

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 133

TUESDAY, 3 APRIL 2007, 2.00 p.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice * - approximately 2.00 p.m. each day

Matter of Public Interest - one per week on any day

Grievances - approximately 9.00 a.m. Thursdays

Private Members' Statements - 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. ***Medical Practitioners Bill 2006** (Minister for Health) (No. 183, 2r. - 30/11/06)

Consideration in detail.

2. ***Public Trustee and Trustee Companies Legislation Amendment Bill 2006** (Attorney General) (No. 102, 2r. - 29/11/06)

Further consideration in detail - Clause 9.

3. **Appropriation (Consolidated Fund) Bill (No. 5) 2006** (Treasurer) (No. 178, 2r. - 2/11/06)

Consideration in detail.

4. **Appropriation (Consolidated Fund) Bill (No. 6) 2006** (Treasurer) (No. 179, 2r. - 2/11/06)

Consideration in detail.

5. **Surrogacy Bill 2007** (Minister for Health) (No. 190, 2r. - 1/3/07)

Second reading. Adjourned debate (Mr T.R. Sprigg).

6. **Premier's Statement**

Adjourned debate (Minister for Corrective Services) on the question, That the statement be noted.

7. ***Pharmacists Bill 2006** (Minister for Health) (No. 185, 2r. - 29/11/06)

Second reading. Adjourned debate (Minister for Health - continuation of remarks, in reply).

- 8. Racing, Wagering and Betting Legislation Amendment and Repeal Bill 2007** (Minister representing the Minister for Racing and Gaming) (No. 189, 2r. - 22/3/07)

Second reading. Adjourned debate (Mr G.M. Castrilli).

- 9. Taxi Amendment Bill 2007** (Minister for Planning and Infrastructure) (No. 186, 2r. - 22/3/07)

Second reading. Adjourned debate (Mr G.M. Castrilli).

- 10. Information Privacy Bill 2007** (Attorney General) (No. 193, 2r. - 28/3/07)

Second reading. Adjourned debate (Mr T.R. Sprigg).

- 11. Freedom of Information Amendment Bill 2007** (Attorney General) (No. 191, 2r. - 28/3/07)

Second reading. Adjourned debate (Mr A.J. Simpson).

- 12. Human Reproductive Technology Amendment Bill 2007** (Minister for Health) (No. 194, 2r. - 28/3/07)

Second reading. Adjourned debate (Mr T.R. Sprigg).

- 13. National Environment Protection Council (Western Australia) Amendment Bill 2007** (Minister for the Environment) (No. 188, 2r. - 28/3/07)

Second reading. Adjourned debate (Mr A.J. Simpson).

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

- 1. Improved Access to the Parliamentary Process** (Notice given - 31/5/06, renewed 19/10/06)
Mr A.J. Simpson: To move -

That in an effort to improve access to the Parliamentary process, especially for people in regional Western Australia who will soon have much less direct access to their local Member of Parliament as a result of Labor's One Vote One Value Legislation; the Legislative Assembly requires the Procedure and Privileges Committee to -

- (a) investigate the feasibility of using electronic devices or systems (including but not limited to Short Message Services (SMS), email and telephone recordings) as acceptable forms of presenting petitions to the Western Australian Legislative Assembly;
- (b) review the use of E-Petitions by other Parliaments both within Australia and overseas;
- (c) make recommendation for changes to the procedures and the Standing Orders of the Legislative Assembly; and
- (d) report to the Legislative Assembly on or before 1 November 2006.

- 2. Support to Build Educational Campuses in Kununurra and the Kimberley** (Notice given - 28/6/06, renewed 22/11/06)

Mr G.A. Woodhams: To move -

That this House supports -

- (a) the building of a campus of the WA College of Agriculture at Kununurra; and
- (b) the creation and development of a Christian Aboriginal Parent directed school in the Kimberley.

3. The Auditor-General's Funding Requests (Notice given - 28/6/06, renewed 22/11/06)

Mr M.W. Trenorden: To move -

That this House –

- (a) recognises the value of the work of the Auditor-General, despite Cabinet's refusal to provide increased funding in 2006-2007 (for early reporting and labour market factors) and therefore putting the accounting process at risk;
- (b) calls on the State Government to table the Auditor-General's funding requests for the last three years; and
- (c) refers this matter to the Public Accounts Committee and requests that the Committee interview the Auditor-General's office as to the requirements of these unfunded submissions.

