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**PREMIER AND MINISTERS - INFLUENCE OF BRIAN BURKE AND JULIAN GRILL ON
GOVERNMENT DECISIONS**

Matter of Public Interest

THE DEPUTY SPEAKER (Mrs D.J. Guise): Today I received a letter from the Leader of the Opposition seeking to debate as a matter of public interest the following motion -

That this house censures the Premier and members of his government for undermining public trust and confidence in Western Australian politics by allowing disgraced former Labor members of Parliament Brian Burke and Julian Grill to influence the decisions of government.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The DEPUTY SPEAKER: The matter shall proceed on the usual basis.

MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [3.30 pm]: I move -

That this house censures the Premier and members of his government for undermining public trust and confidence in Western Australian politics by allowing disgraced former Labor members of Parliament Brian Burke and Julian Grill to influence the decisions of government.

After the disgraceful revelations of the Corruption and Crime Commission last week, today the Premier did not appropriately answer a single question from this side. It was an opportunity for the Premier to enunciate very clearly the position of the government on the Corruption and Crime Commission report. In responding to a matter of public interest on 1 November - only three weeks ago - in which the opposition sought to condemn the Premier for his failure to enforce standards of ministerial accountability and responsibility, the Premier said -

My response demonstrates that the government takes its role seriously, is not arrogant and does not take people for granted. We continue to recognise that it is a basic requirement of government to maintain the highest degrees of standards and integrity.

A couple of days later we witnessed the disgraceful revelations in the Corruption and Crime Commission that caused the member for Peel to be sacked as a minister and to resign his seat in Parliament, and the Premier to recommend that Brian Burke be expelled from the Labor Party. Brian Burke has since left the Labor Party. However, the Premier cannot have it both ways. He knew very clearly when he became Premier of Western Australia that a deal had been done in which he became the Premier and Norm Marlborough became a member of the ministry, and that Brian Burke orchestrated that deal. For the Premier to now say that he was not aware of that deal just beggars belief, because everybody else knew. The opposition told the Premier what would happen as a result of the influence of Brian Burke on the Labor Party, and the Premier chose to ignore us. There was all this great bonhomie, and pictures of people with their arms around each other, laughing and carrying on, and the Premier treated the people of Western Australia with contempt. He did that again today by not answering the questions. I do not think it is true that the Premier did not know that the deal was being done. Government ministers and other members also knew. An article in *The Australian* on 26 January 2006 stated -

The implications of Mr Burke's re-emergence as supreme dealmaker go far beyond the selection of Mr Carpenter as leader.

...

One of the conditions set by those who worked with Mr Burke garnering the numbers for Mr Carpenter was a say in who might be in his cabinet.

The result is that backbencher Norm Marlborough, an acolyte of Mr Burke since his days as a union representative before he entered Parliament in 1986, is expected to become a minister at the insistence of the Right.

There was a further comment in the *Sunday Times* of 29 January 2006. Members will notice that I am not referring to *The West Australian*, which said a lot more. The article in the *Sunday Times* stated -

The biggest problem facing the Carpenter Government is memory loss. The unabashed acknowledgement this week that convicted thief and liar Brian Burke is a fully functioning powerbroker within ministerial ranks is not only an affront to every voter in the state, it is proof the ALP has forgotten the mistakes of the past.

...

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If Burke is allowed to enjoy a pivotal role in the corridors of government it spells nothing but trouble for Alan Carpenter.

The Premier denies that he knew the deal was being done, when it was being reported in the press in early 2006. However, the deals going on with Norm Marlborough go back to 2003, when the previous Premier had placed a ban on dealings with Brian Burke. We now have corruption at the heart of government in Western Australia. The confidence of the people of Western Australia in the government has been shattered. Who would come to Western Australia and do business with this government, with the reputation it now has?

Mr E.S. Ripper: BHP Billiton, Rio Tinto, Amax -

Mr P.D. OMODEI: Those were in the past, up until a few weeks ago. The Premier has been humiliated. He has been asleep at the wheel while these things have been going on. He just let them go on; he knew they were going on. He knew that his ministers were meeting with Brian Burke and Julian Grill over a whole range of things. To restore some credibility, the Premier must very quickly review all of the decisions made by his cabinet, given Brian Burke's influence on his ministers, to ascertain whether -

Mr R.C. Kucera: When did you know that you had the numbers for the leadership?

Mr P.D. OMODEI: The member for the Belmont police station makes stupid comments in this place. This is a very serious matter that strikes at the heart of the credibility, honesty and integrity of the government of Western Australia. The Premier can sit there with a smug look on his face, but he knows that Brian Burke put him there. Brian Burke did deals, and then he was governing the state. We must ask who was governing the state. It will all come out. How many ministers or parliamentary secretaries met and spoke with Brian Burke? How many decisions were made, and were they made in the public interest? The Premier should have ascertained that by now. He should know exactly which ministers have met with Brian Burke and Julian Grill, and what deals were done. Ministers in the Premier's cabinet overturned departmental decisions on the say-so of Brian Burke. The Premier cannot pretend that he did not know, because the details are now out there and the ministers would have told him about them.

Ms A.J.G. MacTiernan: Give us some details. Give us some examples.

Mr P.D. OMODEI: The Minister for Planning and Infrastructure is one of the ministers who were influenced. We will see what the Corruption and Crime Commission says when it returns on 4 December. To suggest that this government did not know that Brian Burke was influencing the ministers is simply not honest. We saw him out there in the courtyard with his mates and his ministerial colleagues poring over maps, obviously discussing planning approvals and a whole range of other things. He was so brazen that he was here in the courtyard of Parliament House doing deals behind the back of the Premier, and the minister knows that.

