

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 174

### FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

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**WEDNESDAY, 21 NOVEMBER 2007**

#### **1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

#### **2. Petition**

Byford Primary School - Mr A.J. Simpson presented a petition from 229 persons requesting that the Legislative Assembly make the necessary arrangements for the Byford Primary School to receive an upgrade to its administration block (P. 271).

#### **3. Brief Ministerial Statements**

The following Brief Ministerial Statements were made by -

The Minister for Water Resources on the increased water efficiency rating for washing machines eligible for the Waterwise Rebate Program from 1 January 2008.

The Minister for Energy on the Gas Tariff Regulations Review Report compiled by the Office of Energy.

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#### *Paper*

The following paper was presented and ordered to lie upon the Table of the House -

By the Minister for Energy -

Energy, Office of - Gas Tariff Regulations Review Report: Report prepared by the Minister for Energy, Hon. Francis Logan MLA on the Review of the *Energy Co-ordination (Gas Tariffs) Regulations 2000*, October 2007 (3467).

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The Minister for Education and Training on the diaries complied by the students that attended the 2007 Premier's ANZAC Student Tour to France, Belgium and Gallipoli.

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*Paper*

The following paper was presented and ordered to lie upon the Table of the House -

By the Minister for Education and Training –

ANZAC Student Tour - Premier's ANZAC Student Tour, 2007: Student Tour Journals and Presentations (3468).

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The Minister for Planning and Infrastructure on the appointment of Dr Phil Chalmer as a Director of the Esperance Port Authority Board.

**4. Community Development and Justice Standing Committee - Extension of Reporting Date**

The Leader of the House, pursuant to notice, moved,

That the date for presentation of the report of the Community Development and Justice Standing Committee's inquiry into the Prosecution of Assaults and Sexual Offences be extended to 10 April 2008.

Question put and passed.

**5. Mining Legislation Amendment and Validation Bill 2007**

The Minister for Resources, pursuant to notice, moved,

That a bill for "An Act to –

- amend the *Mining Amendment Act 2004*; and
- validate the extension of the term of certain exploration licences under the *Mining Act 1978*; and
- validate the grant of certain miscellaneous licences under that Act, and to make related provisions." be introduced and read a first time.

Question put and passed.

The Minister for Resources presented an explanatory memorandum and bill read a first time.

The Minister for Resources moved, That the bill be now read a second time.

Mr T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

**6. Prisoners (Interstate Transfer) Amendment Bill 2007**

The Minister for Corrective Services, pursuant to notice, moved,

That a bill for "An Act to amend the *Prisoners (Interstate Transfer) Act 1983*." be introduced and read a first time.

Question put and passed.

The Minister for Corrective Services presented an explanatory memorandum and bill read a first time.

The Minister for Corrective Services moved, That the bill be now read a second time.

Mr G.M. Castrilli moved, That the debate be adjourned.

Question put and passed.

## **7. Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2007**

The Minister for Corrective Services, pursuant to notice, moved,

That a bill for “An Act relating to the interstate transfer of community based orders, and for other purposes.” be introduced and read a first time.

Question put and passed.

The Minister for Corrective Services presented an explanatory memorandum and bill read a first time.

The Minister for Corrective Services moved, That the bill be now read a second time.

Mr T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

## **8. 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 -

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

Debate ensued.

Question put.

The Assembly divided.

<b>Ayes (30)</b>		
Mr P.W. Andrews	Ms A.J.G. MacTiernan	Ms M.M. Quirk
Mr J.J.M. Bowler	Mr J.A. McGinty	Ms J.A. Radisich
Mr A.J. Carpenter	Mr M. McGowan	Mr E.S. Ripper
Dr J.M. Edwards	Ms S.M. McHale	Mrs M.H. Roberts
Mrs D.J. Guise	Mr A.D. McRae	Mr T.G. Stephens
Mrs J. Hughes	Mrs C.A. Martin	Mr D.A. Templeman
Mr J.N. Hyde	Mr M.P. Murray	Mr P.B. Watson
Mr J.C. Kobelke	Mr A.P. O’Gorman	Mr M.P. Whitely
Mr R.C. Kucera	Mr P. Papalia	Mr B.S. Wyatt
Mr F.M. Logan	Mr J.R. Quigley	Mr S.R. Hill ( <i>Teller</i> )

