

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 127

THURSDAY, 29 MARCH 2007

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### 1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

### 2. Petition

Hon Matt Benson-Lidholm presented a petition from 20 residents of Western Australia requesting the Legislative Council oppose changing the pink snapper size limits in Wilsons Inlet. (Tabled paper 2576).

### 3. Papers

The following Papers were laid on the Table by -

#### **President**

##### *Reports -*

Corruption and Crime Commission - Misconduct Handling Procedures in the Western Australian Public Sector: Department of Consumer Employment Protection (29 March 2007) (Deemed tabled 29/03/2007) ..... 2560

#### **Minister for Local Government**

##### *Annual Reports -*

Central TAFE (For the year ending 31/12/2006) (Date received 28/03/2007) ..... 2561

Central West TAFE (For the year ending 31/12/2006) (Date received 28/03/2007) ..... 2562

Challenger TAFE (For the year ending 31/12/2006) (Date received 28/03/2007)..... 2563

Curtin University of Technology (For the year ending 31/12/2006) (Date received 28/03/2007) ..... 2564

C.Y. O'Connor College of TAFE (For the year ending 31/12/2006) (Date received 28/03/2007) ..... 2565

Edith Cowan University (For the year ending 31/12/2006) (Date received 28/03/2007) ..... 2566

Great Southern TAFE (For the year ending 31/12/2006) (Date received 28/03/2007) ..... 2567

Kimberley TAFE (For the year ending 31/12/2006) (Date received 28/03/2007) ..... 2568

Murdoch University (For the year ending 31/12/2006) (Date received 28/03/2007)..... 2569

South West Regional College (For the year ending 31/12/2006) (Date received 28/03/2007)..	2570
Swan TAFE (For the year ending 31/12/2006) (Date received 28/03/2007) .....	2571
University of Western Australia (For the year ending 31/12/2006) (Date received 28/03/2007) .....	2572
West Coast TAFE (For the year ending 31/12/2006) (Date received 28/03/2007).....	2573

### **Minister for Regional Development**

#### *Leases -*

CALM Lease No.1976/97 - Between CALM and West Coast Radio PTY LTD - State Forest No. 23 .....	2574
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### **Parliamentary Secretary representing the Deputy Premier**

#### *Reports -*

Shared Services, Office of - Final Report (1 July - 31 December 2006) (Date received 29/03/2007) .....	2575
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#### **4. Joint Standing Committee on the Corruption and Crime Commission - Twentieth Report - Report on the Public Hearing with the Integrity Coordinating Group on 13 September 2006**

Hon Ray Halligan presented the Twentieth Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Report on the Public Hearing with the Integrity Coordinating Group on 13 September 2006. (Tabled paper 2577).

Hon Ray Halligan moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

#### **5. Joint Standing Committee on the Corruption and Crime Commission - Twenty-First Report - Report on Release of Records Pertaining to the Joint Standing Committee on the Corruption and Crime Commission and its Predecessor the Joint Standing Committee on the Anti-Corruption Commission**

Hon Ray Halligan presented the Twenty-First Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Report on Release of Records Pertaining to the Joint Standing Committee on the Corruption and Crime Commission and its Predecessor the Joint Standing Committee on the Anti-Corruption Commission. (Tabled paper 2578).

Hon Ray Halligan moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

#### **6. Environmental Protection (Regional Power Stations Noise Emissions) Exemption Order 2006 - Disallowance**

Hon Paul Llewellyn: To move on the next day of sitting -

That the *Environmental Protection (Regional Power Stations Noise Emissions) Exemption Order 2006* published in the *Gazette* on 29 December 2006 and tabled in the Legislative Council on 27 March 2007 under the *Environmental Protection Act 1986*, be and is hereby disallowed.

#### **7. Governance and Administration of Western Australia**

Motion No. 52 having been read, debate resumed on the motion of Hon Norman Moore as follows -

That this House expresses its grave concern at the significant deterioration in the governance and administration of the State of Western Australia resulting from a Government preoccupied with continued internal division and conflict, manipulated by outside influences and

increasingly demonstrating serious signs of dysfunctionality, and calls on the Government to urgently address the issues raised by the Corruption and Crime Commission and refocus its attention on restoring public confidence in the capacity of the Government to govern for all West Australians without fear or favour.

Hon Paul Llewellyn, by leave, tabled protest cards addressed to the Premier of Western Australia against the pumping of the Yarragadee aquifer, for the remainder of the day's sitting. (Tabled paper 2579).

*Point of Order*

Hon George Cash raised the following Point of Order -

If the document is to be tabled, is it for the balance of today's sitting? If not, we will find there will be a significant storage problem, not just because of this but because other Members will want to do the same and we will have to go out and hire space. If it is tabled for the balance of the day's sitting, that would seem to be reasonable because that has been done before.

