

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 200

WEDNESDAY, 7 MAY 2008

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Order.

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

### 2. Papers

The following Papers were laid on the Table by -

#### **President**

##### *Auditor General's Papers -*

Audit Results Report on Universities and TAFE Colleges and Other Audits  
Completed since 19 November 2007 and Performance Examinations of Risk  
Management, Delegation of Authority and Records Management  
(Report No. 2) (May 2008)..... 3931

#### **Parliamentary Secretary representing the Minister for the Environment on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure**

##### *Bills -*

Justice Legislation Amendment Bill 2008 (Queensland) and Explanatory Notes ..... 3932

##### *Ministerial Approvals -*

East Perth Redevelopment Act 1991 - Lease of land with value in excess of \$1 million  
- Lot 1061 Lime Street, East Perth..... 3933

### 3. Aboriginal Child Health Survey

Motion No. 57 having been read, Hon Barbara Scott continued her introductory remarks in moving the following motion -

That this House -

- (1) Urges the State Government to take seriously the Western Australian Aboriginal Child Health Survey - Strengthening the Capacity of Aboriginal Children, Families and Communities (Volume 4);
- (2) Set some realistic and achievable time frames for the implementation of the recommended actions;

- (3) Establish an inter-government agency approach to prioritising the recommended actions; and
- (4) Ensure programs build capability in families and communities with Aboriginal and Torres Strait Islander children.

Debate ensued.

The Minister for Child Protection moved to amend the motion as follows -

- (1) To insert after "House" -  
" notes ".
- (2) To delete "Urges the State Government to take seriously" and insert instead -  
" That the State Government contributed \$1 million to fund ".
- (3) To delete subsections (2), (3) and (4) and insert instead -  
"  
  - (2) That the Carpenter Government is using the report to inform development and delivery of programs targeted at Aboriginal children, families and communities.
  - (3) That the Carpenter Government is taking an across agency approach to programs targeted at Aboriginal children, families and communities.
  - (4) That the Carpenter Government is coordinating program delivery with other stakeholders, including non-government organisations, to build and strengthen capacity of Aboriginal communities.

".

Debate ensued.

The President advised that he would divide the amendment into three parts.

On the question, That the following amendment be agreed to -

- To insert after "House" -  
" notes ".

Amendment - put and negatived.

On the question, That the following amendment be agreed to -

- To delete "Urges the State Government to take seriously" and insert instead -  
" That the State Government contributed \$1 million to fund ".

Amendment - put and negatived.

On the question, That the following amendment be agreed to -

- To delete subsections (2), (3) and (4) and insert instead -  
"  
  - (2) That the Carpenter Government is using the report to inform development and delivery of programs targeted at Aboriginal children, families and communities.
  - (3) That the Carpenter Government is taking an across agency approach to programs targeted at Aboriginal children, families and communities.
  - (4) That the Carpenter Government is coordinating program delivery with other stakeholders, including non-government organisations, to build and strengthen capacity of Aboriginal communities.

".

Amendment - put and negatived.

Debate resumed on the question, That the motion stand as printed.

*Interruption pursuant to Temporary Order.*

#### **4. 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, documents in relation to details of children with sexually transmitted infections in country regions for 2006 and 2007, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 3934).

The Minister for Local Government representing the Minister for Indigenous Affairs tabled documents in relation to a letter, dated 21 April 2008, from the Minister for Indigenous Affairs to Mr Wilfred Hicks of the Wong-Goo-Tt-Oo Group, in response to question on notice No. 6097 asked by Hon Giz Watson. (Tabled paper 3935).

#### **5. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

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#### **In Committee**

(Hon Graham Giffard in the Chair)

#### **Local Government Structure and Electoral Reform in Western Australia - Ministerial Statement and Tabled Paper**

The Order of the Day having been read, debate resumed on the motion of Hon Bruce Donaldson that the Ministerial Statement and Tabled Paper be noted.

Question - put and passed.

#### **Standing Committee on Estimates and Financial Operations - Report No. 10 - Annual Hearings in Relation to the Budget Estimates 2007-2008 - Committee Report**

The Order of the Day having been called, Hon Giz Watson moved, That the Report be noted.

Debate ensued.

Question - put and passed.

#### **Dry Season Assistance Scheme 2006 - Ministerial Statement**

The Order of the Day having been called, Hon Bruce Donaldson moved, That the Ministerial Statement be noted.

Debate ensued.

Question - put and passed.

#### **Standing Committee on Public Administration - Report No. 6 - Interim Report in Relation to the Inquiry Into the Governance of Western Australia's Water Resources - Committee Report**

The Order of the Day having been called, Hon Barry House moved, That the Report be noted.

*Interruption pursuant to Temporary Order.*

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The Deputy President resumed the Chair.

