

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 148

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

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THURSDAY, 21 JUNE 2007

### 1. Meeting of Assembly

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

The Deputy Speaker took the Chair.

Prayers were read.

### 2. Paper

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

By the Acting Clerk –

Official Travel - Minister for Corrective Services: Small Business; Minister Assisting the Minister for Federal - State Relations: Report on business and skills migration trip to Hong Kong and the People's Republic of China, 14 - 22 April 2007 (2856).

### 3. Notice of Motion Lapsed

The Deputy Speaker advised that Private Members' Notice of Motion No. 9 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

### 4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Premier on his recent trade and investment mission to China as Premier and Trade Minister.

The Premier on the 20<sup>th</sup> anniversary of Western Australia's Sister-State relationship with the Zhejiang Province in China.

The Minister for Corrective Services on the end of the Justice Reform Implementation Committee's role in implementing the recommendations of the Mahoney Inquiry.

The Minister for Culture and the Arts on the donation to the Art Gallery of Western Australia of the complete set of published prints by renowned Australian artist, Norman Lindsay.

The Minister for Health on a correction to an answer given during the Estimates in relation to contact between the Director General of Health, Dr Fong, and Mr Brian Burke.

The Minister for State Development on the upcoming National Heritage listing of the Dampier Archipelago and Burrup Peninsula.

## **5. Grievances**

The Deputy Speaker called for grievances which were then made.

## **6. Suspension of Standing Orders**

Dr K.D. Hames, 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 calls on the Minister for Health to immediately initiate an investigation into the full extent of the relationship and communication between the Director General of Health, Neale Fong, and Brian Burke and whether the Minister for Health was aware of or involved in that relationship.

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.

## **7. Investigation into the relationship between the Director General of Health and Mr Brian Burke**

Dr K.D. Hames, pursuant to the foregoing motion, moved,

That this House calls on the Minister for Health to immediately initiate an investigation into the full extent of the relationship and communication between the Director General of Health, Neale Fong, and Brian Burke and whether the Minister for Health was aware of or involved in that relationship.

Debate ensued.

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 allow the following motion to be considered forthwith -

That this House accepts Report No. 2 "Inquiry into the Member for Murchison-Eyre's Unauthorised Release of Committee Documents and Related Matters" of the Procedure and Privileges Committee, thanks the members for their work and in keeping with the report's recommendations -

- (1) finds the Member for Murchison-Eyre guilty of contempt of the Legislative Assembly in that he deliberately disclosed confidential proceedings of the Economics and Industry Standing Committee by releasing a Chair's Draft Report without authorisation;
- (2) notes that the contempt is aggravated because the Member for Murchison-Eyre knew -
  - (a) that the premature release would directly advantage a personal friend, the Hon. Julian Grill; and

- (b) would significantly affect the commercial interests of two companies operating in Western Australia, namely Precious Metals Australia and Xstrata;
- (3) strongly censures the Member for Murchison-Eyre for his actions which have diminished public trust in Parliamentary institutions and processes;
- (4) disqualifies the Member for Murchison-Eyre from membership of any Parliamentary Committee for the remainder of the 37<sup>th</sup> Parliament;
- (5) suspends the Member for Murchison-Eyre from the service of the House for a period of 7 sitting weeks or 21 sitting days, whichever is the longer;
- (6) directs the Member for Murchison-Eyre not to enter the parliamentary precincts until the suspension period in paragraph (5) has expired;
- (7) finds that the Hon. Julian Grill is in contempt of Parliament, by reason of his actions of forwarding the Chair's Draft Report to Mr Roderick Smith; and
- (8) recognises that, on the tabling of the report, the Member for Riverton unreservedly apologised to the House for potentially diminishing public trust in Parliamentary institutions and processes through his failure as Chairman and member of the Economics and Industry Standing Committee to ensure that Mr Roderick Smith did not attend the ALP Riverton Election Campaign fundraising event as a paying participant during that Committee's inquiry.

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.