4. Sunset Site Class A Reserve No. 1667 (Notice given - 15/8/06, renewed - 28/11/06)

Ms S.E. Walker: To move -

That the Government moves immediately to amend the *Botanic Gardens and Parks Authority Act 1998* to ensure that the Authority takes immediate control of the Sunset Site Class A Reserve No. 1667 to prevent its further deterioration and waste of taxpayers' funds and restore it to the recreational amenity envisioned by the State's first Premier, Sir John Forrest.

5. South West Yarragadee Aquifer (Notice given - 29/8/06, renewed - 1/3/07)

Mr D.T. Redman: To move -

That this House –

- (a) recognises the social and environmental value, and regional use, of the South West Yarragadee aquifer;
- (b) acknowledges the vehement opposition by shire councils and residents in the State's south to the Water Corporation's plan to draw 45 gigalitres for piping to the metropolitan area; and
- (c) calls on the Water Corporation to abandon its plans to draw 45 gigalitres of water to supply Perth's water needs.

6. Review of the Western Australian Tourism Commission (Tourism WA) (Notice given - 29/8/06, renewed - 1/3/07)

Ms K. Hodson-Thomas: To move -

That this House –

- (a) condemns the Minister for Tourism for –
 - (i) failure to recognise the crisis in the WA tourism industry;
 - (ii) neglecting and mismanaging the WA tourism industry;
 - (iii) failure to exercise any direction or leadership of her department; and
 - (iv) the continued underperformance of her department; and
- (b) calls on the Government to establish an independent review of the Western Australian Tourism Commission (Tourism WA) and the governing Act, including –
 - (i) the performance and productivity of Tourism WA;
 - (ii) the situation surrounding the damaging closure of offices across Asia, the extent of the damage, and who, if anyone, was held accountable for this decision;
 - (iii) the true extent of the current tourism slump;
 - (iv) how many tourism operations have gone out of business under the Labor Government;

- (v) why the major Labor tourism marketing strategy, Pathways Forward: Strategic Plan 2003-2008 has so far been a shocking failure;
- (vi) accountability of Tourism WA and the ineffectiveness of existing KPI's;
- (vii) the function of Tourism WA; and
- (viii) the continued loss of national tourism market share.

7. Plight of the Sri Lankan Tamil Community (Notice given - 13/9/06, renewed - 27/3/07)

Mr T.R. Sprigg: To move -

That this House -

- (a) recognises the plight of the Sri Lankan Tamil community living in the north and east of the country;
- (b) condemns the Sri Lankan Government for the killing of innocent civilians in an attempt to suppress the Tamil ethnic minority; and
- (c) supports the Norwegian Government's peace efforts so that the Tamil people can live with dignity and in peace.

8. Contamination of Off-site Properties by the South Cardup Landfill Operation (Notice given - 13/9/06, renewed - 27/3/07)

Mr A.J. Simpson: To move -

That this House calls on the Government to immediately investigate and report on repeated allegations that the south Cardup landfill operation is contaminating off-site properties.

9. Launch of the State of the World Population Report (Notice given - 19/9/06, renewed - 29/3/07)

Mr J.N. Hyde: To move -

That this House -

- (a) recognises that -
 - (i) a report from the United Nations Population fund (UNFPA) State of the World Population 2006 - A Passage to Hope: Women and International Migration - was released on 6 September 2006; and
- (b) encourages -
 - (i) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse; and
 - (ii) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the 'push' factors that compel many migrants, particularly women, to leave their own countries, and at the same time helping achieve a more orderly migration program.

10. Year Seven Students (Notice given - 31/10/06)

Mr G.A. Woodhams: To move -

That this House calls on the Government to reject any plans to compulsorily move year seven students from primary schools to secondary schools.

11. Parliamentary Standards Commissioner (Notice given - 21/11/06)

Mr M.W. Trenorden: To move -

- (1) The Parliament of Western Australia approves in principle the creation of an independent Commission for Parliamentary Standards (the Commission) and the appointment of an officer, to be known as the Parliamentary Standards Commissioner (the Commissioner), to a permanent position as part of the parliamentary service.
- (2) The functions of the Commission are to -

