

Mr Colin Barnett; Mr Arthur Marshall; Speaker; Ms Alannah MacTiernan; Mr Rob Johnson; Mr John Kobelke;  
Mrs Cheryl Edwardes; Mr Eric Ripper; Mr John Day; Ms Sue Walker; Ms Margaret Quirk

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**MINISTER FOR HOUSING AND WORKS, ALLEGATIONS OF MINISTERIAL IMPROPRIETY**

*Standing Orders Suspension*

**MR C.J. BARNETT** (Cottesloe - Leader of the Opposition) [12.04 pm]: I move, without notice -

That so much of the standing orders be suspended as is necessary to enable the following motion to be moved forthwith -

That this House demands that the Premier stand aside the Minister for Housing and Works, Hon Tom Stephens MLC, given the serious allegations of ministerial impropriety contained in three sworn affidavits filed in the Supreme Court on Tuesday, 24 June, until such time as legal action on this matter has been determined.

Mr N.R. Marlborough: What a lot of nonsense. Stop crawling to your back bench.

Ms A.J. MacTiernan: It is unbelievable.

Mr C.J. BARNETT: Members may interject and say that this is unbelievable, but extraordinary allegations have been made against a minister of the Crown who is responsible for the contracting of billions of dollars of taxpayers' funds. This motion seeks simply to say to this Premier, who came into the Parliament this week and talked about standards of conduct, that here is a direct test. His minister is in a compromised position of his own making. He should immediately be stood aside until these legal proceedings are concluded one way or the other. There is no alternative to that; the Premier has no choice.

The motion before this House is simply to suspend standing orders so that this Parliament can look at the issue and present to the public of this State the case for the Premier acting immediately to stand aside Hon Tom Stephens. I have not seen an issue that is as grave as this since the dark days of WA Inc. This issue is as serious as WA Inc.

Several members interjected.

Mr C.J. BARNETT: Members opposite may laugh, as indeed the Premier, Deputy Premier and the Attorney General, who were all ministers during the Lawrence Government, laughed in similar ways.

Let me tell members why we must suspend standing orders. This goes to the very integrity and propriety of a minister. This motion is about the construction industry, rotting in the construction industry, affiliations between the Labor Party and the union movement, compulsory unionism, and ministerial interference in tenders, and it is about money. It has all the ingredients of the 1980s and WA Inc. That is what this issue is about.

*Point of Order*

Mr A.D. MARSHALL: This is a very important allegation. The huff and puff of the member for Peel trying to distract from the decency of this debate is very disturbing. I ask that you call him to order, Mr Speaker.

The SPEAKER: The member for Dawesville has a point. The Leader of the Opposition is trying to make a contribution to this important motion. I ask members to listen even if they do not agree with what is being said.

*Debate Resumed*

Mr C.J. BARNETT: This issue is of an urgent nature because the minister, Hon Tom Stephens, brought down a foolhardy policy. As time has gone on, we have seen the incredible conflict of interest and a minister interfere in a tender process. I will repeat some allegations in this House, which I want to give the Premier the opportunity either to support or to defend.

Dr G.I. Gallop: In private members' time you would have plenty of time.

Mr C.J. BARNETT: This is not about private members' time. This is about the propriety and conduct of a minister responsible for the tendering of billions of dollars of taxpayers' money. This is right up there in the league of WA Inc.

Dr G.I. Gallop: Rubbish!

Mr C.J. BARNETT: The Premier says "rubbish".

Dr G.I. Gallop: You do not know what you are talking about.

Mr C.J. BARNETT: We will wait to hear from the Premier because for the first time he will be tested on ministerial standards. Have we got the Labor Party of the 1980s? I will explain why we must suspend standing orders.

Mr R.C. Kucera: What about a list of your donations?

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Mr C.J. BARNETT: We are talking about donations. How fortuitous that the minister should raise that. We will talk about donations, money, union mates and factional groups in the Labor Party - all reasons that we should suspend standing orders.

Mr N.R. Marlborough: What about Graham Kierath?

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

Mr C.J. BARNETT: In May Hon Tom Stephens obviously developed a policy for the tendering out of government contracts in his ministerial responsibility. The policy was leaked to *The West Australian* newspaper.

Dr G.I. Gallop: I wonder who did that.

Mr C.J. BARNETT: Perhaps the Premier can add to this when he speaks. I will ask the Premier a lot of questions. If he does not support the suspension of standing orders, I will give him the opportunity of answering those questions. He is the Premier who is ultimately responsible for the conduct of his ministers. If he fails to remove them or stand them aside, he wears the blame. That is our Westminster system. I am giving the Premier an opportunity today to act as a Premier and stand aside this minister until such time as the minister's name might be cleared. There is no doubt that that is what should happen. The Premier will have to decide what his standard is. Is it the standard of Labor in the 1980s or is it a different standard? The Premier has an opportunity to tell us. The policy proposed by Hon Tom Stephens sought to limit to no more than five the number of Department of Housing and Works contracts that could be held by any one contractor. Included in that definition were contracts in the range of \$1.5 million to \$25 million. There was speculation at the time that the policy of limiting the number of government tenders to five for any one contractor was directly targeted at BGC, the Buckeridge group of companies.