#### **9. Procedure and Privileges Recommendations - Inquiry into the Member for Murchison-Eyre's Unauthorised Release of Committee Documents and Related Matters**

The Leader of the House, pursuant to the foregoing motion, moved,

That this House accepts Report No. 2 "Inquiry into the Member for Murchison-Eyre's Unauthorised Release of Committee Documents and Related Matters" of the Procedure and Privileges Committee, thanks the members for their work and in keeping with the report's recommendations -

- (1) finds the Member for Murchison-Eyre guilty of contempt of the Legislative Assembly in that he deliberately disclosed confidential proceedings of the Economics and Industry Standing Committee by releasing a Chair's Draft Report without authorisation;
- (2) notes that the contempt is aggravated because the Member for Murchison-Eyre knew -
  - (a) that the premature release would directly advantage a personal friend, the Hon. Julian Grill; and
  - (b) would significantly affect the commercial interests of two companies operating in Western Australia, namely Precious Metals Australia and Xstrata;
- (3) strongly censures the Member for Murchison-Eyre for his actions which have diminished public trust in Parliamentary institutions and processes;
- (4) disqualifies the Member for Murchison-Eyre from membership of any Parliamentary Committee for the remainder of the 37<sup>th</sup> Parliament;
- (5) suspends the Member for Murchison-Eyre from the service of the House for a period of 7 sitting weeks or 21 sitting days, whichever is the longer;

- (6) directs the Member for Murchison-Eyre not to enter the parliamentary precincts until the suspension period in paragraph (5) has expired;
- (7) finds that the Hon. Julian Grill is in contempt of Parliament, by reason of his actions of forwarding the Chair's Draft Report to Mr Roderick Smith; and
- (8) recognises that, on the tabling of the report, the Member for Riverton unreservedly apologised to the House for potentially diminishing public trust in Parliamentary institutions and processes through his failure as Chairman and member of the Economics and Industry Standing Committee to ensure that Mr Roderick Smith did not attend the ALP Riverton Election Campaign fundraising event as a paying participant during that Committee's inquiry.

Debate ensued.

Mr P.D. Omodei moved,

To delete the words after "(8)" and substitute -

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- (a) finds the Member for Riverton guilty of contempt of the Legislative Assembly in that -
  - (i) he allowed the alteration of a committee report for the pecuniary interest of a party who would substantially benefit from that EISC report;
  - (ii) failed to take proper steps as the chairman of a committee to prevent undue external influence on that EISC report; and
  - (iii) sought financial support from a party who would substantially benefit from that EISC report;
- (b) censure the Member for Riverton for his actions which have diminished public trust in Parliamentary institutions and processes;
- (c) disqualify the Member for Riverton from membership of any Parliamentary Committee for the remainder of the 37<sup>th</sup> Parliament;
- (d) suspend the Member for Riverton from the service of the House for a period of 2 sitting weeks or 6 sitting days, whichever is the longer; and
- (e) direct the Member for Riverton not to enter the parliamentary precincts until the suspension period in paragraph (d) has expired. ”.

Debate ensued.

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

## 10. Questions

Questions without Notice were taken.

Questions on Notice Nos 2471 to 2491 were asked.

Questions on Notice Nos 1926, 2052, 2192, 2242, 2264, 2265, 2278, 2353 and 2429 were answered.

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Paper tabled by the Minister for Education and Training -

Question on Notice No. 2264 - Student Behaviour in Schools (2859).

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## 11. Variation to the Order of Business

Ordered, That consideration of the motion relating to the Procedure and Privileges Committees' Recommendations in its Report on an Inquiry into the Member for Murchison-Eyre's Unauthorised Release of Committee Documents and Related Matters be resumed.

## 12. Procedure and Privileges Recommendations - Inquiry into the Member for Murchison-Eyre's Unauthorised Release of Committee Documents and Related Matters

The Order of the Day for the resumption of the debate upon the amendment moved by Mr P.D. Omodei (see Paragraph 9) to the motion moved by the Leader of the House was read.

Debate resumed.

On the question, That the amendment be agreed to,

The Assembly divided.

### Ayes (18)

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

### Noes (23)

Mr A.J. Carpenter	Mr M. McGowan	Mr E.S. Ripper
Mr J.B. D'Orazio	Ms S.M. McHale	Mr T.G. Stephens
Dr J.M. Edwards	Mr A.D. McRae	Mr D.A. Templeman
Mr J.C. Kobelke	Mrs C.A. Martin	Mr P.B. Watson
Mr R.C. Kucera	Mr A.P. O'Gorman	Mr M.P. Whitely
Mr F.M. Logan	Mr P. Papalia	Mr B.S. Wyatt
Ms A.J.G. MacTiernan	Ms M.M. Quirk	Mrs J. Hughes ( <i>Teller</i> )
Mr J.A. McGinty	Ms J.A. Radisich	

Amendment thus negatived.