- (a) examine and report as the Commissioner sees fit on the standards of conduct of holders of public office;
 - (b) investigate complaints in relation to standards of propriety in public life in Western Australia;
 - (c) make recommendations to Parliament on the optimum standards of conduct to be adopted; and
 - (d) any other matter it considers relevant these functions.
- (3) The Commission will have jurisdiction over the standards applicable to the performance of the public duties of -
- (a) members of parliament;
 - (b) ministers and parliamentary secretaries in their role as part of the Executive;
 - (c) public servants;
 - (d) local government councillors and officers; and
 - (e) members and senior officers of any bodies that receive public funds.
- (4) The Commission will have powers of a parliamentary committee for the purposes of its inquiry functions and all those persons in paragraph (3) will be obliged to attend and answer questions if so required by the Commissioner.
- (5) The Commissioner will be appointed as follows -
- (a) nominations will be put forward by the Parliamentary Oversight Committee referred to in paragraph (8);
 - (b) a secret ballot will be conducted in each House and the person who receives the majority of votes of all those members of the Legislative Assembly and the Legislative Council present and voting in their respective Chambers will be declared by the Speaker of the Legislative Assembly to be appointed. If no candidate achieves such a majority, the name of the candidate with the least number of votes will be withdrawn and fresh ballots taken until such time as a candidate achieves a majority of the total number of votes; and
 - (c) appointment will be for a term of five years, the Commissioner will be eligible for reappointment, and may only be dismissed by a majority vote of both Houses in a secret ballot determined in the same manner as the appointment.
- (6) The Commissioner is an officer of the Parliament answerable directly to each House of Parliament.
- (7) The appropriations for -
- (a) the Commission for Parliamentary Standards;
 - (b) the Freedom of Information Commissioner;
 - (c) the Office of Public Service Sector Standards and its Commissioner;
 - (d) the Office of the Auditor General;
 - (e) the Parliamentary Commissioner for Administrative Investigations (the Ombudsman); and
 - (f) the Parliamentary Inspector for the oversight of the Crime and Corruption Commission,
- will form separate divisions of the parliamentary appropriation, and will be determined after fully taking into account any recommendations by the Parliamentary Oversight Committee on the resources necessary for the effective execution of their respective functions.

(8) A committee to be known as the Parliamentary Oversight Committee will be established, consisting of three members elected by a two-thirds majority of members of both Houses, present and voting in their respective Chambers in a secret ballot. Presiding Officers, Deputy Presiding Officers, Ministers, Parliamentary Secretaries and the Leaders and Deputy Leaders of Parliamentary Parties are ineligible to be members of the Committee.

(9) The Legislative Council be acquainted accordingly and its concurrence sought herein.

12. Referral to the Joint Standing Committee on the Corruption and Crime Commission
(Notice given - 1/3/07)

Mr M.W. Trenorden: To move -

That this House refers to the Joint Standing Committee on the Corruption and Crime Commission for consideration and report by 30 June 2007 the claims made by Mr Kevin Reynolds that the Left faction of the Australian Labor Party (ALP) had been tipped off about the telephone tapping activities of the Corruption and Crime Commission, and in particular -

- (a) who was in a position to know that the telephone tapping was taking place;
- (b) why Mr Reynolds believed that some members of the ALP knew that telephone tapping was taking place;
- (c) whether any State parliamentary members of the ALP were aware, prior to revealing evidence being adduced in the Corruption and Crime Commission, that the telephone tapping was taking place, and if so, how they came by that information; and
- (d) whether State Parliamentary members of the Left faction of the ALP were advised to stop calling Mr Brian Burke prior to the revealing evidence being adduced in the Corruption and Crime Commission, that the telephone tapping was taking place, and if so, why?

13. Conferring of Honourable Title for Members of the Legislative Council (Notice given - 22/3/07)

Dr J.M. Woollard: To move -

That this House calls on the Premier to advise His Excellency the Governor that the conferring of the title "The Honourable" on Members of the Legislative Council by virtue alone of being a member of that House, should be discontinued.

14. Disallowance of the Fish Resources Management Amendment Regulations (No. 8) 2006
(Notice given - 27/3/07)

Mr G. Snook: To move -

That regulations 3 and 10 of the *Fish Resources Management Amendment Regulations (No. 8) 2006* under the *Fish Resources Management Act 1994*, a copy of which was laid upon the Table of the House on 21 November 2006, are hereby disallowed.

15. Eligibility of the Co-Production of Grain Within the Federal Managed Investment Scheme (Notice given - 27/3/07)

Mr G. Snook: To move -

That this House calls on the Federal Treasurer to reinstate the eligibility of the co-production of grain within the Managed Investment Scheme under Federal legislation.

16. Lead Pollution in the Esperance Area (Notice given - 28/3/07)

Dr G.G. Jacobs: To move -

That this House refers to the Community Development and Justice Standing Committee for consideration and report by 16 August 2007, the following –

The cause and extent of lead pollution in the Esperance area with specific reference to the following matters –

- (a) how the licensing process for the export of pelletised lead enabled the export of granulated lead;
- (b) the effectiveness of dust monitoring and reporting in relation to lead levels in the area and the adequacy of the response to those reported levels;
- (c) the extent to which handling and other practices at Esperance Port gave rise to extremely high benthic lead levels in the harbour;
- (d) whether the Esperance Port Authority properly exercised its responsibilities in relation to the potential lead pollution; and
- (e) whether the existing responsibilities of Department of Environment and Conservation in relation to the Esperance Port Authority processes, practices and procedures were adequate and were properly exercised.