Mr N.R. Marlborough: Who said that?

Mr C.J. BARNETT: That was the allegation. The member can speak later, which we would welcome. There was a view that this policy was deliberately targeted against the Buckeridge group.

Dr G.I. Gallop: So you base your argument on a report?

Mr C.J. BARNETT: I share that view. I think it was targeted. I welcome members opposite saying that it was something other than that. I believe it was targeted against the Buckeridge group, which is a major tenderer. BGC is a major construction company. It is good at what it does, it is competitive and it carries out a large number of government and private sector construction jobs. People can drive anywhere around this city and see BGC sites, trucks, vehicles, earthmoving equipment and the like.

The SPEAKER: I wonder whether, after six minutes or so, the Leader of the Opposition should actually be addressing the reasons for suspending the standing orders, rather than the substance that he wishes to discuss. We are debating the suspension of standing orders.

Mr C.J. BARNETT: I appreciate your guidance, Mr Speaker. The reason for a suspension of the standing orders goes to the heart of the conduct of ministers and members of Parliament. There is nothing more important than that. That is why we must suspend the standing orders to deal with this issue. Doing so would allow me to present the case for standing this minister aside, and the Premier would have the opportunity to respond. In response to your comment, Mr Speaker, I will read, for the benefit of all, an extract from the Premier's ministerial code of conduct -

Being a Minister of the Crown demands the highest standards of probity, -

That is what this motion is about -

accountability, honesty, integrity and diligence in the exercise of their public duties and functions.  
They must ensure that their conduct does not bring discredit upon the Government or the State.

I put to the House that Hon Tom Stephens is bringing discredit to the Government. The code of conduct continues -

A Minister's responsibility to act as a trustee of the public interest -

Where is the public interest in this? It continues -

should always be paramount in the performance of their functions.

This policy of limiting the number of contracts to five is discriminatory. It is aimed at BGC. If it is not, the Government should prove it. It is aimed at BGC because it is a big contractor and is more likely to have more than five contracts at any one time. The aim is to cut off BGC. Why would the Government want to do that? Why would it set that policy? It is not in the public interest to do so. That is why we should suspend standing

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orders. It is in the public interest that building contracts funded by the taxpayer be done on time, on budget and at the lowest possible cost. BGC is good at that. If one of the State's major builders was cut out of the tender process, competition in tendering would be lost and projects would be built at a higher cost. That would mean that school, housing, health service and police station projects and so on would be more expensive. It would mean that the community would get less return for the taxpayer dollars expended, because contracts would not go to the lowest possible bidder. No-one can doubt the competency of BGC as a builder. I do not think even the Labor Party doubts that. It is a highly skilled, highly competitive, large builder in this State. One reason standing orders should be suspended is that it is in the public interest to have competitive, open and accountable tendering, so that building projects are done for the lowest cost, which would benefit the community and provide savings to taxpayers. The Premier should agree to suspend standing orders for that reason alone, because the public interest in doing so is absolutely clear for everyone to see.

Evidence is going before the Supreme Court. That is the reason for the urgency.

The SPEAKER: Does the Leader of the Opposition know at what stage this action is? I refer him to Standing Order No 91. I have issued instructions to try to find out what stage the action has reached in the Supreme Court. I ask members to bear in mind the standing orders and to be careful not to offend Standing Order No 91 in the area of sub judice.

Mr C.J. BARNETT: I am very conscious of sub judice in this case. I am relying on information that is already public and has been reported. The decision made in the Supreme Court has already stopped tenders on one housing project.

Mr J.A. McGinty: Pending a full hearing.

Mr C.J. BARNETT: It is on hold.

Dr G.I. Gallop: Pending a full hearing.

Mr C.J. BARNETT: The Premier is allowed to repeat what the Attorney General said; I know that the Attorney General coaches him. That project is on hold. It has the capacity to stop a series of building projects around the State. That is the second element of public interest. People want companies to put in tenders and compete. The lowest cost tenderer should get public works contracts so that taxpayers get the maximum return. That is the first point in relation to the public interest and why we should suspend standing orders. The second public interest concern is that the order given through the court has already stopped the Hamilton Hill project. There is the potential for many more projects to stop around the State if this Government fails to act. The responsibility for that rests with the Premier. If projects are stopped around this State, people will not be paid. Subcontractors will go broke. There will be delays in housing, school, health sector and Police Service projects. On those two grounds alone it is of immense public interest for the House to agree to suspend standing orders and consider this issue. In case members believe for a moment that we should not suspend standing orders, I will read to them the two paragraphs that appeared in *The West Australian* article on BGC blocking timber policy.

