

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 211

WEDNESDAY, 18 JUNE 2008

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### 1. Meeting of Council

The Council assembled at 4.00pm pursuant to Temporary Order.

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

### 2. Petition

Hon Sally Talbot presented a petition from 1 300 petitioners requesting the Legislative Council maintain Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 4085).

### 3. Papers

The following Papers were laid on the Table by -

#### President

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

Performance Examination - The Juvenile Justice System: Dealing with Young People  
under the Young Offenders Act 1994 (Report No. 4) (June 2008) (Volumes 1  
and 2)..... 4083

#### Minister for Child Protection

##### *Annual Reports -*

Council of the Pharmaceutical Society (Year ended 31 December 2007)  
(Date received 17/6/2008)..... 4084

### 4. Standing Committee on Public Administration - Eighth Report - Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools

Hon Barry House presented the Eighth Report of the Standing Committee on Public Administration in relation to the *Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools*. (Tabled paper 4086).

Hon Barry House moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## 5. Chris Read - Disclosure Regarding OSCAR Project

Motion No. 66 having been called, Hon Helen Morton continued her introductory remarks in moving the following motion -

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.

Debate ensued.

Hon Paul Llewellyn moved to amend the motion as follows -

To delete the words after "That this House directs the Public Administration Committee to inquire into" and insert instead -

“

the following matters -

- (1) Review of the status of employees seconded for more than two years under Sections 61 and 65 of the *Public Sector Management Act 1994*.
- (2) Review of the protection of seconded employees who make a public disclosure under the *Public Interest Disclosure Act 2003*.
- (3) Review of the current internal feedback and complaints procedures observed by seconded and substantive employees in the offices of the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, and the Information Commissioner.

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Debate ensued.

Amendment - put and passed.

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

Hon Barry House moved to further amend the motion as follows -

To insert after paragraph (3) -

“

- (4) The grievances of Mr Chris Read be considered as a case study in the Committee's inquiry into these matters.

”.

Debate ensued.

Amendment - put and passed.

Motion, as amended, agreed to.

## **6. Greater Bunbury Regional Scheme**

Motion No. 67 having been called, on the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

## **7. Education - Behaviour Management and Pastoral Care**

Motion No. 68 having been called, Hon Peter Collier moved as follows -

That this House expresses its concern at the lack of comprehensive and effective behaviour management and pastoral care strategies in Western Australian public schools.

## **8. Questions Without Notice**

Questions without notice were taken.

The Minister for Local Government representing the Minister for Education and Training tabled, and by leave incorporated into Hansard, documents in relation to Department of Education and Training teachers supervising university students undertaking their teaching practice at secondary schools, in response to a question without notice asked by Hon Barbara Scott. (Tabled paper 4087).

The Minister for Local Government representing the Minister for Education and Training tabled an answer in relation to details of the Department of Education and Training's internal audits via an external body for the years 30 June 2002 to 30 June 2007 inclusive, in response to question on notice No. 6281 asked by Hon Ray Halligan. (Tabled paper 4088).

The Minister for Communities tabled, and by leave incorporated into Hansard, an answer in relation to Redress WA and the Stolen Generation, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 4089).

## **9. Suspension of Temporary Orders**

The Leader of the House moved, without notice -

That so much of the Temporary Orders be suspended so as to enable Orders of the Day to be now taken.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

## **10. City of Nedlands - Signs Local Law 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been called, Hon Bruce Donaldson moved, without notice -

That Order of the Day No. 609, *City of Nedlands - Signs Local Law 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

## **11. City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been called, Hon Bruce Donaldson moved, without notice -

That That Order of the Day No. 616, *City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

## 12. Order of Business

Ordered - That Order of the Day No. 631, *Prisons Amendment Regulations 2008 - Disallowance*, be taken after Order of the Day No. 638, *Nickel Refinery (BHP Billiton Nickel West Pty Ltd) (Termination of Agreements) Agreement Bill 2008*. (Leader of the House).

## 13. 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.

## 14. Public Transport Authority Amendment Bill 2008

The Acting President reported the receipt of Message No. 336 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That the Bill be now read a second time.

Debate stands adjourned.

## 15. Diamond (Argyle Diamond Mines Joint Venture) Agreement Amendment Bill 2008

The Acting President reported the receipt of Message No. 337 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for State Development moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for State Development moved, That the Bill be now read a second time.

Debate stands adjourned.

## 16. Industrial Relations Amendment Bill 2008

The Leader of the House on behalf of the Minister for Employment Protection, pursuant to notice, moved -

That a Bill for “An Act to amend the *Industrial Relations Act 1979* and to make consequential amendments to various Acts” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Employment Protection moved, That the Bill be now read a second time.

Debate stands adjourned.

## 17. Criminal Law Amendment (Homicide) Bill 2008

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

The Acting President left the Chair.

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**In Committee**

(Hon Graham Giffard in the Chair)

Clause 10.

Debate resumed on the amendment moved by Hon Simon O'Brien as follows -

Page 10, lines 11 to 20 — To delete the lines.

Hon Simon O'Brien, by leave, withdrew his amendment.

Hon Simon O'Brien moved -

Page 10, lines 12 to 20 — To delete all the words after "imprisonment" in line 12.

Debate ensued.

Amendment - put.

The Committee divided.

**Ayes (12)**

Hon Ken Baston  
 Hon George Cash  
 Hon Peter Collier  
 Hon Wendy Duncan  
 Hon Brian Ellis  
 Hon Anthony Fels

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

**Noes (13)**

Hon Vincent Catania  
 Hon Kim Chance  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Graham Giffard  
 Hon Paul Llewellyn

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

Amendment thus negatived.

Debate resumed.

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

Clause 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 to 41 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

# **18. Statutes (Repeals and Minor Amendments) 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.

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## **In Committee**

(Hon George Cash in the Chair)

Clause 41, as amended.

Debate resumed.

Hon Norman Moore moved -

Page 19, lines 15 to 17 — To delete the lines.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 42 to 44 agreed to.

Clause 45.

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

Clauses 46 and 47 agreed to.

Clause 48.

Debate ensued.

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

Clauses 49 and 50 agreed to.

Clause 51.

The Minister for Agriculture and Food moved -

Page 27, lines 1 to 3 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 52 and 53 agreed to.

Clause 54.

Debate ensued.

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

Clauses 55 to 86 agreed to.

Clause 87.

Debate ensued.

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

Clauses 88 to 94 agreed to.

Clause 95.

Hon Norman Moore moved -

Page 49, lines 1 to 15 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 96 and 97 agreed to.

Clause 98.

Debate ensued.

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

Clauses 99 to 113 agreed to.

Clause 114.

Debate ensued.

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

Clauses 115 to 128 agreed to.

Clause 129.

The Minister for Agriculture and Food moved -

Page 63, lines 19 to 25 — To delete the lines.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 130 agreed to.

Clause 131.

Debate ensued.

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

Clauses 132 to 159 agreed to.

Long Title.

The Leader of the House, by leave, tabled a document containing questions by Hon Norman Moore and their answers in relation to the *Statutes (Repeals and Minor Amendments) Bill 2006*. (Tabled paper 4090).

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.

**19. Adjournment**

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

Question - put and passed.

The House adjourned at 9.41pm until Thursday, 19 June 2008 at 10.00am.

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

Attendance: Present all Members except Hon Shelley Archer, Hon Matt Benson-Lidholm, Hon Jon Ford, Hon Nigel Hallett and Hon Batong Pham.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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