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY

1. Inland Rural Communities Funding (Moved - 29/3/06)

Adjourned debate (Minister for Planning and Infrastructure - continuation of remarks) on the motion moved by Mr T.K. Waldron -

That the Premier immediately boost State Government funding to inland rural communities experiencing an upsurge in land and housing inquiry and to immediately provide increased funding for -

- (a) the small towns sewerage and infill sewerage;
- (b) regional headworks;
- (c) safety upgrades on dangerous country roads;
- (d) upgrade of community and recreational amenities;
- (e) implementation of inland town desalination projects; and
- (f) rural towns promotional campaigns.

2. Electricity Corporations Amendment Bill 2006 (Mr M.W. Trenorden) (No. 132, 2r. - 10/5/06)

Second reading. Adjourned debate (Mr M.P. Whitely).

3. Budget Allocation for Infrastructure in Regional Western Australia (Moved - 31/5/06)

Adjourned debate (Mr G.A. Woodhams - continuation of remarks) on the motion moved by Mr B.J. Grylls -

That this House condemns the Labor Government for its failure to recognise the infrastructure needs of Regional Western Australia in the 2006/07 Budget, given –

- (a) the majority of the State Government's record \$2 billion surplus has been generated courtesy of the booming regional-based resources sector – but there is evidence that the regional economies have not benefited from this activity; and
- (b) the Government has set aside \$1.3 billion (65 per cent) of the \$2 billion budget surplus to pay off the Perth to Mandurah rail project at the expense of much needed investment in Regional Western Australia,

and calls on the State Government to provide a significant funding boost to regional development in this State to fundamentally re-adjust the prospects for long-term sustainable growth in our regions.

4. *Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006 (Dr K.D. Hames) (No. 151, 1r. - 22/6/06)

To be read a second time.

5. Development of Biofuels Industry in Western Australia (Moved - 28/6/06)

Adjourned debate (Mr G. Snook - continuation of remarks) on the motion moved by Mr D.T. Redman -

That this House calls on the State Government to –

- (a) register its disappointment with the Federal Government regarding the passage of the Fuel Tax Bill 2006 through Federal Parliament, given the legislation's treatment of biofuels producers in particular;
- (b) acknowledge the need to provide certainty to the Western Australian biofuels industry to encourage its development; and
- (c) consider the introduction of other incentives for local biofuels producers to encourage regional biofuels production in Western Australia.

6. *Botanic Gardens and Parks Authority Amendment Bill 2006 (Ms S.E. Walker) (No. 157, 2r. - 23/8/06)

Second reading. Adjourned debate (Deputy Premier).

7. Review of the Road Safety System (Moved - 16/8/06)

Adjourned debate (Mr M.J. Cowper - continuation of remarks) on the amendment moved by the Minister for Police and Emergency Services, To delete all words after "House" and substitute the following –

“ acknowledges the public interest in and concern about the road toll. ”.

in the motion moved by Mr J.E. McGrath -

That this House –

- (a) acknowledges the public interest in and concern about the road toll;
- (b) notes that there has been a plethora of suggestions about how road safety concerns might be addressed, including –
 - (i) better road design;
 - (ii) more use of in-vehicle technologies to improve safety;
 - (iii) more and better driver education programmes;
 - (iv) severe curfew conditions on young drivers;
 - (v) 30km/h speed limits not just on local roads but, to quote the head of the Government's Office of Road Safety, "any road where there was a chance a car could hit a pedestrian";
 - (vi) 90km/h speed limits on most of the State's country roads, and a maximum limit on all the State's highways of 100km/h; and
 - (vii) generally higher fines and penalties,
 and notes that while some of these ideas have merit, others are impractical and ineffective and represent a level of desperation and lack of new ideas from the existing authorities;
- (c) notes community concerns about the funding arrangements for the Office of Road Safety, and particularly the obvious contradiction that funding from the Office comes from traffic fines and it must therefore emphasise this area in order to sustain its operations, notwithstanding that non-revenue options such as education, road and vehicle design have as much a role to play in the road safety arena as penalty provisions;
- (d) notes that the current road safety strategy for Western Australia, Arriving Safely: Road Safety Strategy for Western Australia 2003-2007, has almost run its course and a new strategy is needed;

