

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 104

TUESDAY, 17 AUGUST 2010

1. Meeting of Council

The Council assembled at 3.00pm pursuant to Temporary Orders.

The President, Hon Barry House, took the Chair and read prayers.

2. Petition

Hon Ken Travers presented a petition from 68 petitioners requesting the Legislative Council oppose the proposed designated kite-surfing area on Mullaloo Beach. (Tabled paper 2352).

3. Papers

The following Papers were laid on the Table by -

Leader of the House

Regulations -

Co-operatives Act 2009 (Co-operatives Regulations 2010 G.G. 13/08/2010)..... 2346

Reports -

Electoral Commission - Western Australian Referendum on Daylight Saving (2009)..... 2347

Minister for Transport

Regulations -

Health Act 1911 (Health (Offensive Trades Fees) Amendment Regulations 2010 G.G. 13/08/2010,
Health (Public Buildings) Amendment Regulations 2010 G.G. 13/08/2010 and Health
(Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations
2010 G.G. 13/08/2010) 2348

Minister for Energy

Local Laws -

Cemeteries Act 1986 (Shire of Koorda Cemeteries Amendment Local Law 2010 G.G. 10/08/2010)..... 2349

Reports -

Western Power - Statement of Corporate Intent 2009-2010 2350

Western Power - Statement of Corporate Intent 2010-2011 2351

4. **Child Care Services (Rural Family Care) Regulations 2010 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Child Care Services (Rural Family Care) Regulations 2010* published in the *Gazette* on 21 May 2010 and tabled in the Legislative Council on 25 May 2010 under the *Child Care Services Act 2007*, be and are hereby disallowed.

5. **Order of Business**

Ordered - That Orders of the Day Nos 1, *Shire of Dardanup Standing Orders Local Law 2009 - Disallowance*, 2, *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance*, 3, *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2010 - Disallowance*, 4, *Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010 - Disallowance*, and 5, *Petroleum Pipelines (Occupational Safety and Health) Regulations 2010 - Disallowance*, be taken after Order of the Day No. 6, *Approvals and Related Reforms (No. 1) (Environment) Bill 2009*. (Leader of the House).

6. **Health Practitioner Regulation National Law (WA) Bill 2010 and Pharmacy Bill 2010**

The Orders of the Day for the further consideration of these Bills, in Committee, having been read.

The President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Pharmacy Bill 2010

Clause 71.

Debate resumed on the amendment of Hon Giz Watson as follows -

Page 41, line 4 — To delete “, subject to subsection (5)” and insert —

if the officer knowingly authorised or permitted the contravention

Amendment - put and negatived.

Debate resumed.

Hon Linda Savage moved the following Committee Recommendation -

Page 41, line 5 — To delete “body corporate commits an offence” and insert —

body corporate is suspected, on reasonable grounds, to have committed an offence

Debate ensued.

Amendment - put and negatived.

Question - That the clause stand as printed - put and passed.

Clauses 72 to 76 agreed to.

Clause 77.

Hon Adele Farina moved the following Committee Recommendation -

Page 44, line 17 — To delete “15(j)” and insert —

14(j)

Debate ensued.

Amendment, by leave, withdrawn.

Debate resumed.

Question - That the clause stand as printed - put and passed.

Clauses 78 to 94 agreed to.

Title agreed to.

Health Practitioner Regulation National Law (WA) Bill 2010

Schedule.

Hon Liz Behjat moved the following Committee Recommendation -

Page 233, after line 7 — To insert —

- (3) Despite section 7(1)(d) of the *Health Practitioner Regulation National Law (WA) Act 2010*, sections 41 and 42 of the *Interpretation Act 1984* apply to regulations made under subsection (1).

Debate ensued.

7. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Attorney General tabled, and by leave incorporated into Hansard, additional information in relation to costs incurred by the State resulting from its involvement in the court case and the High Court ruling in relation to the changes to the *Electoral Act 1918* (Cth), in response to a question without notice asked by Hon Ken Travers. (Tabled paper 2353).

8. Health Practitioner Regulation National Law (WA) Bill 2010 and Pharmacy Bill 2010

The Orders of the Day for the further consideration of these Bills, in Committee, having been read.

The President left the Chair.