On the question, That the motion be agreed to,

Question put and passed.

## 13. Suspension of Standing Orders

Mr T.R. Buswell, 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 -

- (1) calls the Honourable Julian Grill to the Bar of the House to apologise for his contempt of the Legislative Assembly by reason of his actions of forwarding the Chair's Draft Report to Roderick Smith; and
- (2) withdraws indefinitely, as from today, access to Parliament House and the benefits extended to the Honourable Julian Grill, as a former member of Parliament.

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.

#### **14. Calling Mr Julian Grill to the Bar of the House**

Mr T.R. Buswell, pursuant to the foregoing motion, moved,

That this House -

- (1) calls the Honourable Julian Grill to the Bar of the House to apologise for his contempt of the Legislative Assembly by reason of his actions of forwarding the Chair's Draft Report to Roderick Smith; and
- (2) withdraws indefinitely, as from today, access to Parliament House and the benefits extended to the Honourable Julian Grill, as a former member of Parliament.

Debate ensued.

The Premier moved,

To insert after "Bar of the House" the following -

" on a day and time to be determined by the Speaker ".

On the question, That the words be inserted,

Question put and passed.

Debate resumed.

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

Question put and passed.

#### **15. Education and Health Standing Committee**

Mr T.G. Stephens, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Education and Health Standing Committee - Initiatives in the Remote Indigenous Communities of Cape York, Report No. 7 (2857).

Mr T.G. Stephens and Dr K.D. Hames spoke on the report.

#### **16. Joint Standing Committee on the Corruption and Crime Commission**

Mrs J. Hughes, on behalf of the Chairman, presented the following report which was ordered to lie upon the Table of the House -

Joint Standing Committee on the Corruption and Crime Commission - Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 9 May 2007, Report No. 27 (2858).

Mrs J. Hughes spoke on the report.

#### **17. Economics and Industry Standing Committee Change of Membership**

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

That the Member for Yokine be appointed to the Economics and Industry Standing Committee in place of the Member for Swan Hills.

Question put and passed.

#### **18. Road Traffic Amendment Bill (No. 2) 2007**

The Minister for Police and Emergency Services, pursuant to notice, moved,

That a bill for "An Act to amend the *Road Traffic Act 1974* and in consequence to amend the *Young Offenders Act 1994*." be introduced and read a first time.

Question put and passed.

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

The Minister for Police and Emergency 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.

#### **19. Misuse of Drugs (Methylamphetamine) Amendment Bill 2007**

Mr M.J. Cowper, pursuant to notice, moved,

That a bill for “An Act to amend the *Misuse of Drugs Act 1981* to amend the amount of methylamphetamine determining the court of trial.” be introduced and read a first time.

Question put and passed.

Mr M.J. Cowper presented an explanatory memorandum and bill read a first time.

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

#### **20. Industrial Relations (Prohibition of Bargaining Services Fees) Amendment Bill 2007**

Mr M.J. Cowper, pursuant to notice, moved,

That a bill for “An Act to amend the *Industrial Relations Act 1979* to prohibit an employment agreement containing a bargaining service fee.” be introduced and read a first time.

Question put and passed.

Mr M.J. Cowper presented an explanatory memorandum and bill read a first time.

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

#### **21. Members' Statements**

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

#### **22. Speaker's Statement - Point of Order**

The Speaker advised members that in response to a point of order, raised by Mr R.C. Kucera about comments made in a speech by Ms S.E. Walker earlier in the day, he had reviewed the transcript of the speech and ruled there was no substance to the point of order.

#### **23. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 14 August 2007 at 2.00 p.m.

Question put and passed.

**24. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 6.27 p.m. until Tuesday, 14 August 2007 at 2.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr C.J. Barnett, Mr J.J.M. Bowler, Mrs M.H. Roberts, Mr G. Snook, Mr T.K. Waldron and Mr G.A. Woodhams.

**JOHN D. MANDY**

Acting Clerk of the Legislative Assembly

**HON. FRED RIEBELING**

Speaker of the Legislative Assembly