 12A.

(3) Delete section 22(2).

(4) Delete section 31(8A) and (8B).

”.

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

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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PETER J. MCHUGH

Clerk of the Legislative Assembly