- (e) calls on the Government to undertake a thorough and comprehensive review of the road safety system, to develop an integrated and evidence-based approach to road safety;
- (f) notes that the Opposition offers its full co-operation in terms of bipartisan involvement in this review and support for any worthwhile initiatives that arise from the review;
- (g) enables membership of the review committee to include the following: a chairperson, being a member of the community with some knowledge of road safety; a member of Government; a member of the Opposition; a representative of the Office of Road Safety; and a fifth member to be decided by the Minister; and
- (h) that the inquiry report to the Minister for Police and Emergency Services by 31 December 2007, and that the Minister present the report to the Legislative Assembly within three months of receiving the report, together with a report on what action, if any, is proposed to be taken by the Government with respect to the recommendations of the inquiry.

8. Uranium Mining Ban (Moved - 23/8/06)

Adjourned debate (Mrs J. Hughes - continuation of remarks) on the motion moved by Mr C.J. Barnett -

That this House calls on all Labor Members to support their federal leader, Hon. Kim Beazley MP, in his new approach to uranium mining in which he is quoted –

- (a) “I will seek a change to Labor Party’s platform to replace the no new mines policy with a new approach based on the world’s strongest export safeguards.” (Australian Labor Party Media Statement, 24 July 2006)
- (b) “The real issue is what we do with the uranium we mine, not how many places we mine it.” (*Sydney Morning Herald*, 25 July 2006)
- (c) “Banning new uranium mines would not limit the export of Australian uranium to the world, it would simply favour incumbent producers.” (*Sydney Morning Herald*, 25 July 2006)

9. *Children and Community Services (Mandatory Reporting) Amendment Bill 2006
(Mr P.D. Omodei) (No. 162, 2r. - 1/11/06)

Second reading. Adjourned debate (Mr R.C. Kucera).

10. Development of Infrastructure to Allow Power Generation Out of Albany (Moved - 13/9/06)

Adjourned debate (Dr G.G. Jacobs - continuation of remarks) on the motion moved by Dr G.G. Jacobs -

That this Government develop infrastructure to allow power generation out of Albany to ‘power proof’ the Great Southern Region.

11. Daylight Saving Bill 2006 (Mr J.B. D’Orazio) (No. 174, 2r. - 25/10/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

12. Childcare Services in Regional Western Australia (Moved - 25/10/06)

Adjourned debate (Mr G. Snook - continuation of remarks) on the motion moved by Mr T.K. Waldron -

That this House calls on the State Government to take immediate steps to address the appalling state of childcare services in regional Western Australia, particularly in relation to –

- (a) the shortage of suitable childcare services in regional areas of Western Australia;

- (b) the problems caused by the introduction of unworkable regulations governing the operation of childcare centres in country areas; and
- (c) the need for a more flexible model for childcare arrangements in regional Western Australia, while still providing for the safety and well-being of all children in care.

13. Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005 (Dr E. Constable) (LC No. 97, 2r. - 1/11/06)

Second reading. Adjourned debate (Minister for the Environment).

14. CEO Recruitment and Selection - Report by the Public Sector Standards Commissioner (Moved - 22/11/06)

Adjourned debate (Mr B.S. Wyatt - continuation of remarks) on the motion moved by Mr R.F. Johnson, on behalf of Mr T.R. Buswell -

That this House acknowledges the report on CEO recruitment and selection presented by the Commissioner for Public Sector Standards and calls on the Government to restore independence and integrity to the Western Australian public service.

15. Heritage of Western Australia (Crown Acquisition of Registered Places) Amendment Bill 2006 (Ms S.E. Walker) (No. 182, 1r. - 23/11/06)

To be read a second time.

16. Director of Public Prosecutions (Standing Committee) Amendment Bill 2006 (Ms S.E. Walker) (No. 181, 1r. - 29/11/06)

To be read a second time.

17. Suspension of Standing Orders (Moved - 27/2/07)

Adjourned debate until the Member for Murchison-Eyre has completed his evidence today at the CCC (Deputy Premier), on the motion moved by Mr P.D. Omodei, That so much of the Standing Orders be suspended as to allow the House to consider the following motion -

That this House calls on the Premier to immediately dismiss the Minister for Local Government; Employment Protection; Racing and Gaming; Goldfields-Esperance and Great Southern for his failure to uphold the integrity required of a Minister of the Crown.

18. Daylight Saving Amendment Bill 2007 (Mr B.J. Grylls) (No. 192, 2r. - 21/3/07)

Second reading. Adjourned debate (Deputy Premier).