*Points of Order*

Ms A.J. MacTIERNAN: I would like a ruling from you, Mr Speaker, on the sub judice convention under Standing Order No 91, which states -

Subject always to the discretion of the Speaker and to the right of the Assembly to legislate on any matter, matters awaiting or under adjudication in any court of record -

...

(b) in civil matters from the time that the case has been set down for trial or otherwise brought before the court,

may not be referred to in any motion, debate or question if it appears to the Speaker that there is a real and substantial danger of prejudice to the trial of the case.

All the issues that will no doubt constitute the action being taken by BGC are being canvassed in this debate. It goes right to its core.

Mr M.J. Birney: Are you trying to sweep it under the carpet?

Ms A.J. MacTIERNAN: No. This matter is before the court. The standing orders are designed to properly protect court proceedings.

Mr M.J. Birney: This is WA Inc!

The SPEAKER: Order, member for Kalgoorlie!

Ms A.J. MacTIERNAN: This matter is currently before the courts. This is absolutely outrageous.

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Mr R.F. JOHNSON: We have heard one lawyer's point of view on the standing orders. If every lawyer in the House was asked for an opinion, we would get a different opinion from each. The main context of this motion is the possible impropriety of a government minister. This House has every right under the standing orders to debate an issue. The Premier is afraid to debate the issue. The Leader of the House is waiting to jump up and move a gag motion on this very important motion. That is absolutely abhorrent. There is no prejudice in this motion, other than against the minister and the Premier. There is no prejudice in any way, shape or form in relation to the Supreme Court.

Mr J.C. KOBELKE: Mr Speaker, the Minister for Planning and Infrastructure has put a very valid point before you relating to Standing Order No 91.

Mr M.J. Birney: This is a cover-up.

The SPEAKER: The member for Kalgoorlie.

Mr J.C. KOBELKE: If further evidence is needed that this motion is in contravention of Standing Order No 91, it is the motion itself for which the Leader of the Opposition is seeking to suspend standing orders. In part, the motion refers to matters contained in three sworn affidavits filed in the Supreme Court on Tuesday, 24 June. The motion actually says that the House should debate a matter contained in a case that is already before the courts. It seems that the actual wording of the motion makes it absolutely clear that the matter is sub judice according to Standing Order No 91. Therefore, applying that standing order, it is not appropriate to deal with this matter. That being the case, there is no basis upon which standing orders should be suspended. There are many other reasons why standing orders should not be suspended. However, the point of order is that this is not a valid motion as a basis for suspending standing orders.

Mrs C.L. EDWARDES: The mere fact that a matter is before a court does not mean it is sub judice in this place. Standing Order No 91 is clear -

... if it appears to the Speaker that there is a real and substantial danger of prejudice to the trial of the case.

The matters in the affidavits referred to in the motion are public documents. Not only are they public documents, but also they have been reported upon. Therefore, I suggest to you, Mr Speaker, that although the matter is before a court and an interlocutory injunction was granted yesterday, Standing Order No 91 refers to whether there is a real or substantial danger that someone might prejudice the trial of a case. These matters are on the public record. Therefore, they present no danger to this case.

The SPEAKER: The fact that the matters are in the public arena is of little consequence with regard to Standing Order No 91. What the Chair must consider and what I have tried to warn the Leader of the Opposition about is whether what will be said in debate will influence the courts. Whether material is published in *The West Australian* or the *Sunday Times* or any other publication is irrelevant to Standing Order No 91. I again say to the Leader of the Opposition that on the face of it he is heading into very dangerous waters with regard to breaching the rule of sub judice. The fact that material has been published in *The West Australian* is no out for any member of this place to bring matters before the Parliament that are before the Supreme Court of Western Australia.

*Debate Resumed*

Mr C.J. BARNETT: As I said, I will outline the reasons it is important for Parliament to consider this issue now. As I said before the point of order, serious claims have been made and reported publicly. They are so serious that this Parliament -

*Point of Order*

Mr E.S. RIPPER: Mr Speaker, the Leader of the Opposition is ignoring the ruling you just made and immediately referred to claims that have been made before a court. Therefore, he is contravening the sub judice rule.

The SPEAKER: I thank the member for the point of order. I was just discussing the matter with the Clerk. With regard to motions of this type, the Opposition can refer to an action in the Supreme Court but not to the actual content of the allegations. Any reference to the allegations, other than in a very broad sense, will breach Standing Order No 91. I again warn the Leader of the Opposition not to offend Standing Order No 91.

