

NATURAL GAS (CANNING BASIN JOINT VENTURE) AGREEMENT BILL 2013

Order of Business — Motion

MR J.H.D. DAY (Kalamunda — Leader of the House) [4.47 pm]: I move —

That debate on order of the day 3 be resumed.

By way of explanation, this is to allow a motion to declare the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013 an urgent bill to be debated and, hopefully, agreed to.

Question put and passed.

Second Reading

Resumed from 8 May.

Declaration as Urgent

MR J.H.D. DAY (Kalamunda — Leader of the House) [4.47 pm]: I move —

That in accordance with standing order 168(2), the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013 be considered an urgent bill.

The Premier was intending to move this motion himself, but I understand he is involved in an interview at the moment, so he has asked me to move the motion. The purpose of the motion is to allow the bill to be debated next week. Obviously, it will be important that the opposition be fully briefed before that occurs, and I have sought to ensure that that is put in place tomorrow. Clearly, the opposition should be fully briefed and have time to consider the contents of the bill. I do not think the bill is particularly contentious, but it is one that the Premier is keen to debate next week.

MR W.J. JOHNSTON (Cannington) [4.50 pm]: The Leader of the House says that the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013 is not particularly complex. In fact, it is massively complex.

Mr J.H.D. Day: I said “contentious”.

Mr W.J. JOHNSTON: It is in fact both complex and contentious. The situation surrounding this bill is extraordinary. It was read into Parliament on the last sitting day of the thirty-eighth Parliament. There was no chance of the bill having any consideration by the former Parliament. The fact that it was read in on the last day was itself an extraordinary decision. Why would the government introduce a contentious and major piece of legislation to Parliament on the last sitting day? There was no intention, capacity or desire to have the bill debated. It is extraordinary. Now the new government—it keeps telling us it is a new government—has obviously rushed the matter through cabinet. The government did not outline to us that this was priority legislation in the Governor’s address to Parliament just a few short weeks ago, yet we now have the bill being declared urgent. A briefing between the opposition and the Department of State Development has been arranged for Tuesday next week. When the bill was read in and I approached the Premier, who is the relevant minister, and arranged that briefing, the Premier never told me that this bill would be declared urgent. We casually arranged the briefing for after our caucus meeting next week and now we are told that suddenly—since Tuesday—it has become an urgent bill. This is appalling management by the government. The history of this bill is a shambles and a disgrace. It is major legislation and should be properly debated and considered by the Parliament. This is a billion-dollar bill; it is a very important piece of legislation. Through this legislation, we will set aside the ordinary laws of this state to allow the companies involved to retain leases in the Kimberley that they would normally have to abandon back to the state. This is not some minor piece of legislation. It deals with the need to build pipelines through the Kimberley and potentially build a liquefied natural gas export facility somewhere in the Kimberley. This is an unprecedented piece of legislation. It is a very major issue that will need to be dealt with by the Western Australian Parliament. To declare such a bill as urgent when it was introduced last year on the last day of Parliament and to somehow truncate the processes of Parliament is simply extraordinary. There is no excuse for what is occurring here. We know what the numbers are and what the government will do, but it is simply inexcusable behaviour by the government to introduce a bill on Tuesday or Wednesday, line up in the ordinary course of procedure a briefing for the opposition and even before that process has gone anywhere to return to Parliament and at the last minute declare it an urgent bill. It is a disgrace and should not be allowed to occur.

MR C.J. TALLENTIRE (Gosnells) [4.53 pm]: I rise to voice my opposition to declaring the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013 an urgent bill because this relates to the very contentious issue of fracking and shale gas exploitation. There is in the minds of many in the community a serious concern about this. I acknowledge that concern gets confused between coal seam fracking and shale gas fracking but

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nevertheless there is a major concern in the community. In the electorate of Moore there is much concern about this. This bill relates to the Canning Basin, which we are told is a 229 trillion cubic feet gas resource. It is an absolutely enormous resource. I think it is double the size of the offshore reserves. We are being told that we should accept this bill being brought on as an urgent bill without having an opportunity to consult with our stakeholders. That is simply not acceptable.