19. Daylight Saving Amendment Bill (No. 2) 2007 (Mr M.J. Birney) (No. 196, 2r. - 21/3/07)

Second reading. Adjourned debate (Deputy Premier).

20. Harvey International Slalom Course (Moved - 28/3/07)

Adjourned debate (Mr T.R. Sprigg - continuation of remarks) on the motion moved by Mr T.R. Sprigg -

That this House calls on the Government to ensure the Water Corporation honours its commitment to provide \$10.85 million in financial assistance to Canoeing WA to replace the Harvey International Slalom Course it was forced to relinquish in 1998.

AWAITING GOVERNOR'S MESSAGE

1. Scrutiny of Government Publicity Bill 2005 (Mr M.J. Birney) (No. 64, 2r. - 29/6/05)

Second reading.

2. Police (Compensation for Injured Officers) Amendment Bill 2006 (Mr M.J. Cowper) (No. 159, 2r. - 23/8/06)

Second reading.

COMMITTEES TO REPORT

Procedure and Privileges Committee – E-Petitions and E-Parliament Feasibility Study	–	28 June 2007
Economics and Industry Standing Committee – Inquiry into the Role of the State Government in Developing and Promoting the Local Information Communications Technology (ICT) Industry	–	
Joint Standing Committee on the Corruption and Crime Commission – Inquiry into the Future Operation of Witness Protection Programmes in Western Australia	–	
Joint Standing Committee on the Corruption and Crime Commission – Inquiry into Legislative Amendments to the <i>Corruption and Crime Commission Act 2003</i>	–	27 September 2007
Procedure and Privileges Committee – Review of Legislative Assembly's Committee System	–	25 October 2007
Education and Health Standing Committee – Inquiry into Successful Initiatives in Remote Aboriginal Communities	–	29 November 2007
Public Accounts Committee - Funding Arrangements for Western Australian Infrastructure Projects	–	

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Minister to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission – Joint Standing Committee on the Corruption and Crime Commission to Continue After Dissolution of Parliament	Attorney General	26 January 2007 [non-compliance reported 28 February 2007]

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Community Development and Justice Standing Committee	Natural Disaster Relief Assistance	10 May 2007
Community Development and Justice Standing Committee	Prosecution of Assaults and Sexual Offences	30 June 2007
Procedure and Privileges Committee	Inquiry into the Member for Murchison-Eyre's early release of Committee documents	1 March 2008

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- * Denotes amendments appear 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.
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NOTICES AND AMENDMENTS

Botanic Gardens and Parks Amendment Bill 2006 (No. 157—1)

Clause 4.

Ms S.E. Walker: To move –

Page 2, line 16 – To delete “1720” and substitute –

“ 1667 ”.

Children and Community Services (Mandatory Reporting) Amendment Bill 2006 (No. 162—1)

Clause 4.

Mr P.D. Omodei: To move –

Page 4, line 31 – To insert after the word “suspicion” the following –

“ to ”.

Mr P.D. Omodei: To move –

Page 5, line 2 – To delete the word “Officer” where it occurs a second time.

Mr P.D. Omodei: To move –

Page 8, line 12 – To delete “30(B)(2)” and substitute -

“ 30B(2) ”.

Medical Practitioners Bill 2006 (No. 183—1)

Clause 27.

The Minister for Health: To move –

Page 18, lines 8 and 9 – To delete “appointed under the *Financial Administration and Audit Act 1985*”.

Pharmacists Bill 2006 (No. 185—1)

Clause 3.

The Minister for Health: To move –

Page 5, line 5 — To insert after “*Act 1964*” —

“ of a type prescribed by the regulations ”.

The Minister for Health: To move –

Page 5, after line 7 — To insert —

“

“**prescribed private hospital**” means a private hospital, other than a day hospital facility, nursing home or nursing post, prescribed, or of a type prescribed, by the regulations;

“**preserved company**” means St John of God Health Care Incorporated, an association incorporated under the *Associations Incorporation Act 1987*;

”.

The Minister for Health: To move –

Page 5, after line 9 — To insert —

“

“**private hospital**” means a natural person or a body corporate that is the holder of a licence to conduct a private hospital granted under the *Hospitals and Health Services Act 1927* Part IIIA;

”.

The Minister for Health: To move –

Page 5, after line 17 — To insert —

“ and has a meaning affected by subsection (2); ”.

The Minister for Health: To move –

Page 5, line 31 — To insert after “drugs” —

“

but does not include to use, supply or sell a poison under the *Poisons Act 1964* section 23(2)(b), (c) or (e)

”.

