

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 176

WEDNESDAY, 28 NOVEMBER 2007

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 -

Audit Results Report by Ministerial Portfolios at 19 November 2007- Opinions on Ministerial Notifications - Performance Examination of Administration of Natural Resource Management Grants (Report No. 11) (November 2007) (Deemed tabled 28/11/2007) 3551

Performance Examination - Renewable Energy: Knowing What We Are Getting (Report No. 12) (November 2007) (Deemed tabled 28/11/2007)..... 3552

Parliamentary Secretary representing the Minister for Planning and Infrastructure

Annual Reports -

Esperance Port Authority (2006-2007) (Date received 27/11/2007)..... 3553

3. Personal Explanation

Hon Norman Moore, by leave, made a personal explanation [SO 85].

4. Teacher Shortage

Motion No. 55 having been read, debate resumed on the motion of Hon Peter Collier as follows -

That this House expresses its grave concern at the recent revelation of the Department of Education and Training that there will be a shortage of 3 000 teachers in Western Australia in five years unless some serious action is taken to remedy this significant problem.

Question - put.

The House divided.

Ayes (17)

Hon George Cash
 Hon Peter Collier
 Hon Murray Criddle
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Anthony Fels
 Hon Nigel Hallett
 Hon Ray Halligan
 Hon Barry House

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

Noes (13)

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

Hon Graham Giffard
 Hon Sheila Mills
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Question thus passed.

5. Broadband Internet - Use of Future Fund.

Motion No. 56 having been called, Hon Vincent Catania pursuant to notice, moved -

That this House urges the Federal Government to support the use of the Future Fund in order to provide the necessary public investment in broadband internet access throughout Australia.

In particular, this House urges the Federal Government to acknowledge that -

- (a) the urban broadband network is inadequate to meet current or future demands;
- (b) Western Australia's mining companies, pastoralists, farmers and communities function in regions that are as remote from administrative centres as any in the world;
- (c) Tele-health capacity would enable quality health services to be delivered via a broadband network to areas where such services are currently impossible; and
- (d) the use of the Future Fund to enable public investment in the national broadband network is a valid and essential means of achieving the aims of the Fund by investing in Australia's future in commerce, education and health.

6. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Energy tabled, and by leave incorporated into Hansard, documents in relation to the Western Power BPL Strategy Review, in response to a question without notice asked by Hon Barbara Scott. (Tabled paper 3554).

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. 5586 asked by Hon Paul Llewellyn will be provided by 6 December 2007.

7. Broadband Internet - Use of Future Fund.

Hon Vincent Catania continued his introductory remarks (cf item 5 above).

Interruption of Debate [SO 195].

8. Order of Business

Ordered - That Orders of the Day Nos 527, *Town of Claremont Standing Orders Local Law 2007 - Disallowance*, 528, *Local Government (Rules of Conduct) Regulations 2007 - Disallowance*, 529, *Non-Coronial Post-Mortem Examinations Code of Practice 2007 - Disallowance*, 542, *Shire of Cue Repeal Local Law 2007 - Disallowance*, 543, *Fish Resources Management Amendment Regulations (No. 7) 2007 - Disallowance* and 544, *West Coast Demersal Scalefish (Interim) Management Plan 2007 - Disallowance*, be taken after Order of the Day No. 6, *Constitution Amendment Bill 2005*. (Leader of the House).

9. Poisons Amendment Regulations (No. 2) 2007 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan moved, without notice -

That Order of the Day No. 515, *Poisons Amendment Regulations (No. 2) 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations

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

The Acting President left the Chair.

In Committee

(Hon Ken Travers in the Chair)

Debate resumed on the amendment moved by the Leader of the House to the motion of Hon Murray Criddle as follows -

To amend the motion by deleting all words after the words "That" and substituting the following -

- (1) The severity of the findings of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations in relation to the false evidence provided to the Committee by Hon Shelley Archer, warrant the House to determine that Hon Shelley Archer should be expelled from the Parliament.
- (2) The severity of the findings of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations in relation to the false evidence provided to the Committee by Hon Anthony Fels, warrant the House to determine that Hon Anthony Fels should be expelled from the Parliament.
- (3) Recommendations 3, 6, 9, 10, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 be agreed to.
- (4) The House defers consideration of recommendations 1, 4, 7, 11 and 14.
- (5) Noting the findings of the Select Committee in recommendations 2, 5, 8, 12 and 15 that Mr Nathan McMahon, Hon Shelley Archer MLC, Hon Anthony Fels MLC, Mr Brian Burke and Mr Noel Crichton-Browne have provided false evidence to the Select Committee, the House refers these findings to the Director of Public Prosecutions to assess whether those persons should be prosecuted for a breach of section 57 or of any other provision of the *Criminal Code* and if of that view to commence such prosecution or prosecutions.

