

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 126**

**WEDNESDAY, 28 MARCH 2007**

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**1. Meeting of Council**

The Council assembled at 4.00pm pursuant to 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 -*

Public Sector Performance Report 2007 (Report No. 2) (28 March 2007) (Deemed tabled  
28/03/2007)..... 2542

**Leader of the House**

*Directions -*

Electricity Corporations Act 2005 (Electricity Corporations (Western Power Corporation (Gas  
Supply) Direction) Revocation Direction 2007 G.G. 23/03/2007, and Electricity Corporations  
(Gas Supply) Direction 2007 G.G. 23/03/2007 ..... 2543

*Regulations -*

Agricultural Produce (Chemical Residues) Act 1983 (Agricultural Produce (Chemical  
Residues) Amendment Regulations 2007 G.G. 20/03/2007) ..... 2544

Veterinary Surgeons Act 1960 (Veterinary Surgeons Amendment Regulations 2007  
G.G. 20/03/2007 and Veterinary Surgeons Amendment Regulations (No. 2) 2007  
G.G. 20/03/2007)..... 2545

**Minister for Local Government**

*Local Laws -*

Dog Act 1976 (City of Fremantle Dog (Exercise Areas) Amendment Local Law 2007  
G.G. 20/03/2007)..... 2546

*Regulations -*

Electricity Act 1945 (Electricity Amendment Regulations (No. 2) 2007 G.G. 20/03/2007) .....	2547
Energy Coordination Act 1994 (Energy Coordination (Designation of Inspectors) Amendment Regulations 2007 G.G. 20/03/2007) .....	2548
Gas Standards Act 1972 (Gas Standards (Infringement Notices) Regulations 2007 G.G. 20/03/2007) ..	2549

**Minister for Child Protection***Addendums -*

Amendment to State Administration Tribunal Annual Report 2005-2006 .....	2550
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*Local Laws -*

Health Act 1911 (Shire of Broome Health (Eating Houses) Local Laws 2006 G.G. 20/03/2007 and The Shire of Broome Health Local-Laws 2006 G.G. 20/03/2007) .....	2551
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**Parliamentary Secretary representing the Deputy Premier***Regulations -*

First Home Owner Grant Act 2000 (First Home Owner Grant Amendment Regulations 2007 G.G. 20/03/2007) .....	2552
Land Tax Assessment Act 2002 (Land Tax Assessment Amendment Regulations 2007 G.G. 20/03/2007) .....	2553

### **3. Joint Standing Committee on Delegated Legislation - Twenty-Second Report - Annual Report 2006**

Hon Ray Halligan presented the Twenty-Second Report of the Joint Standing Committee on Delegated Legislation in relation to the Annual Report 2006. (Tabled paper 2554).

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

Question - put and passed.

### **4. Clauses 3 and 10 of the Fish Resources Management Amendment Regulations (No. 8) 2006 - Disallowance**

Hon Bruce Donaldson: To move on the next day of sitting -

That Clauses 3 and 10 of the *Fish Resources Management Amendment Regulations (No. 8) 2006* published in the *Gazette* on 10 November 2006 and tabled in the Legislative Council on 21 November 2006 under the *Fish Resources Management Act 1994*, be and are hereby disallowed.

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

Motion No. 52 having been called.

Hon Norman Moore pursuant to notice, moved -

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.

### **6. Questions Without Notice**

Questions without notice were taken.

The Minister for Local Government representing the Minister for Education and Training tabled the Curriculum Council Report - Implementation of English Course of Study (May 2006), in response to a question without notice asked by Hon Peter Collier. (Tabled paper 2555).

The Minister for Regional Development tabled, and by leave incorporated into Hansard, documents in relation to Water Corporation works approval application for the Woodman Point Waste Treatment Plant - action to be taken by Minister, in response to a question without notice asked by Hon Barbara Scott. (Tabled paper 2556).

The Minister for Regional Development tabled, and by leave incorporated into Hansard, documents in relation to the Regional Investment Fund - breakdown of expenditure as at 20 February 2007, in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 2557).

The Minister for Multicultural Interests and Citizenship tabled documents in relation to Western Australian Multicultural Community Service Awards, in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 2558).

#### *Point of Order*

Hon Barry House raised the following Point of Order -

I seek Mr President's view about whether it is the province of a Parliamentary Secretary to qualify or change an answer or whether it is merely a Parliamentary Secretary's role to convey a Minister's answer to this House in question time.

#### *President's Ruling*

The President ruled as follows -

I think I have made observations on this issue before. Representatives of ministers give answers but they are responsible for the answers they give. I think that is consistent with what has been said by previous Presidents. The member has raised his point of order some time after the incident occurred; therefore, I do not have the issue right in front of me. The member is referring to an answer whereby another aspect is within the province of somebody else. There is nothing unsatisfactory in what I heard from the parliamentary secretary.

The Leader of the House in accordance with Standing Order No 138(d), tabled a list of outstanding questions on notice asked by Hon Helen Morton (Question on Notice Nos 4387 to 4434), and advised that they will be answered, where possible, when the answers become available. (Tabled paper 2559).

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

Debate resumed on the motion of Hon Norman Moore (cf item 5 above).

*Interruption of Debate* [SO 195].

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

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

The President left the Chair.

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#### **In Committee**

(Hon George Cash in the Chair)

Clause 3.

Debate resumed.

The Minister for Child Protection moved that further consideration of Clause 3 be postponed until after consideration of Part 5.