It is no wonder the former Premier was depressed and then resigned. Did he know that the Attorney General knew whose phones were being tapped? How many members opposite knew that Brian Burke's phone was being tapped? Given the Attorney's performance with the Lewandowski affidavit, which he released to his in-laws -

Point of Order

Mr R.C. KUCERA: Last week I was served notice by my barrister that a matter is now listed for hearing in the court in February relating to the Lewandowski affidavit. A strikeout application has been made by my barrister, on matters that deal with the Mickelbergs. This member is constantly referring to the issues that will be part of those affidavits. Under standing order 91, the sub judice rule now applies to that matter. We respected the issues of sub judice relating to the member for Warren-Blackwood when he shot his son.

Mr C.J. Barnett: What a disgrace this is!

The DEPUTY SPEAKER: Order! The disgrace is the behaviour in this chamber. I ask the member for Yokine to draw his point of order to a conclusion, and then I can rule on it.

Mr R.C. KUCERA: I now ask that the sub judice rule be respected. If the Parliament requires it, I am more than happy to table the papers when I receive them from my barrister. The matter will be dealt with in February. Until that time, I ask that that matter be respected and that my rights under the sub judice rule be upheld.

Mr C.J. BARNETT: Further to the point of order, it is my view that it is not a matter of sub judice. It is not yet before the court. Madam Deputy Speaker, should you be in any doubt, I suggest you adjourn this house and get a professional opinion.

The DEPUTY SPEAKER: I ask the member for Yokine for clarification. Is this a criminal or civil matter?

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Mr R.C. KUCERA: It is a civil matter and it has been set down for hearing in February of next year. It does fall within the ambit of the sub judice convention.

The DEPUTY SPEAKER: The question for the Speaker to consider is whether there is a real and substantial danger of prejudice to the trial of the case. In this instance, I would urge members to err on the side of caution. I will not rule on the point of order at this stage. However, I ask members to be cognisant of the facts before this house and to be mindful of standing order 91 in their comments. Other than that, I will refer the matter to the Speaker. [See page 8485.]

Debate Resumed

Mr P.D. OMODEI: It certainly did not stop the Labor Party in the past when it was dealing with my case. If the Premier thinks anything will change after ripping up Brian Burke's membership, he has another think coming. Brian Burke was lobbying when the Premier's predecessor was in office, despite bans. This means that the Premier does not trust his own ministers. What is wrong with his ministers? Why can he not stand up and do the right thing and follow convention and due process? He had to have a disgraced former convicted criminal tell his ministers what they should do as ministers of the Crown.

Mr J.C. Kobelke: Where's your evidence?

Mr P.D. OMODEI: There were phone taps and more phone taps. This censure motion is about standards and integrity and trust in government. The Premier failed the people of Western Australia by inviting Norm Marlborough into his cabinet. He knew of his connections. He knew that the tentacles of Brian Burke went throughout the whole Labor organisation. I notice that the member for Central Kimberley-Pilbara is sitting up the back looking very thoughtful. He might want to comment on this debate. Brian Burke, a former Premier of Western Australia, had tentacles that went right throughout the Western Australian government, not only to the elected members but also the bureaucracy.

When the Corruption and Crime Commission reconvenes on 4 December, we will see who else will be implicated in this horrible, terrible scandal. It is an absolute disgrace as it drags down the reputation of every member of Parliament, not just those on the Premier's side of the house. Since this whole saga was uncovered, the Premier has done absolutely nothing to restore any of that confidence in the system in Western Australia. What else would he have done but sack the minister and recommend the expulsion of Brian Burke? He had no alternative. He should have known in the first place what would happen when he appointed Norm Marlborough to cabinet.

I ask the Premier: what could Mr Burke and Mr Grill do that ordinary members of Parliament could not do? If a constituent of a Labor member had an issue, why could that member not bring it to the minister? The answer is that Brian Burke and Julian Grill had influence over ministers and over the bureaucracy right through the system of government. The Premier knew that. He would have known it when Geoff Gallop was Premier, and he knows it now. He ignored it because he thought it would go away. If it had not been for the audiotapes, this matter would have trundled on and nobody would have known the difference. The Premier has been caught out fair and square.

Mr A.J. Carpenter: Been caught out doing what?

Mr R.F. Johnson: Lacking in your judgment.

Mr P.D. OMODEI: The Premier has been caught out lacking in judgment. He does not accept that he is culpable. The Premier of Western Australia allowed this to happen by appointing Norm Marlborough to the cabinet. He knew that deals were being done behind closed doors, he knew that deals were done to get his numbers up and he knew that by having Norm Marlborough in his ministry, it was a direct conduit straight to the cabinet. It will all come out in the CCC hearings. The Premier allowed it to happen. He presided over the undermining of public confidence in the government of Western Australia and he deserves to be censured.

MR J.H.D. DAY (Darling Range) [3.46 pm]: What has been revealed through the Corruption and Crime Commission hearings in the past few weeks has been absolutely astounding. All Western Australians, and many people outside Western Australia, have been absolutely amazed at the revelations, particularly through the recordings of the telephone calls that were intercepted between former Premier Brian Burke and the former member for Peel Norm Marlborough. The relationship between those two was nothing short of amazing and obviously completely improper. Amongst other observations, we can certainly make the statement that the former Premier should have known better than to act in the way that he did. Unfortunately, what was demonstrated and revealed through those tapes was also demonstrative of the way he operated when he was Premier. If only there had been telephone interceptions available to the WA Inc royal commission, a lot more would have been revealed.

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There is one essential characteristic that a member of Parliament must practise to do his or her job properly. It applies even more so to a member of cabinet but it certainly applies to all members of Parliament. Members of Parliament must practice independence and understand the meaning of the word "independence". I was given that advice not long after I became a member of Parliament. We should all have an innate understanding of independence without it needing to be explained to us. Clearly, at least the former member for Peel - it will be interesting to see whether any others are revealed as well - did not understand how to think and act independently. We all have representations made to us as MPs and as members of cabinet; that is, those who are in cabinet at the moment, those who have had that experience or those who will experience it in the future. There is no question that some organisations and people lobby pretty hard. For somebody to allow themselves to be controlled and manipulated and not have the character to stand up to the sort of manipulation and control that was clearly going on in the relationship between former Premier Brian Burke and former member for Peel Norm Marlborough is quite astounding. It is extremely revealing that somebody who has been in Parliament for 20 years had no understanding of that need for independence and the need to act with control.