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

- (1) Local Government Structure and Electoral Reform in Western Australia - Ministerial Statement and Tabled Paper and had noted same.
- (2) Standing Committee on Estimates and Financial Operations - Report No. 10 - Annual Hearings in Relation to the Budget Estimates 2007-2008 and had noted same.
- (3) Dry Season Assistance Scheme 2006 - Ministerial Statement and had noted same.

- (4) Standing Committee on Public Administration - Report No. 6 - Interim Report in Relation to the Inquiry Into the Governance of Western Australia's Water Resources, made progress, and asked leave to sit again.

Report adopted.

## **6. Consumer Credit (Western Australia) Code Regulations Amendment Order 2008**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 317

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

That this House approves the draft *Consumer Credit (Western Australia) Code Regulations Amendment Order 2008*, a copy of which was laid on the Table of the House on 6 May 2008

and invites the Legislative Council to pass a similar resolution.

Hon F. Riebeling

Speaker

Legislative Assembly Chamber

Perth, 7 May 2008

Ordered - That consideration of Message No. 317 be made an Order of the Day for the next sitting.

## **7. Joint Standing Committee on Delegated Legislation - Assembly Membership**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 318

The Legislative Assembly acquaints the Legislative Council that Mr M.J. Cowper, MLA, has been appointed to the Joint Standing Committee on Delegated Legislation to fill the vacancy caused by the resignation of Mr A.J. Simpson, MLA.

Hon F. Riebeling

Speaker

Legislative Assembly Chamber

Perth, 7 May 2008

## **8. Statutes (Repeals and Minor Amendments) Bill 2008 - Referral to Uniform Legislation and Statutes Review Committee**

The Leader of the House moved, without notice -

That Order of the Day No. 583, the *Statutes (Repeals and Minor Amendments) Bill 2008* be discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report.

Question - put and passed.

## **9. Order of Business**

Ordered - That Order of the Day No. 600, *Architects Amendment Regulations 2007 - Disallowance*, be taken after Order of the Day No. 42, *Gene Technology Amendment Bill 2005*. (Leader of the House).

## **10. Medical Practitioners Bill 2006**

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The Acting President left the Chair.

**In Committee**

(Hon Ken Travers in the Chair)

Clause 79 agreed to.

Clauses 80 to 92 agreed to.

Clause 93.

Debate ensued.

Clause agreed to.

Clauses 94 to 128 agreed to.

Clause 129.

Debate ensued.

Clause agreed to.

Clauses 130 to 162 agreed to.

New Clause 141.

Hon Giz Watson moved -

Page 109, after line 19 — To insert —

“

**141. Gifts to medical practitioners**

(1) In this section —

“**gift**” includes, without limiting the meaning of that term —

- (a) physical items of any value;
- (b) payment for food or beverages; and
- (c) payment for accommodation.

(2) A person must not, on behalf of a business that sells pharmaceuticals or medical devices, offer a gift to a medical practitioner.

(3) A medical practitioner must not accept a gift from a business that sells pharmaceuticals or medical devices.

Penalty applicable to subsections (2) and (3): a fine of \$1,000.

”.

Debate ensued.

New Clause - put and negatived.

Schedules 1 and 2 agreed to.

Schedule 3.

The Leader of the House on behalf of the Minister for Child Protection moved -

Page 142, lines 8 to 18 — To delete the lines.

Page 153, lines 18 to 23 — To delete the lines.

Page 154, lines 19 to 26 — To delete the lines.

Page 155, lines 7 to 14 — To delete the lines.

Page 156, lines 1 to 8 — To delete the lines.

Page 156, line 21 to page 157, line 3 — To delete the lines.

Debate ensued.

Amendments - put and passed.

Schedule, as amended, agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendments.

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

**11. Appropriation (Consolidated Account) Bill (No. 5) 2007 and Appropriation (Consolidated Account) Bill (No. 6) 2007**

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

Question - put and passed.

Bills read a second time.

Hon Ray Halligan, by leave, made a personal statement.

Ordered - That the third reading of these Bills be made an Order of the Day for the next sitting.

**12. Order of Business**

Ordered - That Order of the Day No. 595, *Community Protection (Offender Reporting) Amendment Bill 2007*, be taken after Order of the Day No. 42, *Gene Technology Amendment Bill 2005*. (Leader of the House).

**13. Mining Legislation Amendment and Validation Bill 2007**

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

Debate ensued.

Question - put and 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.

**14. Members' Statements**

Members' statements were taken.

**15. Adjournment**

The House adjourned at 10.02pm until Thursday, 8 May 2008 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Adele Farina and Hon Batong Pham.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON NICK GRIFFITHS**  
President of the Legislative Council