In Committee

(Hon Helen Morton in the Chair)

Health Practitioner Regulation National Law (WA) Bill 2010

Schedule.

Debate resumed on the Committee Recommendation moved by Hon Liz Behjat as follows -

Page 233, after line 7 — To insert —

- (3) Despite section 7(1)(d) of the *Health Practitioner Regulation National Law (WA) Act 2010*, sections 41 and 42 of the *Interpretation Act 1984* apply to regulations made under subsection (1).

Amendment - put and passed.

Hon Adele Farina moved the following Committee Recommendation -

Page 233, lines 8 to 10 — To delete the lines.

Debate ensued.

Amendment - put and passed.

Hon Adele Farina moved the following Committee Recommendation -

Page 233, lines 14 to 17 — To delete the lines.

Amendment - put and passed.

Hon Adele Farina moved the following Committee Recommendation -

Page 233, line 19 to page 234, line 4 — To delete the lines and insert —

Note: Clause 246 of the *Health Practitioner Regulation National Law* does not form part of the *Health Practitioner Regulation National Law* in Western Australia.

Amendment - put and passed.

Hon Adele Farina moved the following Committee Recommendation -

Page 234, lines 6 to 15 — To delete the lines and insert —

Note: Clause 247 of the *Health Practitioner Regulation National Law* does not form part of the *Health Practitioner Regulation National Law* in Western Australia.

Amendment - put and passed.

Schedule, as amended, agreed to.

Postponed Clause 7.

Hon Adele Farina moved the following Committee Recommendation -

Page 4, line 19 — To delete “The” and insert —

- (1) Except as provided in subsection (2), the

Amendment - put and passed.

Hon Adele Farina moved the following Committee Recommendation -

Page 4, after line 27 — To insert —

- (2) Sections 41 and 42 of the *Interpretation Act 1984* apply to regulations made under the *Health Practitioner Regulation National Law (Western Australia)*.

Amendment - put and passed.

Clause, as amended, agreed to.

New Clause 13A.

Hon Adele Farina moved the following Committee Recommendation -

Page 6, after line 21 — To insert —

13A. Tabling of review under COAG Agreement

The Minister is to cause a copy of the report of the review conducted under the COAG Agreement clause 14.1 to be laid before each House of Parliament as soon as practicable, and in any event not later than 6 months after the Ministerial Council receives the report.

Debate ensued.

New Clause - put and negatived.

Title agreed to.

The Deputy President resumed the Chair.

Health Practitioner Regulation National Law (WA) Bill 2010 - Bill reported with amendments.

Pharmacy Bill 2010 - Bill reported without amendment.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

9. Hairdressers Registration (Amendment and Expiry) Bill 2010

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

Debate ensued.

Hon Alison Xamon moved, without notice -

That the *Hairdressers Registration (Amendment and Expiry) Bill 2010* be discharged from the Notice Paper and referred to the Standing Committee on Legislation.

Debate ensued.

Question - put and negatived.

Debate resumed on the question, That the Bill be read a second time.

Question - put.

The House divided.

Ayes (24)

Hon Liz Behjat
 Hon Matt Benson-Lidholm
 Hon Peter Collier
 Hon Mia Davies
 Hon Ed Dermer
 Hon Kate Doust
 Hon Phil Edman
 Hon Sue Ellery
 Hon Brian Ellis
 Hon Adele Farina
 Hon Jon Ford
 Hon Nick Goiran

Hon Nigel Hallett
 Hon Alyssa Hayden
 Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ljiljanna Ravlich
 Hon Linda Savage
 Hon Max Trenorden
 Hon Ken Baston (*Teller*)

Noes (4)

Hon Robin Chapple
 Hon Lynn MacLaren

Hon Giz Watson
 Hon Alison Xamon (*Teller*)

Question thus passed.

Bill read a second time.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting.

10. Members' Statements

Statements were taken.

11. Cannabis Law Reform Bill 2009

The President reported the receipt of Message No. 122 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a second time.

Debate stands adjourned.

12. Adjournment

The House adjourned at 10.15pm until Wednesday, 18 August 2010 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown, Hon Wendy Duncan, Hon Donna Faragher and Hon Philip Gardiner.

MALCOLM PEACOCK
 Clerk of the Legislative Council

HON BARRY HOUSE
 President of the Legislative Council