People are allowed to use representatives when making representations to government. People use lawyers in making cases to governments all the time. People are allowed to use professional lobbyists, or whatever their official title may be. Some people around Perth fulfil that role very well. From what we have seen, others try to operate more on the basis of manipulation and control rather than assist in presenting a good argument and winning the case on the basis of its merits. The offence is not listening to a lobbyist or somebody making a case; rather, it is allowing oneself to be controlled and manipulated in the way that, unfortunately, the member for Peel was controlled and manipulated. It will be interesting to see whether future CCC hearings, which resume on 4 December, will reveal that other ministers are having the same problem.

The point about all this is that the government cannot say that it was not warned. As the Leader of the Opposition and others have pointed out, warnings about the relationship between the former member for Peel and former Premier Brian Burke were issued by the opposition earlier this year. There was plenty of discussion about the nature of their relationship. The Premier should have been aware of those discussions. He should have listened and acted with a great deal more caution than was the case. The interesting points that have been revealed about this case over the past few weeks are that there was control and manipulation; that a member of Parliament and cabinet allowed that to occur; that a former Premier engaged in that type of behaviour; and that even though the government was warned about the prospect of this sort of thing occurring, it did nothing about it.

MR A.J. CARPENTER (Willagee - Premier) [3.53 pm]: First of all, I say this: it is transparently obvious that it was a mistake to include Norm Marlborough in the cabinet. Indeed, as it turns out, it was a very serious mistake. We as a government are paying a price for that. The government has been damaged by what has happened during the past couple of weeks. I also say this: if any minister is found to have acted improperly by dint of his or her behaviour as a minister in the carrying out of his or her function as a minister, I will take appropriate action. I was quite amazed to hear the Leader of the Opposition say that I had not done anything about this issue. The last time I was in this chamber, the member who is the focus of this motion, the member for Peel, was sitting behind me. He no longer sits behind me because I sacked him as a minister immediately after the Corruption and Crime Commission revelations came to my attention. I told him that there was no place for him in the Parliament and he resigned. I then made it clear to the state secretary of the Australian Labor Party that the Labor Party faced a choice; that is, if Brian Burke did not go from the Labor Party, there would be no place for me as the leader and I would go. I wanted Brian Burke to be expelled or to resign. He resigned. He is gone. If other ministers have behaved in similar inappropriate ways, I will take the same action.

Mr P.D. Omodei: The member for Peel is still a member of the Labor Party.

Mr A.J. CARPENTER: He has resigned from Parliament. I do not think anybody would consider the sort of influence the Leader of the Opposition is ascribing to Mr Burke as being equivalent to that of Norm Marlborough.

Has the Leader of the Opposition ever told his members, shadow ministers or backbenchers that they should not have communication with Brian Burke, Julian Grill or Noel Crichton-Browne? No, he has not. He is on the public record as saying that he will not ban his people from speaking to anyone. The sort of grossly distorted assertions - the Debnam-like distortions - that the Leader of the Opposition has made in Parliament just now follow the pattern of what occurred when he alleged the most serious crimes against a perfectly innocent person in his electorate. The Leader of the Opposition has stood in this chamber and made serious allegations without one skerrick of evidence. The Leader of the Opposition should learn the lesson recently learnt by his counterpart in New South Wales. He, too, drastically and badly overplayed his hand, and is now paying the price.

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It is unfortunate, but, from time to time, leaks occur in cabinet. This motion states that somehow or other I have undermined the propriety of government. I have sacked the offending minister and I have forced the resignation of Brian Burke from the Labor Party. As far as I know, no-one else in the history of the Labor Party - certainly in the past 30 or 40 years - has been able to do that. What has the Leader of the Opposition done? Leaks occurred when the coalition was in government. When they did, did members demand the sacking of their own Premier? Of course they did not. Leaks occurred in the portfolios of the members for Cottesloe and Darling Range. Indeed, they occurred all the time. I shall make a little comparison. I sacked Norm Marlborough because of what I heard on the tapes, what I read in the transcripts and what I observed of his behaviour. I believed that his relationship with Brian Burke was totally inappropriate. Just imagine what would have happened if Norm Marlborough had sat in a car in the Parliament House car park with Brian Burke to discuss the evidence they were about to give to the CCC inquiry. That is exactly what the Deputy Leader of the Opposition did. The Deputy Leader of the Opposition sat in a car in the Parliament House car park to discuss with Noel Crichton-Browne - a person who was under investigation by the CCC - the evidence that he was about to give to that inquiry. The Deputy Leader of the Opposition did not tell his leader what he had done. He did not tell his leader, as far as we know, that the CCC was investigating matters in which he was involved. Imagine if that situation had involved Brian Burke and Norm Marlborough. Do members know what would have happened? I would have sacked Norm Marlborough. However, the Deputy Leader of the Opposition is still a member of Parliament. Indeed, his casting vote elevated the member for Warren-Blackwood to the leadership of the Liberal Party. The Leader of the Opposition has made pious and unsubstantiated allegations against all cabinet ministers. However, let us not forget his record as a minister. The Leader of the Opposition received a \$5 000 donation from a property developer when he was a local government minister. His campaign account received a \$5 000 donation from Capel Vale for the Gnarabup beach resort project, did it not? Did he not receive a \$5 000 donation from Mr Hohnen? Was the project in his electorate? Should I refer that matter to the CCC? The Leader of the Opposition received a \$5 000 donation from a property developer for a project that was not in his electorate when he was local government minister. The member for Vasse met with Noel Crichton-Browne in the Parliament House car park on 21 or 22 March, the day before he was to give evidence to the CCC, to discuss the evidence that would be given. Did the Deputy Leader of the Opposition discuss that issue with Noel Crichton-Browne?

Mr T. Buswell: Aspects of it.

