

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 199

TUESDAY, 6 MAY 2008

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

2. Message from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

14 April 2008 - Message No. 10	Act No.
Treasurer's Advance Authorisation Bill 2008	10 of 2008
Duties Bill 2007	11 of 2008
Duties Legislation Amendment Bill 2007	12 of 2008
Prostitution Amendment Bill 2007	13 of 2008
14 April 2008 - Message No. 11	Act No.
State Supply Commission Amendment Bill 2007	15 of 2008
15 April 2008 - Message No. 12	Act No.
Parental Support and Responsibility Bill 2005	14 of 2008
16 April 2008 - Message No. 13	Act No.
Mines Safety and Inspection Amendment Bill 2007	16 of 2008
Casino (Burswood Island) Agreement Amendment Bill 2007	17 of 2008

3. Petition

Hon Donna Faragher presented a petition, by delivery to the Clerk, [SO 130], from 72 residents of Western Australia requesting the Legislative Council to support the introduction of mandatory gaol terms on people who use violence against public officers. (Tabled paper 3910).

4. Papers

The following Papers were laid on the Table by -

President*Addendums -*

- Corruption and Crime Commission - Report into the Discontinuance of a Prosecution
Against Joe McDonald on 24 May 2006: Erratum (Deemed tabled 14/04/2008) 3911

Reports -

- Corruption and Crime Commission - Report into the Discontinuance of a Prosecution
Against Joe McDonald on 24 May 2006 (Deemed tabled 11/04/2008) 3912
- Inspector of Custodial Services - Report of an Announced Inspection of Roebourne
Regional Prison (Report No. 48) (March 2008) (Date received 13/03/2008) 3913
- Inspector of Custodial Services - Report of an Announced Inspection of Casuarina
Prison (Report No. 49) (March 2008) (Date received 13/03/2008)..... 3914

Leader of the House*Guidelines (Commonwealth of Australia) -*

- Classification of Films and Computer Games 3915
- Classification of Publications 2005 3916

Regulations -

- Trans-Tasman Mutual Recognition Amendment Regulations 2008 (No. 1)
(Commonwealth of Australia)..... 3917

Minister for Local Government*Response to Reports -*

- Joint Standing Committee on Delegated Legislation - University Statutes: Curtin
University of Technology - Statute No. 7 - The Council; and Murdoch
University - Amending Statutes No. 5 and No. 17 (Report No. 26)
(Minister for Education and Training) 3918

Minister for Employment Protection*Reports -*

- Report on the Ministerial visit by Hon Margaret Quirk the Minister for Corrective
Services; Small Business, to Canada and the United States of America
(29 September - 11 October 2008) 3919
- Western Australia Police - Quarterly Report under Section 54(2) of the Terrorism
(Preventative Detention) Act 2006 (Ending 31 March 2008) 3920

Minister for Child Protection*Response to Reports -*

- Joint Standing Committee on Delegated Legislation - Issues Arising under Health
Local Laws (Report No. 25) (Minister for Health) 3921

Minister for Child Protection on behalf of the Parliamentary Secretary representing the Deputy Premier*Financial Statements -*

- Legal Contribution Trust (2007) (For the six months ending 31 December 2007)
(Date received 02/05/2008) 3922

Response to Reports -

Standing Committee on Estimates and Financial Operations - Budget of the Office of
the Auditor General (Report No. 11) (Treasurer) 3923

Parliamentary Secretary representing the Minister for Planning and Infrastructure*Orders -*

Consumer Credit (Western Australia) Act 1996 - Consumer Credit
(Western Australia) Code Amendment Order 2008 3924

Parliamentary Secretary representing the Minister for the Environment*Response to Reports -*

Standing Committee on Environment and Public Affairs - Overview of Petitions
(Report No. 12) (Minister for the Environment) 3925

5. City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007* published in the *Gazette* on 1 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

6. City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2007* published in the *Gazette* on 11 January 2008 and tabled in the Legislative Council on 27 February 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

7. City of Cockburn - Parking and Parking Facilities Local Law 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *City of Cockburn - Parking and Parking Facilities Local Law 2007* published in the *Gazette* on 11 January 2008 and tabled in the Legislative Council on 27 February 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

8. City of Nedlands - Fencing Local Laws 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *City of Nedlands - Fencing Local Laws 2007* published in the *Gazette* on 13 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Local Government Act 1995*, be and are hereby disallowed.

9. City of Nedlands - Signs Local Law 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *City of Nedlands - Signs Local Law 2007* published in the *Gazette* on 13 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

10. State Superannuation Amendment Regulations 2008 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *State Superannuation Amendment Regulations 2008* published in the *Gazette* on 18 January 2008 and tabled in the Legislative Council on 27 February 2008 under the *State Superannuation Act 2000*, be and are hereby disallowed.

11. Armadale Kelmscott District Memorial Hospital Amendment By-Laws 2008 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Armadale Kelmscott District Memorial Hospital Amendment By-Laws 2008* published in the *Gazette* on 12 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed.

12. Bentley Hospital Amendment By-Laws 2008 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Bentley Hospital Amendment By-Laws 2008* published in the *Gazette* on 12 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed.

13. Fremantle Hospital Amendment By-Laws 2008 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Fremantle Hospital Amendment By-Laws 2008* published in the *Gazette* on 12 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed.

14. Metropolitan Health Service By-Laws 2008 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Metropolitan Health Service By-Laws 2008* published in the *Gazette* on 12 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed.

15. Peel Health Services By-Laws 2008 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Peel Health Services By-Laws 2008* published in the *Gazette* on 12 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed.