There is much concern about this matter. As my friend the member for Cannington said, this legislation was introduced into the last Parliament at the very latest stage. The word I have received on that is that was done because there was concern about protecting the market capitalisation of Buru Energy Ltd because the competitors of that company were saying the project would never happen. For some reason a favour was granted to the company in that regard. Now we are being asked to deal with this bill at an express rate through this Parliament, and that is just not acceptable. There is much concern in the community about this issue. If we are seen to be rubberstamping and expediting something of this magnitude, we are going to aggravate that level of concern that exists amongst many people. We should consult with the many stakeholders who hold legitimate concerns. Perhaps this is the opportunity to inform, consult, and to bring them along and to help allay their concerns. Why would we as a Parliament not take the opportunity to let things run their natural course and let this bill lay on the table for the requisite time to enable people to give us their views and for us to have that exchange with stakeholders, rather than bring this matter on as an urgent bill in this way? It is totally unacceptable and, as has been said, the briefing will not be held until Tuesday, which is after our caucus meeting. This goes against all good community consultation guidelines and is certainly against the appropriate practices this Parliament should be adopting. It is totally unreasonable. I know that many people in the community would have great concerns about this bill and would voice those concerns through the normal course of events, but if this bill is allowed to go through as an urgent bill, their concerns will be heightened to the extent that they will imagine there is something really wrong and something badly afoot that is almost underhand and devious. We are not going to help the community understand what is at stake here if the opposition accepts this is an urgent bill. I oppose this bill being considered an urgent bill.

MR C.J. BARNETT (Cottesloe — Minister for State Development) [4.56 pm]: The Natural Gas (Canning Basin Joint Venture) Agreement Bill 2012 was introduced in the Parliament last year, so the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013 is not news to the opposition; it is a ratification bill. The agreement between the state and Buru Energy Ltd, Mitsubishi Corporation and the other partners has been signed; it is agreed. That will go ahead. This is simply a ratification bill. The agreement is done and dusted.

Mr W.J. Johnston interjected.

Mr C.J. BARNETT: The member has spoken, and now I am speaking! The agreement has been reached and signed. That is finished.

Mr W.J. Johnston: That is with the government, not the Parliament.

Mr C.J. BARNETT: This bill gives government endorsement —

Mr B.S. Wyatt: Parliamentary.

Mr C.J. BARNETT: — or parliamentary endorsement to that agreement. The Parliament cannot change the agreement.

Mr W.J. Johnston: No, but it can reject it.

Mr C.J. BARNETT: Be quiet!

Mr W.J. Johnston: Yes, it can!

The ACTING SPEAKER: Member for Cannington!

Mr C.J. BARNETT: The Parliament cannot change the agreement.

Mr W.J. Johnston: We can do whatever we like; we are sovereign.

Mr C.J. BARNETT: The Parliament cannot change the agreement.

Mr W.J. Johnston: Yes, it can; we are sovereign.

Mr C.J. BARNETT: I am sorry, it cannot! The member will find out next week that he cannot because it is signed and delivered. All the Parliament can do is reject parliamentary ratification. If this place rejects parliamentary ratification, I can assure the member that the agreement is going ahead in any case. It has been signed. It is in place and it is required. The agreement sets a principled arrangement for the long-term development of the Canning onshore gas basin. This bill is not new. As I said, it has been in the Parliament, effectively, for months. But if the issue is about when the opposition is to have a briefing, I will offer opposition

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members a briefing tomorrow—Friday. I will offer the opposition one on Monday. I will give them one on Sunday, if they want! The opposition can have the briefing before its caucus meeting.

Mr W.J. Johnston: I would like it at 10.00 am —

Mr C.J. BARNETT: You can have it!

Mr W.J. Johnston: Ten o'clock on Sunday, at my office.

Mr C.J. BARNETT: No, no; it will be in the ministerial offices.

Mr W.J. Johnston: I cannot get in there, so my office!

Mr C.J. BARNETT: You're a fool! You can have the briefing nine o'clock tomorrow morning; is that okay?

Several members interjected.

Mr C.J. BARNETT: Then 10 o'clock, 11 o'clock, midday!

Mr W.J. Johnston: No, 10 o'clock on Sunday!