Mr A.J. CARPENTER: He discussed aspects! Is that improper? Noel Crichton-Browne was working as a lobbyist for the Canal Rocks development, which was under investigation by the CCC. The Deputy Leader of the Opposition met him in a clandestine meeting in the car park of Parliament House and discussed the questions that the CCC would ask him. The Deputy Leader of the Opposition's evidence to the CCC revealed that he received coaching from Noel Crichton-Browne about how to answer the questions, did he not?

Mr T. Buswell: No.

Mr A.J. CARPENTER: Yes, he did. The Deputy Leader of the Opposition's own evidence states as much. Did he tell how he would answer certain questions?

Mr T. Buswell: No.

Mr A.J. CARPENTER: Did the Deputy Leader of the Opposition tell him what matters were under investigation?

Mr T. Buswell: I told him that I had been called before the CCC; you have read my evidence.

Mr A.J. CARPENTER: Yes, I have. Did the Deputy Leader of the Opposition tell his leader that on 21 or 22 March he met with Noel Crichton-Browne in the Parliament House car park to discuss a matter for which both men were under investigation? The Deputy Leader of the Opposition spoke to Noel Crichton-Browne two days after he had given evidence. He discussed the matter again after he had given evidence and then he mysteriously switched his vote -

Mr T. Buswell interjected.

Mr A.J. CARPENTER: Propriety.

Did the Deputy Leader of the Opposition discuss the evidence with Noel Crichton-Browne after his appearance at the CCC?

Mr T. Buswell: Read my evidence.

Mr A.J. CARPENTER: The evidence is dated 24 March. I sacked Norm Marlborough. However, the Deputy Leader of the Opposition remains seated next to the Leader of the Opposition. The member for Warren-Blackwood was elevated to the leadership, and yet he is asking whether some background deal was done by

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Brian Burke to secure the position of Premier for me. He knows damned well that I would not have been party to any such deal, does he not?

Mr P.D. Omodei: Rubbish.

Mr A.J. CARPENTER: Is that right?

Mr P.D. Omodei: The CCC will probably tell us.

Mr A.J. CARPENTER: The CCC will tell us a lot, I am afraid. The Leader of the Opposition, because he knows me, knows that I would never have been a party to the sort of deal he is talking about.

Mr C.J. Barnett: I know you would.

Mr A.J. CARPENTER: The member for Cottesloe has sucked one helluva lemon and he is a very bitter man. He demonstrates the maturity of a spoilt six-year-old child in this Parliament on a daily basis. That is why he is no longer the Liberal leader. He did it again today in the sort of commentary he directed at the member for Yokine. It is the sort of immaturity one would expect from a six-year-old child. That is why he is no longer the leader, because his backbench and the rest of the Liberal members know that he is not up to it. He cannot behave in an appropriate way.

I put this question to the member for Vasse: is it not true that the member discussed evidence he was about to give to the CCC with Noel Crichton-Browne before he went and gave the evidence?

Mr T. Buswell: You can read it on the web site.

Mr A.J. CARPENTER: Is it not true that he gave the member some coaching on how he should answer the questions?

Mr T. Buswell: You've read the evidence.

Mr A.J. CARPENTER: Is it not true that the following day the member for Vasse discussed what answers he had given to the CCC and what he had been asked?

Mr T. Buswell: No, no.

Mr A.J. CARPENTER: Is it not? What did the member tell him on the twenty-fourth?

Mr T. Buswell: I am just checking my evidence, because that is not the evidence I gave.

Mr A.J. CARPENTER: What did the member discuss with him?

Mr T. Buswell: There was no meeting.

Mr A.J. CARPENTER: I did not say the member met him; I said the member discussed it with Noel Crichton-Browne.

Mr T. Buswell: No.

Mr A.J. CARPENTER: The member did not discuss anything with him on the twenty-fourth?

Mr T. Buswell: I am checking the evidence.

Mr A.J. CARPENTER: Then, having put up the facade that he was opposed to the Smiths Beach development, the member for Vasse organised candidates for Crichton-Browne who would support it at Canal Rocks. That is what he did, is it not?

Mr T. Buswell: Never organised a candidate.

Mr A.J. CARPENTER: Never organised a candidate? I think the member might have done.

Mr T. Buswell: Half the National Party ran.

Mr A.J. CARPENTER: The member supported the elevation of the Leader of the Opposition - a good man; foolish at times, making foolish over-assertions and foolish accusations against people - at the expense of the member for Kalgoorlie, for some strange reason. It was not related to his own aspirations, I suppose!

The member for Vasse was interviewed by the CCC on 23 March 2006. When initially asked whether he had had any discussion with Crichton-Browne before being interviewed, the member for Vasse said that he had mentioned to Mr Crichton-Browne on the phone and at a meeting that he was being interviewed but there was no discussion about the matter. The meeting took place in Mr Crichton-Browne's car! A secret meeting, a clandestine meeting, where no-one could see or hear the member. No telephone conversation. On further questioning, the member for Vasse admitted to discussing a number of matters related to his interview with the CCC, as he has done in this chamber today. He has admitted it today. Is that in accordance with the law?

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Mr T. Buswell: Read the rest of the evidence.

Mr A.J. CARPENTER: Is that in accordance with the law? I ask the question. Member for Nedlands?

Ms S.E. Walker: I have not read the transcript.

Mr T. Buswell: Read the rest of the transcript.

Mr A.J. CARPENTER: The member told us today he had discussed aspects of the evidence with Noel Crichton-Browne, sitting in the car, where no-one could see him or hear him. Then he went down to the CCC and gave his evidence. Imagine if Norm Marlborough had done that with Brian Burke. Imagine what response it would have drawn if it had been brought to my attention. It would have drawn the response that I gave. I sacked him. I sacked the member -

Mr P.D. Omodei: You sacked the member for Ballajura from the party. You have not sacked Mr Marlborough from the party.

Mr A.J. CARPENTER: But the Leader of the Opposition is saying I have not done anything.

Mr P.D. Omodei: You had no alternative. What else were you going to do? Leave him here?

