

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 175

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

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THURSDAY, 22 NOVEMBER 2007

### 1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Papers

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

By the Clerk -

Armadale Redevelopment Authority Act 2001 - Ministerial approval under section 17(4) of the Act to enter into a contract variation with Industrial Road Pavers Pty Ltd for the removal of the entire northern stockpile of surplus material from Champion Lakes at a contract variation cost increase of \$2,089,000 (dated 16 November 2007) (3469).

Meat Industry Authority, Western Australia - Annual Report 2006-2007 (3470).

### 3. Notice of Motion

### 4. Public Accounts Committee

Mr J.R. Quigley, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Public Accounts Committee - Review of the Reports of the Auditor General 2006-2007, Report No. 8 (3471).

Mr J.R. Quigley, Mr D.T. Redman, Dr S.C. Thomas, Mr B.S. Wyatt and Mr P.B. Watson spoke on the report.

### **5. Security and Related Activities (Control) Amendment Bill 2007**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

#### *CONSIDERATION IN DETAIL*

Clauses 1 to 82 agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Police and Emergency Services 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.

### **6. Premier's Statement**

The Order of the Day for the resumption of the debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

### **7. Suspension of Standing Orders**

The Leader of the House, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith and debated in accordance with the time limits of a matter of public interest –

That this House considers that the Hon. Anthony Fels is not a fit and proper person to be a member of Parliament.

Debate ensued.

Question put.

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

### **8. Hon. Anthony Fels MLC**

The Premier, pursuant to the foregoing motion, moved,

That this House considers that the Hon. Anthony Fels is not a fit and proper person to be a member of Parliament.

Debate ensued.

Question put and passed.

The Leader of the House moved,  
That the Legislative Council be acquainted accordingly.  
Question put and passed.

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**9. Speakers Ruling - Legislative Assembly Message No. 276 relating to Hon. Shelley Archer**

The Speaker advised members that he had checked Legislative Assembly Message No. 276, which was directed under his signature to the Legislative Council and, according to the records of the House, found the message was an accurate reflection of what had been passed by this House

**10. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 3 be next considered.

**11. Bail Amendment Bill 2007**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.  
Debate resumed.

Debate interrupted by the Chair (Ms S.E. Walker speaking) and adjourned until a later stage of the sitting.

**12. Members' Statements**

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

**13. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2930 to 2936 were asked.

Questions on Notice Nos 2797, 2818, 2861, 2862, 2864, 2872, 2881, 2889, 2901 and 2903 were answered.

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Paper tabled by the Attorney General; Minister for Health; Electoral Affairs -

Question on Notice No. 2797 - Composition of online marketing/website management teams under the Attorney General's portfolio. (3472).

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**14. Additional Information under Standing Order No. 82A**

In accordance with Standing Order No. 82A, the Minister for Employment Protection provided additional information relating to a Question without Notice today from Mr T.R. Buswell.

**15. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 3 be resumed.

**16. Bail Amendment Bill 2007**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.  
Debate resumed.

Question put and passed.

Bill read a second time.

*CONSIDERATION IN DETAIL*

Clauses 1 to 8 agreed to.

Clause 9.

Question put.

The Assembly divided.

Ayes (27)

Mr P.W. Andrews  
Mr A.J. Carpenter  
Dr J.M. Edwards  
Mrs J. Hughes  
Mr J.N. Hyde  
Mr J.C. Kobelke  
Mr F.M. Logan  
Ms A.J.G. MacTiernan  
Mr J.A. McGinty

Mr M. McGowan  
Ms S.M. McHale  
Mr A.D. McRae  
Mrs C.A. Martin  
Mr M.P. Murray  
Mr A.P. O’Gorman  
Mr P. Papalia  
Mr J.R. Quigley  
Ms M.M. Quirk

Ms J.A. Radisich  
Mr E.S. Ripper  
Mrs M.H. Roberts  
Mr T.G. Stephens  
Mr D.A. Templeman  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr S.R. Hill (*Teller*)

Noes (18)

Mr C.J. Barnett  
Mr D.F. Barron-Sullivan  
Mr T.R. Buswell  
Dr E. Constable  
Mr M.J. Cowper  
Mr J.H.D. Day

Dr K.D. Hames  
Ms K. Hodson-Thomas  
Dr G.G. Jacobs  
Mr J.E. McGrath  
Mr P.D. Omodei  
Mr A.J. Simpson

Mr G. Snook  
Dr S.C. Thomas  
Mr T.K. Waldron  
Ms S.E. Walker  
Mr G.A. Woodhams  
Mr T.R. Sprigg (*Teller*)

Clause thus agreed to.

Clauses 10 to 22 agreed to.

Clause 23.

The Attorney General moved,

Page 28, lines 13 and 14 – To delete “a notice personally under subsection (1)(a)” and substitute –  
“ or sends a notice in accordance with subsection (1) ”.

Page 28, lines 18 to 27 – To delete the lines.

Page 28, line 28 – To delete “(3a)” and substitute –  
“ (3) ”.

Page 29, line 19 – To delete “; and” and substitute a full stop.

Page 29, lines 20 to 23 – To delete the lines.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 24 to 27 agreed to.

Clause 28.

The Attorney General moved,

Page 36, lines 23 and 24 – To delete “personally under subsection (1)(b)” and substitute –  
“ in accordance with subsection (1)(b) or (c) ”.

Page 36, line 28 to page 37, line 5 – To delete the lines.

Page 37, line 6 – To delete “(2b)” and substitute –  
“ (2a) ”.

Page 37, line 25 – To insert after “(1)(b)” –  
“ or (c) ”.

Page 38, line 6 – To delete “; and” and substitute a full stop.

Page 38, lines 7 to 10 – To delete the lines.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 29 to 46 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

### **17. Adjournment**

The Attorney General moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly, at 4.36 p.m. until Tuesday, 27 November 2007 at 2.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr G.M. Castrilli, Mr J.B. D’Orazio and Dr J.M. Woollard.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. FRED RIEBELING**  
Speaker of the Legislative Assembly