*President's Ruling*

The President ruled as follows -

Hon Paul Llewellyn sought the leave of the House to table the document for the duration of the day's sitting. The point Hon George Cash raises is perfectly valid and that is one of the matters Members should bear in mind when they either grant or refuse leave on these sorts of occasions. In this case Hon Paul Llewellyn has obtained the leave of the House to table the document.

Debate resumed.

*Want of Quorum*

There not being a quorum present, the President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

*Interruption of Debate* [SO 195].

## **8. Consideration of Committee Reports**

Pursuant to Standing Orders for the consideration of Committee Reports.

**In Committee**

(Hon Ray Halligan in the Chair)

### **Standing Committee on Environment and Public Affairs - Report No. 5 - Overview of Petitions - Committee Report**

The Order of the Day having been read, debate resumed on the motion of Hon Kate Doust, That the Report be noted.

Question - put and passed.

### **Select Committee on the Adequacy of Foster Care Assessment Procedures by the Department for Community Development - Committee Report**

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

*Want of Quorum*

There not being a quorum present, the Deputy Chairman of Committees gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

*Interruption of Debate* [SO 61A].

The Deputy President resumed the Chair.

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

- (1) Standing Committee on Environment and Public Affairs - Fifth Report - Overview of Petitions - Committee Report and had noted same.
- (2) Select Committee on the Adequacy of Foster Care Assessment Procedures by the Department for Community Development - Committee Report, made progress, and asked leave to sit again

Report adopted.

## **9. Owner-Drivers (Contracts and Disputes) Bill 2006**

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

The Deputy President left the Chair.

### **In Committee**

(Hon George Cash in the Chair)

Clause 29.

Debate resumed.

Question, That the Clause stand as printed - put.

The Committee divided.

#### **Ayes (15)**

Hon Matt Benson-Lidholm  
 Hon Vincent Catania  
 Hon Kim Chance  
 Hon Murray Criddle  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford

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

#### **Noes (12)**

Hon George Cash  
 Hon Peter Collier  
 Hon Donna Faragher  
 Hon Nigel Hallett  
 Hon Ray Halligan  
 Hon Barry House

Hon Robyn McSweeney  
 Hon Norman Moore  
 Hon Simon O'Brien  
 Hon Margaret Rowe  
 Hon Barbara Scott  
 Hon Ken Baston (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 30 and 31 agreed to.

Clause 32.

Debate ensued.

Clause agreed to.

Clause 33 agreed to.

Clause 34.

Debate ensued.

Clause agreed to.  
Clause 35.  
Debate ensued.  
Clause agreed to.  
Clauses 36 and 37 agreed to.  
Clause 38.  
Debate ensued.  
Clause agreed to.  
Clause 39 agreed to.  
Clause 40.  
Debate ensued.  
Clause agreed to.  
Clause 41.  
Debate ensued.  
Clause agreed to.  
Clauses 42 to 47 agreed to.  
Clause 48.  
Debate ensued.  
Clause agreed to.  
Clauses 49 to 51 agreed to.  
Clause 52.  
Debate ensued.  
Clause agreed to.  
Clauses 53 and 54 agreed to.  
Clause 55.  
Debate ensued.  
Clause agreed to.  
Clauses 56 to 59 agreed to.  
Schedule 1 agreed to.  
Schedule 2 agreed to.  
Schedule 3 agreed to.  
Title agreed to.

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The Acting 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.

#### **10. Parental Support and Responsibility Bill 2005**

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 George Cash in the Chair)

New Clause 37.

The Minister for Child Protection moved -

Page 24, after line 29 — To insert the following new Clause —

“

**37. Restriction on publication of certain information or material**

- (1) A person must not, except in accordance with a written authorisation given under this section, publish information or material that identifies, or is likely to lead to the identification of, another person (the **“identified person”**) as —
- (a) a person who is or was a parent who entered into a responsible parenting agreement;
  - (b) a person who is or was a child in respect of whom a responsible parenting agreement was entered into; or
  - (c) a person who the parent of a child is to ensure, or take all reasonable steps to ensure, the child avoids contacting, under a responsible parenting agreement.
- Penalty: \$12 000 and imprisonment for one year.
- (2) If the identified person is under 18 years of age, written authorisation for the publication of information or material to which subsection (1) applies may be given by the CEO.
- (3) If the identified person has reached 18 years of age, written authorisation for the publication of information or material to which subsection (1) applies may be given —
- (a) by the identified person; or
  - (b) if the identified person is dead or cannot be found after reasonable inquiries, by the CEO.
- (4) In this section —
- “CEO”** means the CEO of the department of which the authorised officer who entered into the agreement is a public service officer;
- “publish”** means to bring to the notice of the public or a section of the public by means of newspaper, television, radio, the internet or any other form of communication.