Mr A.J. CARPENTER: I sacked him and I told him not to come back to the Parliament; there was no future for him. I do not know what else I could have done other than physically strangle him. What else could I have done? He is out; he has gone. Brian Burke is also out of the Labor Party.

Mr P.D. Omodei: Marlborough is still in the party. You didn't have the guts to expel him because the CFMEU would have something to say about that.

Mr A.J. CARPENTER: The Leader of the Liberal Party stood up and with no evidence whatsoever made a series of allegations against all the ministers here. He could not provide us with one example of a case in which their influence has resulted -

Several members interjected.

Mr A.J. CARPENTER: What about the Canal Rocks case and the Minister for Planning and Infrastructure? What about the Canal Rocks decision? Where is the beneficial decision for the proponents that the member is talking about? There is absolutely no evidence to support the assertion the Leader of the Opposition has made.

MR T. BUSWELL (Vasse - Deputy Leader of the Opposition) [4.05 pm]: A couple of months ago -

Mr A.J. Carpenter: Tell us about your meetings.

Mr T. BUSWELL: I am not going to tell the Premier about the meetings. I have given the evidence to the CCC. I went down there - it is a difficult environment to enter into - and as honestly and openly as I could, I answered the questions that were put to me by Mr Hall representing the commissioner. I did that. Does the Premier know what? I am back here. Guess who went in there two days later? Look at the answers they gave and look at what has happened to them. That is what happened when I went down to the CCC. In the weeks leading up to my going to the CCC -

Mr A.J. Carpenter: You are in the dock.

Mr T. BUSWELL: I am not in the dock, Premier. In the weeks leading up to it, members opposite said under their breath - and the Premier said it as well - "Oh, you've got something to worry about when you go down there." I tell members, the worm has turned, brother, because the people with things to worry about are not on this side of the house; they are on the other side of the house. Do members on this side have anything to worry about when Brian Burke's computer gets taken out of his home and bucket loads of documents follow? Do members opposite think people on this side have anything to worry about? No. The government has lost one member, and there is one down the end who is being remarkably quiet. There is one over there who sends a parliamentary secretary to do the dirty work. That is the situation, Premier.

One last comment from me in this place about Smiths Beach. In April 2003, or thereabouts, the Minister for Planning and Infrastructure changed the Leeuwin Naturaliste Ridge Statement of Planning Policy. At the time I supported that. I think that was the right decision for the Smiths Beach development. It was absolutely the right decision. I moved the motion that enabled the Shire of Busselton to make the changes it had to make to the town planning scheme to reflect the proper and rightful requests of the minister. I am sure she recalls the issue. It was a substantial and significant issue. I personally did that. That is in the evidence. Of course, the Premier did not track over that -

Ms A.J.G. MacTiernan: Let's take that point, then. What is this allegation that I've got something to be concerned about, given that on your own testimony I was the one who actually drove the changes to the Leeuwin

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Naturaliste Ridge Statement of Planning Policy and directed the council to introduce a town planning scheme amendment?

Mr T. BUSWELL: That is right, and it was well done. I am not going to get stuck into this today, but guess what else is in the evidence? Guess whose parliamentary secretary it was that Brian Burke arranged to meet the developer of that very same development? Whose parliamentary secretary would that have been? Would it have been the Parliamentary Secretary to the Minister for Planning and Infrastructure? Would it be the same minister whose parliamentary secretary, way back in 2001, was meeting with Brian Burke, Kevin Reynolds, representatives of Broad Construction Services Pty Ltd, and the now-disgraced former Minister for Small Business, to discuss issues at Port Kennedy? It was the minister's parliamentary secretary. What does she know about that? What was her involvement in that? What was her involvement in the Port Kennedy development in 2001 when Hon Graham Giffard was sent down there as the minister's lapdog because she did not want to get her hands dirty? The minister packed off her parliamentary secretaries all over town. The Minister for Employment Protection was the same. The minister packed him off to Doric Constructions. He had a letter signed by the minister's appointments secretary. He went to Doric.

Mr A.J. Carpenter: You're in panic mode.

Mr T. BUSWELL: I am not in panic mode. I am telling the Premier about the way his government has operated. The minister sent the parliamentary secretary to be the bagman for the CFMEU. If the Premier wants some interesting evidence, he should get a handle on the Cole inquiry into the building and construction industry in Western Australia, because then he will find out about how Labor operates in government. Then he will find out that Brian Burke - whether or not he is a member of the Labor Party - has incredible control over the operations of the Labor Party. I have given the Premier a couple of examples. Another example is in 2003 and involves the former Minister for Housing and Works, Hon Tom Stephens, and the Geraldton Regional Hospital project. We now understand from evidence from Mr Burke that he was being paid to be a consultant for Broad Construction Services, via a third party called Independent Action Group. Funnily enough, at that time the minister's office had five companies that were to be short-listed or considered for the tender for that hospital project. I will not go into all the details, but guess what? Six companies ended up being short-listed! Guess which one was added on! It was Brian Burke's customer! Go and ask him about that!

Mr T.G. Stephens interjected.

Mr T. BUSWELL: I am asking the member to ask him. I do not have time to talk about that today, but I will get to it.

Brian Burke was engrained in Labor in government in Western Australia in 1983. Brian Burke is engrained in Labor in government in Western Australia today. Brian Burke will continue to be engrained in Labor in government in Western Australia. Even though the Premier has threatened to take his bat and ball and go home, it will not work, because those roots run too deep.

We are talking about a deal. The Premier did a deal with Burke. He also did a deal with Bullock and Reynolds, and with the best one of them all, Jock Ferguson from the metalworkers union. We all remember the disgraceful sight of Jock Ferguson standing outside some building with his metalworker members of Parliament lined up behind him -

Mr F.M. Logan interjected.

Mr T. BUSWELL: The minister was there! He was number one in the ranks! Brian Burke said, "I anoint Alan Carpenter as the next Premier of Western Australia." A deal was done. The Premier knows it, and we know it. The Minister for Housing and Works knows it too, because when she wanted to take over as Premier, she phoned none other than Brian Burke! There we have it! The deal was done! All the Premier had to do to get the golden egg was take Norm on board! The Premier had to accept him, because he had no choice. We told the Premier at the time that it would be a disaster. The Premier said in relation to Mr Burke -

I've moved on, the Labor Party's moved on by electing me as the leader. The rest of the community of Western Australia has moved on.