<b>Noes (24)</b>		
Mr C.J. Barnett	Mr B.J. Grylls	Mr A.J. Simpson
Mr D.F. Barron-Sullivan	Dr K.D. Hames	Mr G. Snook
Mr M.J. Birney	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr T.R. Buswell	Dr G.G. Jacobs	Mr M.W. Trenorden
Mr G.M. Castrilli	Mr R.F. Johnson	Mr T.K. Waldron
Dr E. Constable	Mr J.E. McGrath	Ms S.E. Walker
Mr M.J. Cowper	Mr P.D. Omodei	Mr G.A. Woodhams
Mr J.H.D. Day	Mr D.T. Redman	Mr T.R. Sprigg ( <i>Teller</i> )

Question thus passed.

**9. Hon. Shelley Archer MLC**

The Premier, pursuant to the foregoing motion, moved,

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

Debate ensued.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

**10. Distinguished Visitors**

The Speaker noted the presence in the Speaker's Gallery of a visiting group of Vietnamese Government Officials from the Ministry of Natural Resources and Environment.

**11. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2927 to 2929 were asked.

Questions on Notice Nos 2836 and 2839 were answered.

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

Ordered, That debate be resumed on Government Business Order of the Day on the motion moved by the Premier relating to the Hon. Shelley Archer MLC.

**13. Hon. Shelley Archer MLC**

The Order of the Day having been read for the resumption of debate on the motion moved by Premier,

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

Debate resumed.

Debate interrupted by the Chair (Mr C.J. Barnett speaking) and adjourned until a later stage of the sitting.

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

Ordered, That Private Members' Business Order of the Day No. 2 and Private Members' Business Notices of Motion Nos 17 and 5 be next considered.

**15. Children and Community Services (Mandatory Reporting) Amendment Bill 2006**

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

Debate resumed.

Question put.

The Assembly divided.

## Ayes (24)

Mr C.J. Barnett	Mr B.J. Grylls	Mr A.J. Simpson
Mr D.F. Barron-Sullivan	Dr K.D. Hames	Mr G. Snook
Mr M.J. Birney	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr T.R. Buswell	Dr G.G. Jacobs	Mr M.W. Trenorden
Mr G.M. Castrilli	Mr R.F. Johnson	Mr T.K. Waldron
Dr E. Constable	Mr J.E. McGrath	Ms S.E. Walker
Mr M.J. Cowper	Mr P.D. Omodei	Mr G.A. Woodhams
Mr J.H.D. Day	Mr D.T. Redman	Mr T.R. Sprigg ( <i>Teller</i> )

## Noes (30)

Mr P.W. Andrews	Ms A.J.G. MacTiernan	Ms M.M. Quirk
Mr J.J.M. Bowler	Mr J.A. McGinty	Ms J.A. Radisch
Mr A.J. Carpenter	Mr M. McGowan	Mr E.S. Ripper
Dr J.M. Edwards	Ms S.M. McHale	Mrs M.H. Roberts
Mrs D.J. Guise	Mr A.D. McRae	Mr T.G. Stephens
Mrs J. Hughes	Mrs C.A. Martin	Mr D.A. Templeman
Mr J.N. Hyde	Mr M.P. Murray	Mr P.B. Watson
Mr J.C. Kobelke	Mr A.P. O'Gorman	Mr M.P. Whitely
Mr R.C. Kucera	Mr P. Papalia	Mr B.S. Wyatt
Mr F.M. Logan	Mr J.R. Quigley	Mr S.R. Hill ( <i>Teller</i> )

Question thus negatived.

## 16. Greater Bunbury Regional Scheme

Dr S.C. Thomas, pursuant to notice, moved,

That this House recognises the shortcomings of the Greater Bunbury Regional Scheme as tabled in October 2007, and calls on the Government to -

- (1) provide adequate resources as a matter of urgency to update the Scheme;
- (2) provide additional adequate resources to manage the current and additional lands acquired or listed as Regional Open Space;
- (3) extend the Scheme to include the Shires of Collie and Donnybrook-Balingup; and
- (4) address the concerns of private property owners more adequately.

Debate ensued.

Debate interrupted by the Chair (Mr M.P. Murray speaking) and adjourned until a later stage of the sitting.

## 17. Variation to the Order of Business

Ordered, That debate be resumed on Government Business Order of the Day on the motion moved by the Premier relating to the Hon. Shelley Archer MLC.