Question - put and passed.

The Minister for Child Protection moved that consideration of Clauses 4 to 11 be postponed until after consideration of Part 5.

Question - put and passed.

Clause 12.

The Minister for Child Protection moved -

Page 10, line 5 — To delete “(Community Development)” and insert instead —

“ (Child Protection) ”.

Amendment - put and passed.

The Minister for Child Protection moved -

Page 10, line 6 — To delete “(Justice)” and insert instead —

“ (Corrective Services) ”.

Amendment - put and passed.

Debate ensued.

Question, That the clause, as amended, be agreed to - put.

The Committee divided.

#### Ayes (12)

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

Hon Sheila Mills  
Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Ed Dermer (*Teller*)

#### Noes (15)

Hon Ken Baston  
Hon George Cash  
Hon Murray Criddle  
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 Margaret Rowe  
Hon Barbara Scott  
Hon Giz Watson  
Hon Bruce Donaldson (*Teller*)

Question thus negatived.

Clause, as amended, negatived.

Clauses 13 to 33 put and negatived.

Postponed Clause 3.

Debate resumed on the amendment of Hon Giz Watson -

Page 2, line 23 — To delete the line.

Amendment - put and passed.

Debate ensued.

The Hon Giz Watson moved -

Page 3, lines 26 and 27 — To delete the lines.

Amendment - put and passed.

The Hon Giz Watson moved -

Page 4, lines 11 and 12 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 4.

The Hon Giz Watson moved -

Page 4, line 18 — To delete “, government agency or court” and insert instead —

“ or government agency ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 5.

The Hon Giz Watson moved -

Page 5, after line 9 — To insert —

“

For the purposes of this section, “**responsibility**” includes but is not limited to all the duties, powers, responsibilities and authority which, by law, parents have in relation to children.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 6.

The Hon Giz Watson moved -

Page 5, line 12 — To delete “or a court”.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 7.

The Hon Giz Watson moved -

Page 5, lines 24 and 25 — To delete “or any responsible parenting order directed towards them”.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 8.

The Hon Giz Watson moved -

Page 5, line 28 — To delete “or a court”.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 9.

The Hon Giz Watson moved -

Page 6, after line 26 — To insert —

“

(6) The *Interpretation Act 1984* sections 41, 42, 43 and 44 apply to the guidelines as if the guidelines were regulations.

”.

Debate ensued.

Amendment - put and passed.

The Hon Giz Watson moved -

Page 7, line 5 — To delete “or any responsible parenting order”.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clauses 10 and 11 agreed to.

Clause 34.

The Minister for Child Protection moved -

Page 23, line 3 — To delete “(Community Development)” and insert instead —  
“ (Child Protection) ”.

Page 23, line 4 — To delete “(Justice)” and insert instead —  
“ (Corrective Services) ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 35.

Debate ensued.

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

Clause 36.

The Hon Giz Watson moved -

Page 24, lines 11 to 15 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 37 to 40 agreed to.

Clause 41.

Debate ensued.

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

Clause 42.

Minister for Child Protection moved -

Page 30, line 11 — To delete “provide — ” and insert instead —

“

provide an appointed person or body with information relating to a person who is, or was, a young offender or detainee, for the purposes of section 37 of the *Parental Support and Responsibility Act 2005*.

”.

Debate ensued.

*The Chairman of Committees left the Chair at 9.04pm*

*The Chairman of Committees resumed the Chair at 9.14pm*

Debate resumed on the amendment of the Minister for Child Protection as follows -

Page 30, line 11 — To delete “provide — ” and insert instead —

“

provide an appointed person or body with information relating to a person who is, or was, a young offender or detainee, for the purposes of section 37 of the *Parental Support and Responsibility Act 2005*.

”.

Amendment - put and passed.

Minister for Child Protection moved -

Page 30, lines 12 to 20 — To delete the lines.

Page 30, line 21 — To delete “(b)”.

Page 30, line 31 to page 31, line 5 — To delete the lines.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 43.

Debate ensued.

Question, That the clause stand as printed - put and negatived.

New Clause 9.

The Minister for Child Protection moved -

Page 5, after line 30 — To insert the following new Clause —

“

#### **9. Principle of shared responsibility**

In performing a function or exercising a power under this Act in relation to a child, a person or a court must have regard to the shared responsibility that parents, family and the community have for the wellbeing of the child.

”.

Debate ensued.

New Clause - put and passed.

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;
  - (c) a person who is or was a parent to whom a responsible parenting order is or was directed or in respect of whom an application for such an order has been made;
  - (d) a person who is or was a child in respect of whom a responsible parenting order was made or an application for such an order has been made; or

- (e) 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, interim responsible parenting order or responsible parenting order.

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) Subsection (1) does not apply to information or material contained in a report of proceedings to which section 35(1) of the *Children's Court of Western Australia Act 1988* applies.
- (5) In this section —
 

“**CEO**” means the CEO who applied for the responsible parenting order;

“**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.

The Minister for Child Protection, by leave, withdrew the amendment.

*The Chairman of Committees left the Chair at 9.30pm*

*The Chairman of Committees resumed the Chair at 9.40pm*

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 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.

## **9. 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)].

**10. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.10pm until Thursday, 29 March 2007 at 11.00am.

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

Attendance: Present all Members except Hon Graham Giffard.

**MIA BETJEMAN**

Clerk of the Legislative Council

**HON NICK GRIFFITHS**

President of the Legislative Council