The Premier said also -

I'm not concerned about that . . . it's time we moved on . . .

Let us look at the last sorry chapter in this saga as the Premier attempts to rewrite history and reposition himself as the saviour of good governance in Western Australia. The Premier said we should ignore the fact that he embraced Norm Marlborough, and that he formalised Brian Burke's involvement in governance in Western Australia. The Premier is now saying he will get rid of Burke, and he will set up a register of lobbyists. That is

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nothing but a hollow and shallow political attempt by the Premier to cover up the mistakes that he made when he let the former member for Peel into his cabinet and thereby fulfilled his part of the deal to assume the premiership of this state. I remember that day very well. We were both at the airport at the same time -

Mr A.J. Carpenter: You and me?

Mr T. BUSWELL: Yes. The Premier had come back from London, and I had come back from Rome. I saw him in the airport. The Premier cannot rewrite history. The Premier created the problem, and he has to accept responsibility for it.

MR J.C. KOBELKE (Balcatta - Leader of the House) [4.13 pm]: It is clearly of concern when political influence and patronage cause people to do improper things. As the Premier has indicated, the Premier has shown leadership and has taken a stand against those who have stepped outside the boundaries of acceptable behaviour. However, all we have heard from members opposite is outlandish statements, with no facts to support them, and with a total inability to look at their own house.

I want to put before the house some of the facts that have come out during through the Corruption and Crime Commission's inquiry. In May 2003, following the election of Mr Buswell as president of the Shire of Busselton, Brian Burke recommended that Canal Rocks Pty Ltd engage Liberal Party powerbroker Noel Crichton-Browne. Mr Burke told Canal Rocks Pty Ltd that Mr Buswell was a well-known Liberal in the south west, and that the south west was Liberal Party territory. In particular, Canal Rocks Pty Ltd wanted Mr Noel Crichton-Browne to assist in resolving the difficulties it was having with the Busselton Shire Council. Canal Rocks Pty Ltd engaged Noel Crichton-Browne in mid-2003. In June 2003, shortly after he had been engaged by Canal Rocks Pty Ltd, Noel Crichton-Browne met with Mr Buswell at a cafe in Busselton to discuss the council's position on the Canal Rocks project. A lot of detail has come out during the CCC hearing. I want to touch on a few of the key issues so that members will get some idea of the connection between Mr Buswell and Noel Crichton-Browne, and the political influence that they exerted. In October 2003 Mr Buswell announced that he would stand for preselection for the seat of Vasse against the current incumbent, Bernie Masters. From October through to December 2003, Mr Buswell worked to get the numbers, and he narrowly beat Bernie Masters for preselection. Again, there was a range of connections to the role that was played by Noel Crichton-Browne in some of the branches that supported the now member for Vasse over the former member for Vasse, Bernie Masters.

Some other players were also involved. One of those players was Beryle Morgan, the former president of the Shire of Busselton. Beryle Morgan first met with Canal Rocks Pty Ltd in 2002. She played a critical role in the behaviour of Canal Rocks Pty Ltd during the May 2005 council elections. In October 2003 Beryle Morgan said that she was no longer considering running for the seat of Vasse. That was because she knew that the now member for Vasse was being given the run through with the blessing of Noel Crichton-Browne. What did Beryle Morgan do then? She ran as a National Party candidate and directed her preferences to the now member for Vasse! He got up by a narrow margin, on her preferences! Another player was Philippa Reid. Philippa Reid had been involved with the Busselton Shire Council from May 2003. She won preselection as the Liberal member for Forrest. However, she has since pulled out of that, given her involvement in the Canal Rocks issue and her connection with the Liberal Party in that area. These are just a few of the issues that are part of the complex mosaic of Liberal and National Party-Noel Crichton-Browne involvement in areas in which the now member for Vasse is obviously a key political player.

I turn now to 24 March. Of course 24 March was the date of the Liberal Party leadership vote, in which the member for Vasse, as Deputy Leader of the Opposition, was supposedly supporting the member for Kalgoorlie. However, his support for the member for Kalgoorlie suddenly evaporated. It is important, when we are talking about political patronage and financial gain, and when we are talking about interference in the process by Noel Crichton-Browne, and his ability to deliver the numbers within the Liberal Party, to note that a meeting took place between the member for Vasse and Noel Crichton-Browne. That meeting took place in a car in a car park in the grounds of Parliament House. We know from evidence given during the CCC inquiry that both the member for Vasse and Noel Crichton-Browne have admitted that they discussed the CCC investigation both before and after the member for Vasse was interviewed by the CCC. As the Premier has already said, that raises the issue of what hold Noel Crichton-Browne has over the member for Vasse that caused him to stab the member for Kalgoorlie in the back. The member for Vasse had told the member for Kalgoorlie that he would be supporting him for the leadership. However, he switched his vote following that meeting with Noel Crichton-Browne. One or two days later, the member for Vasse gave evidence before the CCC. The discussions between the member for Vasse and Noel Crichton-Browne, both before and after the member for Vasse gave evidence to the CCC, is a matter that the CCC will be looking at with respect to section 155 of the Corruption and Crime Commission Act. Clearly there was collusion. However, whether that constitutes a breach of the act is a matter that only the CCC can appropriately judge. The CCC will look at the implications of that assistance in his giving

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evidence. There is also an issue about how much influence Mr Crichton-Browne had over the member for Vasse to get him to stab the member for Kalgoorlie in the back and to switch his vote. Obviously, these things all come into play. For the Leader of the Opposition that is not an issue. The opposition is not worried about the improper conduct of its members and the influence of outside parties.

Mr P.D. Omodei: Have I got this right: Noel Crichton-Browne was recommending that the member for Vasse vote for me? Is that what you are saying?