## 18. Hon. Shelley Archer MLC

The Order of the Day having been read for the resumption of debate on the motion moved by Premier,

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

Debate resumed.

Question put and passed.

The Leader of the House moved -

That the Legislative Council be advised that the motion was passed without dissent.

Question put and passed.

## **19. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 2 be next considered.

## **20. Indigenous Conservation Title Bill 2007**

The Order of the Day for the further consideration in detail of the bill was read.

### *CONSIDERATION IN DETAIL*

Clause 8.

Question put.

The Assembly divided.

<b>Ayes (23)</b>		
Mr P.W. Andrews	Mr M. McGowan	Ms M.M. Quirk
Mr J.J.M. Bowler	Ms S.M. McHale	Ms J.A. Radisch
Dr J.M. Edwards	Mr A.D. McRae	Mr E.S. Ripper
Mrs D.J. Guise	Mrs C.A. Martin	Mrs M.H. Roberts
Mrs J. Hughes	Mr M.P. Murray	Mr T.G. Stephens
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr P. Papalia	Mr S.R. Hill ( <i>Teller</i> )
Mr R.C. Kucera	Mr J.R. Quigley	

<b>Noes (17)</b>		
Mr C.J. Barnett	Ms K. Hodson-Thomas	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Dr G.G. Jacobs	Mr T.K. Waldron
Mr M.J. Birney	Mr D.T. Redman	Ms S.E. Walker
Mr G.M. Castrilli	Mr A.J. Simpson	Mr G.A. Woodhams
Mr J.H.D. Day	Mr G. Snook	Mr T.R. Sprigg ( <i>Teller</i> )
Mr B.J. Grylls	Dr S.C. Thomas	

Clause thus agreed to.

Clause 9.

Question put.

The Assembly divided.

<b>Ayes (25)</b>		
Mr P.W. Andrews	Mr J.A. McGinty	Ms M.M. Quirk
Mr J.J.M. Bowler	Mr M. McGowan	Ms J.A. Radisch
Dr J.M. Edwards	Ms S.M. McHale	Mr E.S. Ripper
Mrs D.J. Guise	Mr A.D. McRae	Mrs M.H. Roberts
Mrs J. Hughes	Mrs C.A. Martin	Mr T.G. Stephens
Mr J.N. Hyde	Mr M.P. Murray	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr A.P. O'Gorman	Mr S.R. Hill ( <i>Teller</i> )
Mr R.C. Kucera	Mr P. Papalia	
Ms A.J.G. MacTiernan	Mr J.R. Quigley	

## Noes (19)

Mr C.J. Barnett	Dr G.G. Jacobs	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr R.F. Johnson	Mr T.K. Waldron
Mr M.J. Birney	Mr P.D. Omodei	Ms S.E. Walker
Mr G.M. Castrilli	Mr D.T. Redman	Mr G.A. Woodhams
Mr J.H.D. Day	Mr A.J. Simpson	Mr T.R. Sprigg ( <i>Teller</i> )
Mr B.J. Grylls	Mr G. Snook	
Ms K. Hodson-Thomas	Dr S.C. Thomas	

Clause thus agreed to.

Clause 10.

Question put.

The Assembly divided.

## Ayes (26)

Mr P.W. Andrews	Mr J.A. McGinty	Ms M.M. Quirk
Mr J.J.M. Bowler	Mr M. McGowan	Ms J.A. Radisich
Dr J.M. Edwards	Ms S.M. McHale	Mr E.S. Ripper
Mrs D.J. Guise	Mr A.D. McRae	Mrs M.H. Roberts
Mrs J. Hughes	Mrs C.A. Martin	Mr T.G. Stephens
Mr J.N. Hyde	Mr M.P. Murray	Mr P.B. Watson
Mr J.C. Kobelke	Mr A.P. O'Gorman	Mr B.S. Wyatt
Mr R.C. Kucera	Mr P. Papalia	Mr S.R. Hill ( <i>Teller</i> )
Ms A.J.G. MacTiernan	Mr J.R. Quigley	

## Noes (19)

Mr C.J. Barnett	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr J.E. McGrath	Mr T.K. Waldron
Mr M.J. Birney	Mr P.D. Omodei	Ms S.E. Walker
Mr G.M. Castrilli	Mr D.T. Redman	Mr G.A. Woodhams
Mr J.H.D. Day	Mr A.J. Simpson	Mr T.R. Sprigg ( <i>Teller</i> )
Ms K. Hodson-Thomas	Mr G. Snook	
Dr G.G. Jacobs	Dr S.C. Thomas	

Clause thus agreed to.