”.

Debate ensued.

**11. Questions Without Notice**

Questions without notice were taken.

The Leader of the House on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, documents in relation to the Shire of Gingin Town Planning Scheme No. 9, Millbank development, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2580).

The Leader of the House on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, an answer in relation to Transperth's Smartrider Ticketing system, in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 2581).

Leader of the House on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled an answer in relation to actions taken by the Metropolitan Land Release Coordinator, in response to a question without notice asked by Hon Ray Halligan. (Tabled paper 2582).

The Minister for Regional Development representing the Minister for Consumer Protection tabled, and by leave incorporated into Hansard, an answer in relation to IMF administering the compensation package to the victims of the Finance Brokers scandal, in response to a question without notice asked by Hon Anthony Fels. (Tabled paper 2583).

The Minister for Regional Development representing the Minister for the Environment tabled a licence under the provisions of the *Environmental Protection Act* 1986 in relation to the Water Corporation desalination plant, in response to a question without notice asked by Hon Barbara Scott. (Tabled paper 2584).

The Minister for Local Government corrected an answer and tabled the Curriculum Council Implementation of English Course of Study Interim Report (May 2006), in response to a question on notice asked by Hon Peter Collier. (Tabled paper 2585).

## 12. Parental Support and Responsibility Bill 2005

The President left the Chair.

### In Committee

(Hon Louise Pratt in the Chair)

New Clause 37.

Debate resumed on the new Clause moved by the Minister for Child Protection as follows -

Page 24, after line 29 — To insert the following new Clause —

“

### 37. Restriction on publication of certain information or material

- (1) A person must not, except in accordance with a written authorisation given under this section, publish information or material that identifies, or is likely to lead to the identification of, another person (the “**identified person**”) as —
  - (a) a person who is or was a parent who entered into a responsible parenting agreement;
  - (b) a person who is or was a child in respect of whom a responsible parenting agreement was entered into; or
  - (c) a person who the parent of a child is to ensure, or take all reasonable steps to ensure, the child avoids contacting, under a responsible parenting agreement.

Penalty: \$12 000 and imprisonment for one year.
- (2) If the identified person is under 18 years of age, written authorisation for the publication of information or material to which subsection (1) applies may be given by the CEO.

- (3) If the identified person has reached 18 years of age, written authorisation for the publication of information or material to which subsection (1) applies may be given —
- (a) by the identified person; or
  - (b) if the identified person is dead or cannot be found after reasonable inquiries, by the CEO.
- (4) In this section —
- “**CEO**” means the CEO of the department of which the authorised officer who entered into the agreement is a public service officer;
- “**publish**” means to bring to the notice of the public or a section of the public by means of newspaper, television, radio, the internet or any other form of communication.

The Minister for Child Protection, by leave, withdrew her amendment and substituted the following -

Page 24, after line 29 — To insert the following new Clause —

“

**37. Restriction on publication of certain information or material**

- (1) A person must not, except in accordance with a written authorisation given under this section, publish information or material that identifies, or is likely to lead to the identification of, another person (the “**identified person**”) as —
- (a) a person who is or was a parent who entered into a responsible parenting agreement;
  - (b) a person who is or was a child in respect of whom a responsible parenting agreement was entered into; or
  - (c) a person who the parent of a child is to ensure, or take all reasonable steps to ensure, the child avoids contacting, under a responsible parenting agreement.
- Penalty: \$12 000 and imprisonment for one year.
- (2) If the identified person is under 18 years of age, written authorisation for the publication of information or material to which subsection (1) applies may be given by both the CEO and a parent of the identified person.
- (3) If the identified person has reached 18 years of age, written authorisation for the publication of information or material to which subsection (1) applies may be given —
- (a) by the identified person; or
  - (b) if the identified person is dead or cannot be found after reasonable inquiries, by the CEO.



- (4) In this section —
- “**CEO**” means the CEO of the department of which the authorised officer who entered into the agreement is a public service officer;
- “**publish**” means to bring to the notice of the public or a section of the public by means of newspaper, television, radio, the internet or any other form of communication.

New Clause agreed to.

Long title.

The Minister for Child Protection moved -

Page 1, lines 5 and 6 - To delete “and responsible parenting orders”.

Page 1, line 7 - To delete “the *Children’s Court of Western Australia Act 1988* and”.

Amendments - put and passed.

Title, as amended, agreed to.

The Acting 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.

### **13. Road Traffic Amendment Bill 2006**

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

Debate resumed.

*Interruption of Debate* [SO 61(b)].

### **14. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.11pm until Tuesday, 3 April 2007 at 3.30pm.

### **Members present during the day’s proceedings**

Attendance: Present all Members except Hon Bruce Donaldson and Hon Graham Giffard.

**MIA BETJEMAN**  
Clerk of the Legislative Council

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