Mr J.C. KOBELKE: I am saying that the member for Vasse had publicly stated his support for the member for Kalgoorlie. Why did the member for Vasse have to meet Mr Crichton-Browne surreptitiously in the car park outside Parliament House? The Leader of the Opposition sees nothing wrong with the Deputy Leader of the Opposition meeting secretly with a Liberal Party powerbroker the day before a ballot is held for the Liberal Party leadership. From the Leader of the Opposition we now know that Noel Crichton-Browne's influence within the Liberal Party is something that he has no worries about. If he had any concerns that Noel Crichton-Browne was exercising improper influence, he would be concerned about such surreptitious meetings. He has indicated today that he is not concerned. I think that makes it very clear that the Leader of the Opposition is not worried about these very concerning happenings within the Liberal Party and with members of the Liberal Party. That goes back to Canal Rocks and how much money was used to influence members of the Liberal Party in the south west, and what that meant for the support base of the member for Vasse, not only for his own area, but also in getting the numbers so that he could retain his position as Deputy Leader of the Liberal Party. Those are matters that need to be investigated if we are to establish proper standards. This side of the house has a Premier who, when presented with evidence of behaviour that is not appropriate, has taken decisive action. Members on the other side simply want to sweep things under the carpet because they are not interested in being accountable, they are not interested in proper process and they are not interested in honesty and integrity.

Mr C.J. BARNETT (Cottesloe) [4.22 pm]: On several occasions the Premier has told this chamber how he sat through the WA Inc royal commission as a journalist. How many times has he made that speech? All I can say is that he may well have sat through the royal commission, but he learnt nothing. He had an opportunity today, when asked straightforward questions, to get on his feet and provide straightforward answers. He had an opportunity to show a little bit of remorse, humility and acceptance of what has happened within his government. He did none of that. As a group, members opposite displayed the arrogance that portrayed the Labor government of the 1980s and early 1990s. Not a single thing has been learnt.

Mr A.J. Carpenter: Did you say "arrogance"?

Mr C.J. BARNETT: Yes, arrogance - absolute arrogance. Twice in 20 years the Labor Party of Western Australia has brought shame on the Parliament, shame on government in Western Australia and shame on the state. That is what the Labor Party has done. The question is not whether there is corruption in the Carpenter government; the question is how widespread and serious it is. There is corruption in the government. Why did corruption take place in this government? It is because two things happened when the Premier became Premier. He lifted the ban of his predecessor on Brian Burke; he opened the door. He then opened the vault by allowing the former member for Peel to be a member of cabinet. The disgraced criminal Brian Burke was contacted through a secret phone on a daily basis by a minister of the government.

Mr A.J. Carpenter: Is Noel Crichton-Browne a disgraced criminal?

Mr C.J. BARNETT: Mr Crichton-Browne is also a convicted criminal.

Several members interjected.

The SPEAKER: Order, members! The number of interjections has reached an unacceptable level.

Mr C.J. BARNETT: The Labor Party has again brought shame on government, the Parliament and the state. That is twice in 20 years. The Labor Party is an absolute disgrace in this state. It affects every member of Parliament and it affects virtually every Western Australian. It affects Western Australian business people when they are trying to expand and develop their businesses. They have to put up with the reputation that the Labor Party has again inflicted on the state. In just 12 months three members of cabinet have been removed in disgrace. There is corruption in the government, but we do not know how widespread and deep it is.

A former Premier, someone convicted of an offence whilst Premier, has been contacted through a secret phone by a former member of cabinet. That former member of cabinet was appointed by the Premier, who was in turn elected by the Labor Party as a group. The former member of cabinet attended before the Corruption and Crime Commission under oath. Did he tell the truth? He may well face criminal charges. Others may face criminal charges as well because nobody knows where the inquiry of the CCC is going. It is Western Australia's Costigan commission; that is what is taking place. A number of members opposite will be questioned under oath, and I hope they tell the truth. We do not know what is on the tape recordings.

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What has been the response of the Premier? His response is to have a register of lobbyists. It will not be controlled by law; control of it will be administrative. Brian Burke will not be involved. What a joke! What an absolutely pathetic response to corruption in government. We will wait to see what unfolds. The Premier has corruption in his government and he is not prepared to act on any other allegations that have been made or will be made.

Mr F.M. Logan: You have made allegations - state them.

Mr C.J. BARNETT: About corruption?

Mr F.M. Logan: Yes.

Mr C.J. BARNETT: The minister asks me about corruption. What does he think about people being appointed to positions on boards because Brian Burke wants a person appointed to pay back a favour? What does he think that is about? What does he think going before the CCC and lying under oath is about? Is that good government? Is that proper conduct? Did the minister vote for the former member for Peel to go into cabinet? He probably did.

MR E.S. RIPPER (Belmont - Treasurer) [4.27 pm]: The Leader of the Opposition delivered the sort of rant one would expect from a man who could not be trusted with a gun! He was a fact-free and evidence-free zone!

Several members interjected.

The SPEAKER: Order, members! I do not know what brought that on.

Mr E.S. RIPPER: The facts of the matter are these: if these events had occurred under the Court government, no-one would have been the wiser, because the Court government would not allow open hearings. The Court government would not allow the publication of transcripts of telephone calls under its Anti-Corruption Commission - its tame cat. This government established the Corruption and Crime Commission, gave it 150 staff and a budget of \$20 million, and gave it unprecedented powers in the state to investigate corrupt, improper and criminal behaviour. These matters would not have been uncovered had this government not established that very powerful organisation.

We have seen the astounding spectacle of the Leader of the Opposition attacking the Premier for not upholding standards, when the Premier has acted decisively in response to what has been revealed by the CCC. On his side of politics, the Leader of the Opposition has the behaviour of the Deputy Leader of the Opposition. I bet that he has not even asked a question of the Deputy Leader of the Opposition about his behaviour. What sort of Leader of the Opposition would not ask his deputy about a secret meeting in a car park? To organise a meeting like that, so that there can be no question of a phone call being intercepted, and very few people will even notice that the meeting occurred, is what prosecutors call "consciousness of guilt". I ask the Deputy Leader of the Opposition: when did the meeting occur? Did it occur in the daytime, in daylight, or did it occur at night-time? What time of the day did it occur?

