

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 208

WEDNESDAY, 4 JUNE 2008

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. Petition

Hon Graham Giffard presented a petition from 1 400 petitioners requesting the Legislative Council's support to maintain Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 4045).

3. Joint Standing Committee on the Commissioner for Children and Young People - Establishment

Motion No. 64 having been called, Hon Barbara Scott moved as follows -

- (1) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Council and the Legislative Assembly; and
- (2) the terms of reference of the Joint Standing Committee be as contained in the Schedule annexed,

and seeks the concurrence of the Legislative Assembly.

SCHEDULE

9. Joint Standing Committee on the Commissioner for Children and Young People

- 9.1 A Joint Standing Committee on the Commissioner for Children and Young People is established.
- 9.2 The Committee consists of 4 Members, two of whom are appointed from each House. The Chairman must be a member of the Legislative Council.
- 9.3 A quorum is two Members of whom at least 1 is a Member of the Council and 1 a Member of the Assembly.
- 9.4 A report of the Committee is to be presented to each House appointed for the purpose by the Committee.
- 9.5 The Committee will not meet while either the Assembly or the Council are actually sitting unless leave is granted by the relevant House(s).

- 9.6 Without limiting the effect of anything contained in these terms of reference, Chapter XXII of Standing Orders, the Standing Orders of the Council relating to Standing committees will be followed as far as they can be applied.
- 9.7 It is the function of the Committee to —
- (a) monitor and review the performance of the functions of the Commissioner for Children and Young People established under the *Commissioner for Children and Young People Act 2006*;
 - (b) monitor the relationship between the Commissioner for Children and Young People and the Minister;
 - (c) monitor the effectiveness or otherwise of Commissioner for Children and Young People;
 - (d) examine such annual and other reports of the Commissioner for Children and Young People as the Committee thinks fit and all public sector offices, agencies and authorities for any matter which appears in, or arises out of, any such report and is relevant to the other functions of the Committee;
 - (e) examine the annual budget of the Commissioner for Children and Young People and make recommendations to the Treasurer in relation to that budget; and
 - (f) report to Parliament in relation to:
 - (i) whether any changes should be made to the *Commissioner for Children and Young People Act 2006* or any other legislation;
 - (ii) any review of the Act; and
 - (iii) any other matter relevant to its terms of reference.

Debate ensued.

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

To delete the Schedule and insert instead —

“

- 9.1 A Joint Standing Committee on the Commissioner for Children and Young People is established.
- 9.2 The Joint Standing Committee shall comprise 2 Members appointed by the Legislative Council and 2 Members appointed by the Legislative Assembly.
- 9.3 It is the function of the Joint Standing Committee to —
 - (a) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
 - (b) to examine Annual and other Reports of the Commissioner; and
 - (c) to consult regularly with the Commissioner.
- 9.4 A report of the Joint Standing Committee will be presented to the Council and Assembly by Members of the Joint Standing Committee nominated by it for that purpose.
- 9.5 Without limiting the effect of anything in Standing Orders 289 to 292, the Standing Orders of the Assembly relating to Standing and Select committees shall apply.

”.

Debate ensued.

Point of Order

The Leader of the House raised the following Point of Order -

Under Standing Order 97 Hon Barbara Scott had used offensive words against a Member.

President's Ruling

The President ruled as follows -

The words used by Hon Barbara Scott did not transgress Standing Order 97.

Debate resumed.

Amendment - put.

The House divided.

Ayes (14)

Hon Shelley Archer
Hon Matt Benson-Lidholm
Hon Vincent Catania
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Jon Ford

Hon Graham Giffard
Hon Paul Llewellyn
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Noes (13)

Hon George Cash
Hon Peter Collier
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Nigel Hallett
Hon Ray Halligan

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

Amendment thus passed.

Motion, as amended, agreed to.

4. Chris Read - Disclosure Regarding OSCAR Project

Motion No. 66 having been called, Hon Helen Morton moved as follows -

That this House directs the Public Administration Committee to inquire into matters following disclosure by Mr Chris Read in 1999 of inappropriate practices regarding the OSCAR project whilst he was working at the Office of the Ombudsman. In particular, the Committee should consider -

- (1) Contractual arrangements with Mr Chris Read whilst he was working in the Ombudsman's Office.
- (2) Circumstances relating to the transfer of Mr Read from the Ombudsman's Office to the Department of Premier and Cabinet.
- (3) Actions taken by various government departments in relation to Mr Read regarding this matter.
- (4) Legislative changes necessary to ensure that people who work in the Ombudsman's Office have access to objective and impartial investigation and, if appropriate, redress relating to internal administrative decisions.

5. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for State Development tabled documents in relation to the Hydro Aluminum-UMC Joint Venture and a letter, dated 4 January 2008, from the Minister for State Development to Mr Alan Birchmore, in response to question on notice No. 5995 asked by Hon Giz Watson. (Tabled paper 4046).

The Parliamentary Secretary representing the Minister for the Environment in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 6228 asked by Hon Paul Llewellyn will be provided on 5 June 2008.

The Parliamentary Secretary representing the Minister for the Environment on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 6223 asked by Hon Wendy Duncan will be provided on 26 June 2008.

The Parliamentary Secretary representing the Minister for the Environment on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 6229 asked by Hon Giz Watson will be provided on 26 June 2008.

6. Consideration of Committee Reports and Ministerial Statements

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

In Committee

(Hon George Cash in the Chair)

Standing Committee on Legislation - Report No. 11 - Annual Report 2007 - Committee Report

The Order of the Day called.

Natural Resource Management Arrangements - Review - Ministerial Statement and Tabled Papers

The Order of the Day called.