Mr C.J. BARNETT: I made it very clear that the government is very willing to provide a briefing on Friday or on Monday, but members opposite are too lazy to do that! They are too lazy to front up and to understand the bill.

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: The briefing can be held before the Labor caucus meeting. It is not a particularly complex piece of legislation. Members opposite are just too lazy to do the work.

Point of Order

Ms R. SAFFIOTI: The Premier is using quite unparliamentary terms in relation to the member for Cannington.

Mr C.J. Barnett: What?

Ms R. SAFFIOTI: Lazy and so forth.

I ask you, Mr Acting Speaker, to bring the Premier back to the subject and for him to stop personally abusing members and to speak through the Chair in this chamber.

Debate Resumed

Mr C.J. BARNETT: The government is prepared to offer a briefing —

Mr W.J. Johnston: At 10.00 am on Sunday. We've already accepted your briefing. You offered to do it on Sunday; I want to have it on Sunday. What's wrong with you? Are you too lazy to do any work on the weekend?

Mr C.J. BARNETT: The government will offer a briefing on Monday—it will offer it tomorrow—so the opposition can have a briefing in detail well before its caucus meeting. It will not have me or any of my staff there; it will simply have public servants giving it a detailed briefing on the agreement. Once the opposition has had its caucus meeting we would want to debate this bill sometime next week. The opposition cannot pretend it has not seen this bill; it has basically been in the public arena for months. It was introduced into this Parliament —

Mr W.J. Johnston: But that was the last government!

Mr C.J. BARNETT: Yes, and you were the shadow minister at the time.

That is the government's decision; the agreement has been signed. Hopefully, in a few moments we are going to declare it an urgent bill and we will arrange for a briefing for the member and for any other opposition members who want to come along. It can be tomorrow, it can be Monday, it can be whenever you want it, and then we intend to bring this on for debate, because there is urgency here. This is an agreement that was signed months ago and it is important in terms of investment in and development of the exploration program. The member may be against development in Western Australia, but this is potentially the most important natural resource for the future of this state. The member may well oppose it, as he opposes most good projects in Western Australia, but the development of the Canning Basin for domestic gas, for consumers, for business and for town gas, is important. This is a state-owned gas resource and it has huge financial benefits for the state, huge gas supply benefits, huge export opportunities, and huge employment opportunities. If any part of this state needs employment, it is the Kimberley. Why does the opposition argue and stand against it? The member can have his briefing when he wants it, but I can assure him, this will be debated next week.

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MR B.S. WYATT (Victoria Park) [5.01 pm]: What an arrogant, nasty performance from the Premier. On one hand, he comes in here and says, “Well, the Parliament doesn’t need to do it; it doesn’t need to ratify it; we don’t need it at all”, but on the other he says it is very, very urgent: the Parliament must deal with it, and must deal with it now. Well, either the Parliament has no relevance in the ratification of this particular agreement, or it does. The Premier has been embarrassed today by declarations of urgency for three separate bills that apparently were not that urgent, but they need to be made urgent because the Premier brought Parliament back and he has nothing for Parliament to do. He comes in here in response to legitimate questions being raised by the member for Cannington, the relevant shadow minister, on what is, as the member for Cannington pointed out, a big, comprehensive bill. The opposition may well support every single one of those bills that have been declared urgent today—the State Agreements Legislation Repeal Bill 2013, the Supply Bill 2013 and now the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013—but the Premier should not for a moment think that just because the government has made a decision and signed an agreement that the Parliament should simply roll over and accept whatever is being signed. The Premier can say, “Well, there’s nothing you can do about it”. You want a bet? If the Premier wants the Parliament to ratify an agreement with the endorsement of the Parliament, we can. We can do what we want because we are a sovereign Parliament. I do not care what the cabinet has decided; I do not care what the executive has decided, and none of the mob up the back should care, either, because their job is not simply to come in here and ratify what the member for Cottesloe says you should ratify, because guess what? We can do what we want—we are the Parliament of Western Australia.