The Minister for Health: To move –

Page 6, after line 8 — To insert —

“

(2) Without limiting the generality of the expression, a person will be taken to hold a proprietary interest in a pharmacy business if —

- (a) the person is a party to an arrangement of a kind prescribed by the regulations; or
- (b) the person, in the course of carrying on a business, provides a benefit to another for which the person is entitled to receive the profits or income, or a share in the profits or income, of a pharmacy business; or

- (c) the person has, under a franchise or other commercial arrangement, a right to receive consideration that varies according to the profits or income of a pharmacy business.

”.

Clause 28.

The Minister for Health: To move –

Page 21, lines 28 to 31 — To delete the lines.

Clause 32.

The Minister for Health: To move –

Page 23, lines 28 and 29 — To delete the lines.

Clause 34.

The Minister for Health: To move –

Page 24, lines 26 to 29 — To delete the lines and substitute —

“

“**supermarket**” means a retail store or market the primary business of which is the sale of a range of food, beverages, groceries and other domestic goods.

”.

Clause 36.

The Minister for Health: To move –

Page 25, line 17 — To insert after “37” —

“ (1) ”.

The Minister for Health: To move –

Page 25, after line 17 — To insert —

“

- (c) subject to section 37(2), a prescribed private hospital.

”.

Clause 37.

The Minister for Health: To move –

Page 25, after line 28 — To insert —

“

- (2) A prescribed private hospital may not carry on a pharmacy business at any premises other than the premises approved as premises for the hospital under the *Hospitals and Health Services Act 1927* Part IIIA.

”.

Clause 39.

The Minister for Health: To move –

Page 27, after line 24 — To insert —

“

- (e) the Board is satisfied that the premises are —
 - (i) located wholly or partly within a supermarket; or
 - (ii) capable of being entered from a supermarket; or
 - (iii) capable of being used to gain entry to a supermarket;
- or

”.

The Minister for Health: To move –

Page 27, line 25 — To insert after “company” —

“ or a prescribed private hospital ”.

Clause 42.

The Minister for Health: To move –

Page 28, line 24 to page 29, line 3 — To delete the lines and substitute —

“

- (c) a person who owns, or holds a proprietary interest in, the pharmacy business carried on at the premises —
 - (i) is not, or has ceased to be, a person who is entitled to own, or hold a proprietary interest in, a pharmacy business under section 58; or
 - (ii) is in breach of section 59;
- or
- (d) the person in whose name the premises are registered no longer carries on a pharmacy business at the premises; or
 - (e) the Board is satisfied that the premises are —
 - (i) located wholly or partly within a supermarket; or
 - (ii) capable of being entered from a supermarket; or
 - (iii) capable of being used to gain entry to a supermarket;
- or
- (f) where the premises are registered in the name of the preserved company or a prescribed private hospital, the premises are not in compliance with section 37.

”.

New clause.

The Minister for Health: To move –

Page 35, after clause 55, line 27 — To insert —

“

56. Notification of intended change of ownership of, or interests held in, pharmacy business

A person who intends to acquire, or dispose of, ownership of, or a proprietary interest in, a pharmacy business must give the registrar written advice of the intended acquisition or disposal at least 14 days before the acquisition or disposal occurs.

Penalty:

- (i) for an individual, a fine of \$5 000;
- (ii) for a body corporate, a fine of \$10 000.

”.

New clause.

The Minister for Health: To move –

Page 37, after clause 57, after line 10 — To insert —

“

58. Pharmacy business carried on by prescribed private hospital

- (1) In subsection (2) —

“in-patient”, in respect of a prescribed private hospital, means a patient who is admitted to the hospital for the purpose of receiving treatment in a bed in the hospital.

- (2) A prescribed private hospital must not own, or hold a proprietary interest in, a pharmacy business other than a business —
- (a) consisting of the provision of pharmaceutical services for in-patients of the hospital only; and
 - (b) from which goods and services relating to the provision of pharmaceutical services may be available for such patients only.

Penalty:

- (a) for an individual, a fine of \$5 000;
- (b) for a body corporate, a fine of \$10 000;
- (c) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$400.

”.

Clause 58.

The Minister for Health: To move –

Page 37, after line 23 — To insert —

“

or

(f) a prescribed private hospital.

”.

The Minister for Health: To move –

Page 37, line 26 — To delete “or (e)” and substitute —

“ , (e) or (f) ”.

The Minister for Health: To move –

Page 37, line 27 — To insert after “director,” —

“ officer, trustee, ”.

Clause 59.

