

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 100

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 19 AUGUST 2010

1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Urban Development South of the Moore River – Mr C.C. Porter presented a petition from 66 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 314).

3. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Clerk –

Consultants Engaged by Government – Report for the Six Months ended 31 December 2009 (2418).

Official Travel – Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the Three Months ended 30 September 2009 (2419).

Official Travel – Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the Three Months ended 30 December 2009 (2420).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Deputy Premier on the visit to China by the Deputy Premier and the Deputy Leader of the Opposition to foster closer economic and friendship ties with Chinese Central and Provincial Governments.

The Minister for Police on the changes to child safety restraints regulations which will commence on 1 October 2010.

The Minister for Planning on the Greater Bunbury Region Scheme Amendment 8/41 which provides for the expansion of the Dardanup townsite.

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Planning –

Greater Bunbury Region Scheme Amendment – Greater Bunbury Region Scheme 0008/41
Dardanup Townsite Expansion: Report on Submissions and Submissions, June 2010 (2421).

5. Grievances

The Speaker called for grievances which were then made.

6. Economics and Industry Standing Committee

Dr M.D. Nahan, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee – The Department of Environment and Conservation's Management of Former Pastoral Leases, Report No. 4 (2422).

Economics and Industry Standing Committee – The Department of Environment and Conservation's Management of Former Pastoral Leases, Submissions (2423).

Dr M.D. Nahan, Mr W.J. Johnston, Mrs L.M. Harvey, Mr M.P. Murray and Mr J.E. McGrath spoke on the report.

7. Suspension of Standing Orders

Mr E.S. Ripper, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

- (1) That this House refers the issue of the 29 December 2009 Toodyay bushfires which destroyed homes and property to the Community Development and Justice Standing Committee for investigation.
- (2) That the Committee specifically investigate:
 - (a) compensation for affected land owners who have lost property;
 - (b) liability in relation to the damage caused; and
 - (c) the actions of Western Power prior to and after the fire.
- (3) That the Committee make recommendations on any measures that could be implemented to assist those suffering the after-effects of the Toodyay bushfire.
- (4) That the Committee report by 30 September 2010.

Debate ensued.

The Leader of the House moved, To add after the word "forthwith" –

"

and to debate the motion in accordance with the time limits applying to a Matter of Public Interest

"

Question put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Deputy Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion, as amended, to be carried with the concurrence of an absolute majority of the whole number of members of the House.

8. Toodyay Bushfires – Referral to Community Development and Justice Standing Committee

Mr E.S. Ripper, pursuant to the foregoing motion, moved,

- (1) That this House refer the issue of the 29 December 2009 Toodyay bushfires which destroyed homes and property to the Community Development and Justice Standing Committee for investigation.
- (2) That the Committee specifically investigate:
 - (a) compensation for affected land owners who have lost property;
 - (b) liability in relation to the damage caused; and
 - (c) the actions of Western Power prior to and after the fire.
- (3) That the Committee make recommendations on any measures that could be implemented to assist those suffering the after-effects of the Toodyay bushfire.
- (4) That the Committee report by 30 September 2010.

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker	Mr M. McGowan	Mr T.G. Stephens
Ms A.S. Carles	Mr M.P. Murray	Mr C.J. Tallentire
Mr R.H. Cook	Mr A.P. O'Gorman	Mr P.C. Tinley
Ms J.M. Freeman	Mr P. Papalia	Mr A.J. Waddell
Mr J.N. Hyde	Mr J.R. Quigley	Mr P.B. Watson
Mr W.J. Johnston	Ms M.M. Quirk	Mr M.P. Whitely
Mr J.C. Kobelke	Mr E.S. Ripper	Mr B.S. Wyatt
Mr F.M. Logan	Ms R. Saffioti	Mr D.A. Templeman (<i>Teller</i>)

Noes (28)

Mr P. Abetz	Mr J.M. Francis	Ms A.R. Mitchell
Mr F.A. Alban	Mr B.J. Grylls	Dr M.D. Nahan
Mr C.J. Barnett	Dr K.D. Hames	Mr C.C. Porter
Mr I.C. Blayney	Mrs L.M. Harvey	Mr D.T. Redman
Mr J.J.M. Bowler	Mr A.P. Jacob	Mr A.J. Simpson
Mr T.R. Buswell	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr G.M. Castrilli	Mr R.F. Johnson	Mr T.K. Waldron
Mr V.A. Catania	Mr A. Krsticevic	Mr J.E. McGrath (<i>Teller</i>)
Dr E. Constable	Mr W.R. Marmion	
Mr J.H.D. Day	Mr P.T. Miles	

Question thus negatived.

9. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –

18 August 2010

- Hairdressers Registration (Amendment and Expiry) Bill 2010 (Message No. 98).
- Grain Marketing Repeal Bill 2010 (Message No. 99).
- Interpretation and Reprints Amendment Bill 2008 (Message No. 100).

10. Prohibited Behaviour Orders Bill 2010

The Order of the Day for the resumption of the Minister's reply to the debate upon the second reading of the bill was read.

Debate resumed.

Question put.

The Assembly divided.