- (6) The House notes the Select Committee's recommendation 35 and authorises the disclosure or publication of the evidence taken by the Committee and of any documents presented to the Committee to the Director of Public Prosecutions and to any other agency or agencies to which any matter in the report is referred to the extent necessary or expedient to enable the Director of Public Prosecutions and any such agency or agencies to discharge their functions.
- (7) The House refers the Select Committee's observations 1 and 2 to the Attorney General with the request that he ask the Solicitor General to consider referring, and if he considers it appropriate to refer, the matters discussed in the observations and relevantly in the report generally to any appropriate agency or agencies for consideration in accordance with their functions.
- (8) In relation to observation 3, the House notes that Hon Shelley Archer may have committed a grave contempt of the Parliament and refers this observation to the Standing Committee on Procedure and Privilege for its consideration and report.

to the motion of Hon Murray Criddle as follows -

That the recommendations contained in the report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations be adopted and agreed to.

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the motion, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

11. Tabling of Papers - Request for an Order

Hon Shelley Archer sought an order from the House for the tabling of the transcripts of evidence of the *Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations*.

President's Ruling

The President ruled as follows -

Before I give the call to the Leader of the House, although no Standing Order explicitly deals with this matter, the custom and practice of the House is to the effect that what the Honourable Member proposes requires notice of a motion to be given and then, on a subsequent day, for a motion to be moved.

12. Order of Business

Ordered - That Order of the Day No. 526, *Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations* be resumed in Committee of the Whole. (Leader of the House).

13. Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations

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

The Acting President left the Chair.

In Committee

(Hon George Cash in the Chair)

Debate resumed on the amendment moved by the Leader of the House to the motion of Hon Murray Criddle as follows -

To amend the motion by deleting all words after the words “That” and substituting the following -

- (1) The severity of the findings of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations in relation to the false evidence provided to the Committee by Hon Shelley Archer, warrant the House to determine that Hon Shelley Archer should be expelled from the Parliament.
- (2) The severity of the findings of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations in relation to the false evidence provided to the Committee by Hon Anthony Fels, warrant the House to determine that Hon Anthony Fels should be expelled from the Parliament.
- (3) Recommendations 3, 6, 9, 10, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 be agreed to.
- (4) The House defers consideration of recommendations 1, 4, 7, 11 and 14.
- (5) Noting the findings of the Select Committee in recommendations 2, 5, 8, 12 and 15 that Mr Nathan McMahon, Hon Shelley Archer MLC, Hon Anthony Fels MLC, Mr Brian Burke and Mr Noel Crichton-Browne have provided false evidence to the Select Committee, the House refers these findings to the Director of Public Prosecutions to assess whether those persons should be prosecuted for a breach of section 57 or of any other provision of the *Criminal Code* and if of that view to commence such prosecution or prosecutions.
- (6) The House notes the Select Committee's recommendation 35 and authorises the disclosure or publication of the evidence taken by the Committee and of any documents presented to the Committee to the Director of Public Prosecutions and to any other agency or agencies to which any matter in the report is referred to the extent necessary or expedient to enable the Director of Public Prosecutions and any such agency or agencies to discharge their functions.
- (7) The House refers the Select Committee's observations 1 and 2 to the Attorney General with the request that he ask the Solicitor General to consider referring, and if he considers it appropriate to refer, the matters discussed in the observations and relevantly in the report generally to any appropriate agency or agencies for consideration in accordance with their functions.
- (8) In relation to observation 3, the House notes that Hon Shelley Archer may have committed a grave contempt of the Parliament and refers this observation to the Standing Committee on Procedure and Privilege for its consideration and report.

to the motion of Hon Murray Criddle as follows -

That the recommendations contained in the report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations be adopted and agreed to.

Interruption of Debate [SO 61(c)].

The Acting President resumed the Chair.

The Chairman of Committees reported that the Committee had considered the Motion, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

14. Adjournment

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

Question - put and passed.

The House adjourned at 9.56pm until Thursday, 29 November 2007 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Batong Vu Pham.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council