16. Swan Districts Hospital (Eveline Road Site) Amendment By-Laws 2008 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Swan Districts Hospital (Eveline Road Site) Amendment By-Laws 2008* published in the *Gazette* on 12 February 2008 and tabled in the Legislative Council on 27 February 2008 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed.

17. Conservation and Land Management Amendment Regulations (No. 2) 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Conservation and Land Management Amendment Regulations (No. 2) 2007* published in the *Gazette* on 29 January 2008 and tabled in the Legislative Council on 27 February 2008 under the *Conservation and Land Management Act 1984*, be and are hereby disallowed.

18. Matter of Urgency - Western Power Disaggregation - Government Commitments

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency that this House condemns the Carpenter Government for failing to honour its commitments regarding the implementation of the break-up of Western Power.

Yours sincerely

Hon Brian Ellis

Member for Agricultural Region

Four members having risen in support.

Hon Brian Ellis moved the motion.

Debate ensued.

Motion lapsed.

19. Suspension of Standing Orders

Hon Paul Llewellyn moved, without notice -

That so much of Standing Orders be suspended to enable motion No. 79 *Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 - Variation Agreement - Disallowance*, to be debated until 6.00pm at today's sitting and the question put and determined, if not sooner, at that time.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

There being a dissentient voice the President ordered the House to divide.

Ayes (15)

Hon George Cash
Hon Peter Collier
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Ray Halligan
Hon Barry House
Hon Paul Llewellyn

Hon Robyn McSweeney
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Barbara Scott
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Noes (11)

Hon Vincent Catania
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford

Hon Graham Giffard
 Hon Batong Pham
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ed Dermer (*Teller*)

The concurrence of an absolute majority of the whole number of Members not being met, Standing Orders not suspended.

20. Human Reproductive Technology Amendment Bill 2007

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

21. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, a table providing details of children fourteen years and under with sexually transmitted infections, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 3926).

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, an answer in relation to details of metropolitan mental health beds by location and identified by secure bed or non-secure bed that were closed or vacant on 8 and 9 April 2008, in response to a question on notice asked by Hon Helen Morton. (Tabled paper 3927).

The Minister for Local Government representing the Minister for Housing and Works tabled, and by leave incorporated into Hansard, an answer in relation to low cost accommodation in the Mid West, in response to a question without notice asked by Hon Brian Ellis. (Tabled paper 3928).

The Minister for Child Protection representing the Minister for Health tabled a table of details for Nurse Practitioner positioning and funding since the *Nurses and Midwives Act 2006* was assented to in October 2006, in response to question on notice No. 6080 asked by Hon Norman Moore. (Tabled paper 3929).

22. Human Reproductive Technology Amendment Bill 2007

Debate resumed on the second reading of this Bill (cf item No. 20 above).

Question - put.

The House divided.

Ayes (15)

Hon Kim Chance
 Hon Sue Ellery
 Hon Brian Ellis
 Hon Adele Farina
 Hon Jon Ford
 Hon Barry House
 Hon Paul Llewellyn
 Hon Robyn McSweeney

Hon Sheila Mills
 Hon Norman Moore
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Matt Benson-Lidholm (*Teller*)

Noes (18)

Hon Shelley Archer
 Hon Ken Baston
 Hon George Cash
 Hon Vincent Catania
 Hon Peter Collier
 Hon Bruce Donaldson
 Hon Kate Doust
 Hon Wendy Duncan
 Hon Donna Faragher

Hon Anthony Fels
 Hon Graham Giffard
 Hon Nigel Hallett
 Hon Ray Halligan
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Batong Pham
 Hon Barbara Scott
 Hon Ed Dermer (*Teller*)

Question thus negatived.

Bill defeated.

23. Medical Practitioners Bill 2006

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

Debate ensued.

Hon Giz Watson, by leave, tabled and incorporated into Hansard a table of examples of free hospitality from Pharmaceutical companies. (Tabled paper 3930).

Debate resumed.

Question - put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Clause 1 agreed to.

Clauses 2 to 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.

Clauses 34 to 39 agreed to.

Clause 40.

Debate ensued.

Clause agreed to.

Clauses 41 to 65 agreed to.

Clause 66.

The Minister for Child Protection moved -

Page 48, line 5 - To insert after "visiting" -

" force "

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 67 agreed to.

Clause 68.

Debate ensued.

Clause agreed to.

Clauses 69 to 71 agreed to.

Clause 72.

Debate ensued.

Clause agreed to.

Clauses 73 to 77 agreed to.

Clause 78.

Debate ensued.

Hon Giz Watson moved -

Page 55, line 17 - To delete "a" and insert instead -

" any other ".

Amendment - put and passed.

Clause, as amended, agreed to.

The Minister for Child Protection moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Acting President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

24. Temporary Orders - Adoption

The Leader of the House moved, without notice -

That the Temporary Orders adopted and in force on 2 April 2008 relating to the days and times of sittings of the Council and for the transaction of business be extended from 7 May until 16 May 2008.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

25. Joint Standing Committee on the Corruption and Crime Commission - Assembly Membership

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 316

The Legislative Assembly acquaints the Legislative Council that Dr J.M. Edwards, MLA, has been appointed to the Joint Standing Committee on the Corruption and Crime Commission to fill the vacancy caused by the resignation of Mrs J. Hughes, MLA.

Mr P.B. Watson

Acting Speaker

Legislative Assembly Chamber

Perth, 6 May 2008

26. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.30pm until Wednesday, 7 May 2008 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council