Clause 11 agreed to.

Clause 12.

Mr G. Snook moved,

Page 7, after line 19 - To insert -

“ (a) the estate can only be held in respect of a community area; and ”.

Amendment put.

The Assembly divided.

## Ayes (21)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Mr G. Snook
Mr D.F. Barron-Sullivan	Dr G.G. Jacobs	Dr S.C. Thomas
Mr M.J. Birney	Mr R.F. Johnson	Mr M.W. Trenorden
Mr G.M. Castrilli	Mr J.E. McGrath	Mr T.K. Waldron
Mr M.J. Cowper	Mr P.D. Omodei	Ms S.E. Walker
Mr J.H.D. Day	Mr D.T. Redman	Mr G.A. Woodhams
Mr B.J. Grylls	Mr A.J. Simpson	Mr T.R. Sprigg ( <i>Teller</i> )

## Noes (26)

Mr P.W. Andrews	Mr M. McGowan	Ms J.A. Radisich
Dr J.M. Edwards	Ms S.M. McHale	Mr E.S. Ripper
Mrs D.J. Guise	Mr A.D. McRae	Mrs M.H. Roberts
Mrs J. Hughes	Mrs C.A. Martin	Mr T.G. Stephens
Mr J.N. Hyde	Mr M.P. Murray	Mr P.B. Watson
Mr J.C. Kobelke	Mr A.P. O'Gorman	Mr M.P. Whitely
Mr R.C. Kucera	Mr P. Papalia	Mr B.S. Wyatt
Ms A.J.G. MacTiernan	Mr J.R. Quigley	Mr S.R. Hill ( <i>Teller</i> )
Mr J.A. McGinty	Ms M.M. Quirk	

Amendment thus negatived.

Clause agreed to.

Clauses 13 to 37 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Deputy Premier moved, That the bill be now read a third time.

Debate ensued.

Question put.

The Assembly divided.

## Ayes (28)

Mr P.W. Andrews	Mr J.A. McGinty	Ms J.A. Radisich
Mr J.J.M. Bowler	Mr M. McGowan	Mr E.S. Ripper
Dr J.M. Edwards	Ms S.M. McHale	Mrs M.H. Roberts
Mrs D.J. Guise	Mr A.D. McRae	Mr T.G. Stephens
Mrs J. Hughes	Mrs C.A. Martin	Mr P.B. Watson
Mr J.N. Hyde	Mr M.P. Murray	Mr M.P. Whitely
Mr J.C. Kobelke	Mr A.P. O'Gorman	Mr B.S. Wyatt
Mr R.C. Kucera	Mr P. Papalia	Mr S.R. Hill ( <i>Teller</i> )
Mr F.M. Logan	Mr J.R. Quigley	
Ms A.J.G. MacTiernan	Ms M.M. Quirk	

## Noes (21)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Mr G. Snook
Mr D.F. Barron-Sullivan	Dr G.G. Jacobs	Dr S.C. Thomas
Mr M.J. Birney	Mr R.F. Johnson	Mr M.W. Trenorden
Mr G.M. Castrilli	Mr J.E. McGrath	Mr T.K. Waldron
Mr M.J. Cowper	Mr P.D. Omodei	Ms S.E. Walker
Mr J.H.D. Day	Mr D.T. Redman	Mr G.A. Woodhams
Mr B.J. Grylls	Mr A.J. Simpson	Mr T.R. Sprigg ( <i>Teller</i> )

Question thus passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

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

Ordered, That Government Business Order of the Day No. 10 be next considered.

**22. Trans-Tasman Mutual Recognition (Western Australia) Bill 2005**

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

The Minister for Corrective Services moved, That the bill be now read a second time.

Mr R.F. Johnson moved, That the debate be adjourned.

Question put and passed.

**23. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 10.50 p.m. until Thursday, 22 November 2007 at 9.00 a.m.

*Members present during any part of the day's proceedings - All the members except Dr J.M. Woollard.*

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. FRED RIEBELING**

Speaker of the Legislative Assembly