Just because the Premier has been embarrassed by it having been shown again and again today that he has no legislative agenda and that he has brought Parliament back with nothing for Parliament to do, he then gets cranky when the member for Cannington raises legitimate issues about the passage of a particular bill that deals with what is, as the Premier said—I wrote it down—the most important natural resource that may be developed in Western Australia. Apparently the Parliament has no role in that, because the executive has made a decision. Yes, the member for Cottesloe got a strong majority at the last election, but that does not mean that he can simply come in here and demand that the Parliament roll over and have its tummy tickled, because that is what he wants. All the mob up there should listen very, very closely to this, because the arrogance that the member for Hillarys talked about, the arrogance that we saw during the first term of this government, and the arrogance that is becoming far more apparent now in the first two weeks of this new parliamentary session, will bring the government unstuck. The Premier may hide behind his hubris and arrogance now and be confident in his numbers now, but if this is how the Premier, the government, the Liberal Party and the National Party are going to be guided, not just when governing but in their treatment of the Parliament of Western Australia, so be it because I know for sure that the Premier will come unstuck if he takes this approach.

The member for Cannington has questions that need answering. It is not simply a matter of when the briefing will be. The reason the standing orders say that bills cannot be debated until three weeks after their introduction is to allow for consultation and research and allow for the relevant shadow ministers and members of Parliament to speak to the relevant stakeholders. The government is clearly not serious about this bill anyway. As the member for Cannington said, it introduced it on the last day of Parliament before an election. It was not as if the election was a surprise. The government knew the bill was not going to go through Parliament, yet it introduced it on the last day on the last term of Parliament. For heaven’s sake! Now, because the Parliament has nothing to do, the government comes in here and, with that arrogant attack on the member for Cannington, assumes that the Parliament is simply here to rubberstamp what the member for Cottesloe wants. It is utterly outrageous. The reason the standing orders state that bills must lie on the table for three weeks is so that governments with large majorities and dictatorial methods cannot simply ram things through in the dead of night without adequate scrutiny and accountability from the opposition of the day.

Ultimately, the Liberal and National Parties will be on this side of the house again at some point. The conservatives are setting the precedent of what is emerging as awfully arrogant poor government.

Division

Question put and a division taken, the Acting Speaker (Mr I.C. Blayney) casting his vote with the ayes, with the following result —

Extract from Hansard
[ASSEMBLY — Thursday, 9 May 2013]
p404b-408a

Mr John Day; Mr Bill Johnston; Mr Chris Tallentire; Mr Colin Barnett; Acting Speaker; Ms Rita Saffioti; Mr Ben Wyatt

Ayes (30)

Mr P. Abetz	Ms E. Evangel	Mr R.S. Love	Mr J. Norberger
Mr F.A. Alban	Mr J.M. Francis	Mr W.R. Marmion	Mr D.T. Redman
Mr C.J. Barnett	Mrs G.J. Godfrey	Mr J.E. McGrath	Mr A.J. Simpson
Mr I.C. Blayney	Mr B.J. Grylls	Mr P.T. Miles	Mr M.H. Taylor
Mr G.M. Castrilli	Mrs L.M. Harvey	Ms A.R. Mitchell	Mr T.K. Waldron
Mr M.J. Cowper	Mr C.D. Hatton	Mr N.W. Morton	Mr A. Krsticevic (<i>Teller</i>)
Ms M.J. Davies	Mr A.P. Jacob	Dr M.D. Nahan	
Mr J.H.D. Day	Mr S.K. L'Estrange	Mr D.C. Nalder	

Noes (13)

Ms J. Farrer	Mr F.M. Logan	Ms R. Saffioti	Ms S.F. McGurk (<i>Teller</i>)
Ms J.M. Freeman	Mr P. Papalia	Mr C.J. Tallentire	
Mr W.J. Johnston	Ms M.M. Quirk	Mr P.C. Tinley	
Mr D.J. Kelly	Mrs M.H. Roberts	Mr B.S. Wyatt	

Pairs

Mr V.A. Catania	Mr R.H. Cook
Dr G.G. Jacobs	Mr D.A. Templeman
Dr K.D. Hames	Mr M.P. Murray
Mr I.M. Britza	Mr J.R. Quigley
Ms W.M. Duncan	Mr M. McGowan

Question thus passed.

Second Reading Resumed

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.

House adjourned at 5.13 pm