Joint Standing Committee on Delegated Legislation - Report No. 24 - Town of Claremont Standing Orders Local Law 2007 - Committee Report

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

Question - put and passed.

Annual Reports - Delay in Tabling - Ministerial Statement

The Order of the Day called.

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

Department of Education and Training - Findings by Corruption and Crime Commission - Ministerial Statement

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

Question - put and passed.

Standing Committee on Environment and Public Affairs - Report No. 11 - Annual Report 2007 - Committee Report

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

Interruption pursuant to Temporary Order.

The Acting President resumed the Chair.

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

- (1) Joint Standing Committee on Delegated Legislation - Report No. 24 - Town of Claremont Standing Orders Local Law 2007 and had noted same.
- (2) Standing Committee on Estimates and Financial Operations - Report No. 11 - Budget of the Office of the Auditor General and had noted same.
- (3) Department of Education and Training - Findings by Corruption and Crime Commission - Ministerial Statement and had noted same.
- (4) Standing Committee on Environment and Public Affairs - Report No. 11 - Annual Report 2007, made progress and seeks leave to sit again.

Report adopted.

7. Order of Business

Ordered - That Orders of the Day Nos 609, *City of Nedlands - Signs Local Law 2007 - Disallowance*, 610, *Swan Districts Hospital (Eveline Road Site) Amendment By-Laws 2008 - Disallowance*, 611, *Peel Health Services By-Laws 2008 - Disallowance*, 612, *Metropolitan Health Service By-Laws 2008 - Disallowance*, 613, *Fremantle Hospital Amendment By-Laws 2008 - Disallowance*, 614, *Bentley Hospital Amendment By-Laws 2008 - Disallowance*, 615, *Armadale Kelmscott District Memorial Hospital Amendment By-Laws 2008 - Disallowance*, 616, *City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007 - Disallowance*, 617, *Conservation and Land Management Amendment Regulations (No. 2) 2007 - Disallowance*, 618, *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2007 - Disallowance* and 630, *Taxi Amendment Regulations 2008 - Disallowance*, be taken after Order of the Day No. 372, *Equal Opportunity Amendment Bill 2006*. (Leader of the House).

8. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2008-2009

The Order of the Day having been read for the adjourned debate on the motion of the Parliamentary Secretary representing the Treasurer, That the Consolidated Fund Estimates 2008-2009 be noted.

Debate resumed.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

9. Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007

The Order of the Day having been read for the third reading of this Bill.

The Minister for Child Protection moved, That the Bill be now read a third time.

The Deputy President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

10. Road Traffic Amendment Bill 2008

The Order of the Day having been read for the third reading of this Bill.

The Leader of the House moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

11. Minerals and Energy Research Amendment Bill 2006

The Order of the Day having been read for the third reading of this Bill.

The Leader of the House moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

12. Statutes (Repeals and Minor Amendments) Bill 2006

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clauses 1 to 17 agreed to.

Clause 18.

Hon Norman Moore moved -

Page 10, lines 1 to 5 — To delete the lines and insert instead —

“

(3) Section 52(1) is amended as follows:

(a) in paragraph (a) by deleting subparagraphs (iii) to (iiie) and the “or” after subparagraph (iiid) and inserting instead —

“

(iii) satisfies the age differential requirement set out in subsection (3);

”.

(b) after each of paragraphs (a) to (c), paragraph (a)(i) to (va) and paragraph (c)(i) by inserting —

“ and ”.

”.

Amendment - put and passed.

Hon Norman Moore moved -

Page 10, after line 7 — To insert —

“

(5) After section 52(2) the following subsection is inserted —

“

- (3) For the purposes of subsection (1)(a)(iii) the age differential requirement is that the prospective adoptive parent —
- (a) is not more than 45 years older than the child in the case where the prospective adoptive parent is the younger of prospective joint adoptive parents who, as a couple, have not adopted a child before; or
 - (b) is not more than 50 years older than the child in the case where the prospective adoptive parent is the older of prospective joint adoptive parents who, as a couple, have not adopted a child before; or
 - (c) is not more than 50 years older than the child in the case where the prospective adoptive parent is the younger of prospective joint adoptive parents who, as a couple, have adopted a child before; or
 - (d) is not more than 55 years older than the child in the case where the prospective adoptive parent is the older of prospective joint adoptive parents who, as a couple, have adopted a child before; or
 - (e) is not more than 45 years older than the child in the case where the prospective adoptive parent is a prospective sole adoptive parent and has not adopted a child before (whether as a joint or sole adoptive parent); or
 - (f) is not more than 50 years older than the child in the case where the prospective adoptive parent is a prospective sole adoptive parent and has adopted a child before (whether as a joint or sole adoptive parent).

”
.”

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 19.

Debate ensued.

On the question, That the Clause stand as printed - put and negatived.

Clauses 20 to 31 agreed to.

Clause 32.

The Minister for Agriculture and Food moved -

Page 15, line 17, Table row 5 — To delete “s.231(4)”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 33 to 40 agreed to.

Clause 41.

Hon Norman Moore moved -

Page 19, line 8 — To delete “27(1)(a)” and insert instead —

“ 27A(1)(a) ”.

Amendment - put and passed.

Hon Norman Moore moved -

Page 19, line 11 — To delete “27(1)(b)” and insert instead —

“ 27A(1)(b) ”.

Amendment - put and passed.

Debate ensued.

Interruption pursuant to Temporary Order.

The Acting President resumed the Chair.

The 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.

13. Members’ Statements

Members’ statements were taken.

14. Adjournment

The House adjourned at 10.10pm until Thursday, 5 June 2008 at 10.00am.

Members present during the day’s proceedings

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

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council