The Minister for Health: To move –

Page 38, line 9 — To insert after “own” —

“ , or hold a proprietary interest in, ”.

The Minister for Health: To move –

Page 38, after line 12 — To insert —

“

- (4) A prescribed private hospital must not, at any one time, own more than one pharmacy business for each licence to conduct a private hospital held by it.
- (5) A close family member of a pharmacist must not hold a proprietary interest in more than 4 pharmacy businesses at any one time.
- (6) A new friendly society must not acquire, or acquire a proprietary interest in, a pharmacy business, if the total number of pharmacy businesses which are owned by a new friendly society, or in which a new friendly society holds a proprietary interests, is not less than 8.
- (7) In subsection (6) —
“new friendly society” means a friendly society that did not own, or hold a proprietary interest in, a pharmacy business in this State immediately before the commencement of this Act.

”.

Clause 62.

The Minister for Health: To move –

Page 40, after line 30 — To insert —

“

- (4) On a person ceasing to be a close family member of a pharmacist due to death, divorce or separation —
 - (a) a proprietary interest held by that person in a pharmacy business is to be dealt with in accordance with the regulations; and
 - (b) for such period as the Board approves in writing, being not longer than 12 months, section 58 does not apply in respect of the proprietary interest held by that person.

”.

Clause 103.

The Minister for Health: To move –

Page 70, line 8 — To insert after “prohibit” —

“

—

- (a) a person who holds a qualification in chemistry, obtained from a university or other tertiary institution, from using the title “chemist”; or
- (b)

”.

Schedule 1.

The Minister for Health: To move –

Page 90, line 20 — To delete “3” and substitute —

“ 5 ”.

The Minister for Health: To move –

Page 90, line 21 — To delete “3” and substitute —

“ 5 ”.

Public Trustee and Trustee Companies Legislation Amendment Bill 2006 (No. 102—1)

Clause 11.

The Attorney General: To move –

Page 6, line 20 – To delete “Fund” and substitute –

“ Account ”.

The Attorney General: To move –

Page 6, line 26 – To delete “*Financial Administration and Audit Act 1985*” and substitute –
 “ *Financial Management Act 2006* ”.

Clause 25.

The Attorney General: To move –

Page 17, line 5 – To delete “**Fund**” and substitute –
 “ **Account** ”.

The Attorney General: To move –

Page 17, line 6 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –

Page 17, line 7 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –

Page 17, lines 15 to 17 – To delete the lines and substitute –
 “

- (2) The Common Account is an agency special purpose account under the *Financial Management Act 2006* section 16.

”.

The Attorney General: To move –

Page 17, line 19 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –

Page 17, line 22 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –

Page 18, line 2 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –

Page 18, line 5 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –
 Page 18, line 10 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –
 Page 18, line 14 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –
 Page 18, line 21 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –
 Page 18, line 26 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –
 Page 18, line 31 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –
 Page 18, line 32 – To delete “Fund” and substitute –
 “ Account ”.

The Attorney General: To move –
 Page 19, line 6 – To delete “**funds**” and substitute –
 “ **accounts** ”.

The Attorney General: To move –
 Page 19, line 9 – To delete “fund” and substitute –
 “ account ”.

The Attorney General: To move –
 Page 19, line 10 – To delete “fund” and substitute –
 “ account ”.

The Attorney General: To move –

Page 19, lines 12 to 14 – To delete the lines and substitute –

“

- (3) Each strategic common account is an agency special purpose account under the *Financial Management Act 2006* section 16.

”.

The Attorney General: To move –

Page 20, line 20 – To delete “fund” and substitute –

“ account ”.

The Attorney General: To move –

Page 20, line 28 – To delete “fund” and substitute –

“ account ”.

Clause 28.

The Attorney General: To move –

Page 24, line 5 – To delete “Fund” and substitute –

“ Account ”.

Clause 29.

The Attorney General: To move –

Page 25, lines 15 and 16 – To delete “section 66 of the *Financial Administration and Audit Act 1985*.” and substitute –

“ the *Financial Management Act 2006* section 61. ”.

Clause 36.

The Attorney General: To move –

Page 28, line 13 – To delete “Fund” and substitute –

“ Account ”.

Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006 (No. 151—1)

Clause 3.

Dr K.D. Hames: To move –

Page 3, line 3 – To delete “1994” and substitute –

“ 1974 ”.

Long title.

Dr K.D. Hames: To move –

Page 1, line 7 – To delete “**1994**” and substitute –

“ **1974** ”.

PETER J. MCHUGH

Clerk of the Legislative Assembly