Mr T. Buswell: Read the evidence.

Mr E.S. RIPPER: So much for accountability. The Deputy Leader of the Opposition will not even say whether the meeting occurred in daylight, where people could see the meeting, or whether it occurred at night. Why would he not bring into his office in Parliament House someone whom he is not ashamed to meet? Why would he have a meeting in a car where he cannot be seen? Why would he not have a discussion on the telephone? It is because of a consciousness of guilt; that is what I say. I do not believe the Leader of the Opposition has made any attempt to uncover what has happened here.

Several members interjected.

The SPEAKER: Order, member for Vasse!

Mr E.S. RIPPER: Moreover, I want to know why the Leader of the Opposition thinks it is okay for the Deputy Leader of the Opposition to get together with a person of interest in a corruption inquiry and cook up the evidence and cook up the story they are going to tell.

Mr A.J. Carpenter: He colluded on the evidence.

Mr E.S. RIPPER: The Deputy Leader of the Opposition colluded with a person of interest in a corruption inquiry to cook up their story. They discussed the matter before the Deputy Leader of the Opposition was interviewed and, despite the Deputy Leader of the Opposition's denial earlier in today's proceedings, they discussed the matter again after the interview. We have heard the Deputy Leader of the Opposition say in this house that he did not have a discussion after the interview with Noel Crichton-Browne, a person of interest in a corruption inquiry. The Deputy Leader of the Opposition told the Corruption and Crime Commission that he

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had explained to him that he had been to the interview and that he had provided him with the same precis as he had indicated previously. That shows that the Deputy Leader of the Opposition did discuss the subject of his interview both before and after the interview with a person of interest in a corruption inquiry, Mr Noel Crichton-Browne. I want to know from the Leader of the Opposition whether he has asked the Deputy Leader of the Opposition any questions about this matter. What questions has he asked him?

Mr P.D. Omodei: Have you asked the Minister for Education and Training whether she met with Brian Burke?

Mr E.S. RIPPER: The Leader of the Opposition has a shadow cabinet. Has the Leader of the Opposition asked the Deputy Leader of the Opposition to explain himself to the shadow cabinet?

Mr Speaker, we are not getting anything from the Leader of the Opposition. This is a man who comes into this chamber and says that the Premier has not upheld standards, when the Premier has acted decisively and forced the resignation from the ministry and from Parliament of the minister involved, and forced the resignation of the lobbyist from the party. The Premier has acted absolutely decisively. The Leader of the Opposition will not even confirm that he has asked his deputy a question about a secret meeting with a person of interest in a corruption inquiry in a car park where a telephone call cannot be taped. The lack of standards and hypocrisy are on the other side of the house. The standards are on this side.

Several members interjected.

Mr E.S. RIPPER: We established the Corruption and Crime Commission and gave it the powers that it has. We are serious about dealing with any improper behaviour, and the Premier takes immediate and decisive action should any improper behaviour be revealed. The alternative Premier does not even bother to question his deputy about what has happened. He does not seem to be worried about a secret meeting. He does not seem to be worried about a bizarre meeting in a car park. Who else in this chamber has had a meeting in a car in a car park?

Ms S.E. Walker interjected.

Mr E.S. RIPPER: The member for Nedlands; I am surprised! I venture to say that it would be an extremely unusual event for there to be a meeting in a car in a car park.

MR M. McGOWAN (Rockingham - Minister for the Environment) [4.34 pm]: It has been an interesting debate. The evidence about the member for Vasse is now on the record.

Several members interjected.

The SPEAKER: Order, members!

Mr C.J. Barnett: Have you met with Brian?

Mr M. McGOWAN: No.

Mr Speaker, what we learnt -

Mr T. Buswell interjected.

The SPEAKER: Order, member for Vasse!

Mr M. McGOWAN: We learnt from the CCC hearing a little while ago that it often takes a little while to get to the point. There was a series of interviews over three weeks before it got to the point about Mr Marlborough. I saw the member for Vasse stand in this place and say that he had been cleared in this matter, and that we should read the evidence and see that he is in the clear now. We will see this matter come back to the commission next month. The CCC has said that some people who gave evidence before it may want to reconsider the evidence they gave. That is something that the member for Vasse might want to consider when the CCC inquiry recommences.

Mr T. Buswell interjected.

The SPEAKER: Order, member for Vasse!

Mr M. McGOWAN: I will tell the Parliament something.

Mr M.W. Trenorden interjected.

The SPEAKER: I call to order for the first time the member for Avon.

Mr M. McGOWAN: Every time in the past few months that I have stood in this place and answered a question without notice, the member for Vasse, with his peculiar form of political Tourette syndrome, has kept on speaking, no matter what. He says across the chamber to me constantly, "Brian Burke doesn't like you; you know Brian Burke hates you? You should hear what Brian Burke says about you."

Several members interjected.

Mr M. McGOWAN: Did the member for Vasse not say that he had not had any conversation with Mr Burke?

Extract from *Hansard*
[ASSEMBLY - Tuesday, 21 November 2006]
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Mr T. Buswell: I haven't. I most certainly have not.

Mr M. McGOWAN: There seems to be a line of communication there.

Mr T. Buswell: I will give you the name of the journalist who told me about it.

Mr M. McGOWAN: Everyone has heard him say that to me across the chamber. However, we will see what comes around, and we will see it in the light of section 15 of the Corruption and Crime Commission Act. I advise members, especially the member for Vasse, to read that section of the Corruption and Crime Commission Act, because as time goes by the member for Vasse may well have to answer some questions under that section of the act.

Question put and a division taken with the following result -

Ayes (23)

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

Noes (27)

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

Pairs

Dr K.D. Hames	Mr P.W. Andrews
Mr R.F. Johnson	Mrs C.A. Martin

Question thus negatived.