	Ayes (27)	
Mr P. Abetz	Mr J.M. Francis	Mr P.T. Miles
Mr F.A. Alban	Mr B.J. Grylls	Ms A.R. Mitchell
Mr C.J. Barnett	Dr K.D. Hames	Dr M.D. Nahan
Mr I.C. Blayney	Mrs L.M. Harvey	Mr C.C. Porter
Mr T.R. Buswell	Mr A.P. Jacob	Mr D.T. Redman
Mr G.M. Castrilli	Dr G.G. Jacobs	Mr A.J. Simpson
Mr V.A. Catania	Mr R.F. Johnson	Mr M.W. Sutherland
Dr E. Constable	Mr A. Krsticevic	Mr T.K. Waldron
Mr J.H.D. Day	Mr W.R. Marmion	Mr J.E. McGrath (<i>Teller</i>)
	Noes (24)	
Ms L.L. Baker	Mr F.M. Logan	Ms R. Saffioti
Mr J.J.M. Bowler	Mr M. McGowan	Mr C.J. Tallentire
Ms A.S. Carles	Mr M.P. Murray	Mr P.C. Tinley
Mr R.H. Cook	Mr A.P. O'Gorman	Mr A.J. Waddell
Ms J.M. Freeman	Mr P. Papalia	Mr P.B. Watson
Mr J.N. Hyde	Mr J.R. Quigley	Mr M.P. Whitely
Mr W.J. Johnston	Ms M.M. Quirk	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr E.S. Ripper	Mr D.A. Templeman (<i>Teller</i>)

Question thus passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

11. Members' Statements

The Acting Speaker called for members' statements which were then made.

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 3777 to 3795 were asked.

Question on Notice No. 3437 was answered.

Paper tabled by the Deputy Premier; Minister for Health; Indigenous Affairs –

Question on Notice No. 3437 – Details of free travel and accommodation accepted by agency officers above level 7.1 from private companies or individuals in the agencies in the Deputy Premier's portfolio (2424).

13. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

14. Prohibited Behaviour Orders Bill 2010

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clause 3.

The Attorney General moved,

Page 2, line 29 – To insert after the word “proceedings”:

“ and the terms of the PBO being sought ”.

Amendment put and passed.

Clause, as amended, agreed to.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

15. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –

19 August 2010

Pharmacy Bill 2010 (Message No. 102).

Health and Disability Services Legislation Amendment Bill 2009 (Message No. 103).

Iron Ore Agreements Legislation Amendment Bill 2010 (Message No. 104).

16. Health Practitioner Regulation National Law (WA) Bill 2010

Message No. 101 dated 19 August 2010 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Health Practitioner Regulation National Law (WA) Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Health Practitioner Regulation National Law (WA) Bill 2010

No. 1

Page 3, line 5 — To delete “Schedule — ” and insert —

Schedule, as modified to give effect to subsections (5), (6) and (7) —

No. 2

Page 3, after line 28 — To insert —

(5) In the Schedule section 3(3)(c) delete “and are of an appropriate quality.” and insert:

consistent with best practice principles.

(6) In the Schedule section 113(3) in the Table delete “medical practitioner” and insert:

medical practitioner, physician

(7) In the Schedule after section 141(4)(c) insert:

- (da) the first health practitioner forms the reasonable belief in the course of providing health services to the second health practitioner or student; or

No. 3

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

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

No. 4

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)*.

No. 5

Page 51, line 2 to page 52, line 20 — To delete the clause.

No. 6

Page 51, after line 1 — To insert —

127. Section 23 amended

(1) In section 23(2)(a) delete “a pharmaceutical chemist” and insert:

a pharmacist

(2) After section 23(3) insert:

(4A) If the CEO gives a dentist, medical practitioner, nurse practitioner or pharmacist a notice pursuant to any regulations made under section 64(2)(ha), the CEO may give a copy of the notice to the National Board as defined in the *Health Practitioner Regulation National Law (Western Australia)* section 5 for the person’s health profession.

(4B) Subject to this Act, a person who is a member of a prescribed class of endorsed health practitioner is authorised in the lawful practice of his or her profession to do any one or more of the following things in relation to a medicine as is prescribed in relation to the prescribed class —

- (a) possess;
- (b) use;

- (c) supply;
 - (d) sell;
 - (e) prescribe.
- (4C) The authorisation given by subsection (4B) is subject to —
- (a) such conditions and restrictions as may be prescribed; and
 - (b) any notice given by the CEO pursuant to any regulations made under section 64(2)(ha).
- (4D) If the CEO gives an endorsed health practitioner a notice pursuant to any regulations made under section 64(2)(ha), the CEO may give a copy of the notice to the National Board as defined in the *Health Practitioner Regulation National Law (Western Australia)* section 5 that endorsed the registration of the health practitioner.
- (4E) Subsection (4B) does not authorise a person to sell any poison in an open shop unless the person is licensed under this Act to do so.

No. 7

Page 55, lines 14 to 18 — To delete the lines and insert —

- (a) in paragraph (ha) delete “section 23(2) in relation to drugs of addiction or specified drugs or both;” and insert:
section 23(2) or (4B) in relation to a poison or medicine;

No. 8

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).

No. 9

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

No. 10

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

No. 11

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.

No. 12

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.

Ordered by leave, That consideration in detail of Legislative Council Message No. 101 be considered forthwith.

CONSIDERATION IN DETAIL

The Minister for Health moved, That amendment Nos 1 to 12 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

17. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

18. Retail Trading Hours Amendment Bill 2009

The Order of the Day for the third reading of the bill having been read, The Leader of the House moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

19. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 7 September 2010 at 2.00 p.m.

Question put and passed.

20. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.07 p.m. until Tuesday, 7 September 2010 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr I.M. Britza and Mrs C.A. Martin.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly