

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 48

THURSDAY, MARCH 20 2003

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

The President, Hon John Cowdell, took the Chair and read prayers.

2. Petition

Hon Robin Chapple presented a petition from 41 residents of Western Australia requesting the Legislative Council to pass a Bill to legalise Voluntary Euthanasia. (Tabled paper 858).

3. Papers

The following Papers were laid on the Table by -

Minister for Housing and Works on behalf of the Minister for Racing and Gaming

Documents -

Deed of Indemnity between the Treasurer and the Hotham Valley Tourist Railway WA Incorporated (2002)	853
Deed of Indemnity between the Treasurer and the Federation of Western Australian Police and Citizens' Youth Clubs Incorporated (2002)	854
Deed of Indemnity between the Treasurer and the Blue Light Association of WA Incorporated (2002)	855

Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports -

Land Authority, Western Australian [LandCorp] (2001-2002) (Date received 19/03/2003)	856
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Ministerial Approvals -

Subiaco Redevelopment Act 1994 - Subdivision of SU 13 - final portion of sector 22, (former BOC leased land), corner of Price and Tighe Streets, Subiaco	857
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4. Joint Standing Committee on Delegated Legislation - Sixth Report - Sessional Report June 28 2001 to August 9 2002

Hon Ray Halligan presented the Sixth Report of the Joint Standing Committee on Delegated Legislation in relation to the Sessional Report - June 28 2001 to August 9 2002. (Tabled paper 859).

Hon Ray Halligan moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Order of Business

Ordered - That Orders of the Day be taken forthwith. (Leader of the House).

6. Consideration of Committee Reports

The Order of the Day having been read for the consideration of Committee reports.

The President left the Chair.

In Committee

(Hon John Cowdell in the Chair)

Select Committee on Rules, Orders and Usages of the House - Final Report

Debate resumed on Order 12 as follows-

“

12. Commencement and expiry

These Orders come into operation at midnight on the Sunday next following the day on which they are adopted and, unless their operation is extended by motion subject to Order 11(3), expire on December 31 2003.

”.

to the motion, as amended, of Hon Norman Moore, That the Orders as recommended in the Final Report be agreed to.

Order agreed to.

Orders contained in the Final Report, as amended, be agreed to.

Question - put and passed.

The Leader of the House, moved, That progress be reported on Orders of the Day 51(2), 51(3) and 51(4).

Question - put and passed.

The President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Select Committee on Rules, Orders and Usages of the House - Final Report and had adopted the Report and agreed to Orders recommended, as amended.
- (2) Standing Committee on Environment and Public Affairs- Sixth Report - Swimming Pool Fencing and had made some progress.
- (3) Standing Committee on Procedure and Privileges - Fifth Report - Standing Order No. 73 - Time Limits on Speeches and had made some progress.
- (4) Joint Standing Committee on the Anti-Corruption Commission - Second Report - Integrity With the Public Sector - Review of the Anti-Corruption Commission and had made some progress.

Reports adopted.

7. Nurses Amendment Bill 2002

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Kate Doust in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

The Parliamentary Secretary to the Minister for Health moved -

That consideration of Clause 4 be postponed until after consideration of New Clause 5.

Question - put and passed.

Clause 5.

The Parliamentary Secretary to the Minister for Health moved -

That consideration of Clause 5 be postponed until after consideration of New Clause 5.

Question - put and passed.

Clauses 6 to 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clauses 19 to 36 agreed to.

Clause 37.

The Parliamentary Secretary to the Minister for Health moved -

That consideration of Clause 37 be postponed until after consideration of New Clause 5.

Question - put and passed.

Clauses 38 to 41 agreed to.

Clause 42.

The Parliamentary Secretary to the Minister for Health moved -

That consideration of Clause 42 be postponed until after consideration of New Clause 5.

Question - put and passed.

Clauses 43 to 49 agreed to.

Clause 50.

Debate ensued.

Hon Simon O'Brien moved -

Page 19, line 19 - To insert after "1965" -

" including any amendment to those regulations effected by this Act ".

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clauses 51 to 55 agreed to.

New Clause 5.

Hon Simon O'Brien moved -

Page 3, after line 16 - To insert the following new clause -

“

5. Section 8A inserted

After section 8 the following section is inserted —

“

8A. Designation and determinations by the Minister

- (1) Subject to subsection (2), the Minister may —
 - (a) designate any area of the State as a designated area for the purposes of any enactment relating to nurse practitioners; and
 - (b) make a determination for the purposes of section 9(a).
- (2) The Minister may not designate an area or make a determination under subsection (1) without first seeking the written advice of —
 - (a) the Medical Board of Western Australia established by the *Medical Act 1894*;
 - (b) the Executive Director Personal Health Services in the department; and
 - (c) the officer of the department who is principally responsible for providing advice on matters related to nursing.
- (3) Where the proposed designated area is situated outside of the Perth Metropolitan Area, the Minister shall also consult with —
 - (a) the Western Australian Centre of Remote and Rural Medicine; and
 - (b) affected local governments.
- (4) The Minister may not amend or withdraw a designation under this section without first obtaining the written advice of the bodies or officers referred to in subsections (2) and (3).

”
.”

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Postponed Clause 4.

Debate ensued.

Clause agreed to.

Postponed Clause 5 agreed to.

Postponed Clause 37 agreed to.

Postponed Clause 42.

The Parliamentary Secretary to the Minister for Health moved -

Page 17, line 10 - To insert after “time” -

“ , subject to subregulation (4) ”.

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary to the Minister for Health moved -

Page 17, lines 11 to 16 - To delete the lines and insert instead -

“

- (3) The Commissioner of Health may not designate an area under subsection (1) until after receiving —
 - (a) written advice with respect to the proposal to designate the area from the officer of the department who is principally responsible for providing advice on matters related to nursing; and
 - (b) clinical protocols for the proposed area approved in writing by —
 - (i) the officer referred to in paragraph (a);
 - (ii) the person holding or acting in the office of Executive Director, Personal Health Services in the department; and
 - (iii) the person holding or acting in the office known as Executive Director, Population Health, or if there is no such office at the relevant time, the office of Executive Director, Public Health and Scientific Support Services in the department.
- (4) The Commissioner of Health may not amend or withdraw a designation under this section until after receiving written advice with respect to the proposed action from the officer of the department who is principally responsible for providing advice on matters related to nursing.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day's sitting.

The Parliamentary Secretary to the Minister for Health moved, That the report be adopted.

Question - put and passed.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

8. Cognate Debate - Carbon Rights Bill 2002, Tree Plantation Agreements Bill 2002 and Acts Amendment (Carbon Rights and Tree Plantation Agreements) Bill 2002

The Leader of the House sought leave of the House to debate Order of the Day No. 95, *Carbon Rights Bill 2002*, Order of the Day No. 96, *Acts Amendment (Carbon Rights and Tree Plantation Agreements) Bill 2002* and Order of the Day No. 97, *Tree Plantation Agreements Bill 2002* cognately [SO 228].

Leave granted.

9. Carbon Rights Bill 2002, Tree Plantation Agreements Bill 2002 and Acts Amendment (Carbon Rights and Tree Plantation Agreements) Bill 2002

The Order of the Day having been read for the cognate debate on the second reading of these Bills.

Debate resumed.

Interruption of Debate.

10. Questions Without Notice

Questions without notice were taken.

11. Division Bell Times - SO 208 and 209 Amended

The Leader of the House moved, without notice -

- (1) Standing Orders 208 and 209 are amended by deleting the number “2” in both rules and substituting the number “4”.
- (2) Subclause (1) expires on a day to be fixed by the President.

Question - put and passed.

12. Suspension of Standing Orders - Adjournment of the House

Hon Dee Margetts moved, without notice -

That Standing Orders be suspended so far as will enable moving the following motion without notice -

That the House do now adjourn.

Point of Order

Hon Norman Moore raised the following Point of Order -

My understanding is that we are in the middle of debate on a Bill which was interrupted for questions without notice. My understanding is that we are still proceeding with deliberations on a matter before the House and it is not in order to not adjourn that matter before going on with other business.

Hon Tom Stephens raised the following Point of Order -

I understand that a member can only move a motion such as the one moved by Hon Dee Margetts with the concurrence of the President, at least under the standing orders that exist in this place. Is that correct, Mr President, or have the standing orders been amended? I cannot keep up with the number of standing orders that have been amended in this place.

President's Ruling

The President ruled as follows -

I gave the Member the call and that was not overridden by the fact that before questions without notice the House was considering a matter. It is the same with the call to the Minister: the debate can be interrupted at any time with the moving of a procedural motion. This is a procedural motion.

Debate resumed.

Point of Order

Hon Tom Stephens raised the following Point of Order -

If I understand correctly, the situation now is that a Member can move, even in the middle of another Member's motion, to suspend so much of standing orders as to enable the House to move on to another matter. Am I permitted to now rise and interrupt the member to move that so much of standing orders be suspended?

President's Ruling

The President ruled as follows -

No, because the Member has risen on a point of order. He can interrupt with a point of order but he cannot interrupt with another motion. There is no point of order.

Debate resumed.

Interruption of Debate [SO 61(b)].

13. Adoption Amendment Bill (No. 2) 2002

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 53

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Adoption Amendment Bill (No. 2) 2002*.

Dianne Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 20 March 2003

14. Adjournment

The Leader of the House moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 5.38pm until Tuesday, April 1 2003 at 3.00pm.

Members present during the day's proceedings

Attendance: Present, all Members except Hon Barry House and Hon Nick Griffiths.

L B MARQUET

Clerk of the Legislative Council

HON JOHN COWDELL

President of the Legislative Council