*Debate Resumed*

Mr C.J. BARNETT: Thank you, Mr Speaker. I assure you that I will not offend Standing Order No 91 -

*Points of Order*

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Ms A.J. MacTIERNAN: Mr Speaker, I seek some clarification on your interpretation. Much of what the Leader of the Opposition has canvassed so far in his motion has been done to attribute motive to the Minister for Housing and Works. Not only has the Leader of the Opposition canvassed the content of the legal action, but also he is arguing against the Minister for Housing and Works. The Leader of the Opposition's behaviour is likely to prejudice the matter before the court. The Leader of the Opposition is going beyond the content of the affidavits and is impugning motive. That cannot possibly continue and not severely prejudice the proper trial of this matter.

The SPEAKER: Therein lies exactly the problem and the reason why Standing Order No 91 has been introduced. If character imputation and the like occurs in this place, that can affect an action in the courts. It is very unwise for the Leader of the Opposition to head down the path on which he is currently going. I am yet to hear at what stage this matter is in the Supreme Court. However, I warn of the dangers into which the Leader of the Opposition is currently heading.

Mr J.H.D. DAY: Mr Speaker, I seek your clarification on Standing Order No 91, which as the member for Kingsley pointed out states that a matter should not be debated if -

... there is a real and substantial danger of prejudice to the trial of the case.

I fail to see how the Leader of the Opposition's comments could in any way influence the judge who is presiding over this civil case in the courts. I seek your clarification, Mr Speaker, of how the Leader of the Opposition's comments that refer to issues that are on the public record and have been reported in the media might in any way pose a real and substantial danger of prejudicing the trial of this case.

The SPEAKER: It appears that the motion goes to the very heart of the content of the affidavits, which are in the Supreme Court, and which are referred to in the motion. The motion concerns the motives behind the affidavits. Clearly, that is in breach of Standing Order No 91.

*Debate Resumed*

Mr C.J. BARNETT: I am very conscious of those issues and I will be very careful. Let me then just make the point of why standing orders must be suspended, why this issue must be dealt with now and why the Opposition is bound to raise it and the Premier is bound to respond. That is what accountability is all about. That is why we must deal with the issue now that it has come to light. The first two paragraphs of the article in *The West Australian* state -

ONE of WA's top public servants believed his own minister was looking for ways to get building giant BGC off government tendering lists and warned him of the serious -

*Point of Order*

Mr E.S. RIPPER: I took a point of order earlier when the Leader of the Opposition referred to claims before a court. Mr Speaker, I understood that you advised the Leader of the Opposition not to go down that track. Now the Leader of the Opposition is not only referring to the claims but also quoting an account of the claims. I do not believe that he is following the ruling you made on this issue, Mr Speaker.

The SPEAKER: My ruling was clear: members cannot refer to the content of the affidavits. The mere reading from someone else's account purporting to be what is contained in the affidavits breaches the rule. As a result of my concern about where this debate is heading, I will leave the Chair until I can find out the status of this action in the Supreme Court.

*Sitting suspended from 12.29 to 12.41 pm*

*Speaker's Ruling*

The SPEAKER: I apologise for the break in proceedings, but I thought it important to find out the current position. The action referred to in the motion is currently before the Supreme Court. It is inappropriate for the House to discuss or canvass the issues that will be the subject of the Supreme Court's determination. This House has voluntarily determined that it should not go to the truth or otherwise of any allegations that appear before courts. This motion for suspension of standing orders can proceed, but it has a very narrow base within which to operate. The narrowness of it is that reference to allegations may be made, but no reference may be made to the nature of those allegations. That is my ruling.

*Standing Orders Suspension Resumed*

Mr C.J. BARNETT: I continue my remarks on the reasons for the suspension of standing orders. I am very conscious of the proceedings before the Supreme Court. This motion, however, relates to the propriety of the actions of a minister of the Crown. It is about government and parliamentary accountability. Nothing is more

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important than the opportunity of this House to scrutinise ministerial propriety. That is what public, parliamentary and ministerial accountability is all about. The issue of public interest is important. The policy announced by Hon Tom Stephens is not in the public interest, because it means that one builder in particular will be at a disadvantage in tendering for particular government works. That could be argued to be discriminatory. It can also be said that the public interest is not served by a policy that reduces the number of potential tenderers in a competitive tender process. It is in the public interest that tendering be competitive. It is also in the public interest that the lowest tender on any contract should win that contract, because that saves the taxpayer money and allows more capital works to be undertaken for a given level of expenditure. That is why this matter is in the public interest. The policy as announced is flawed.

Dr G.I. Gallop: Why did you not move a motion to debate it?

Mr C.J. BARNETT: That is what I am doing. I am seeking to suspend standing orders, and in front of the people of Western Australia the Premier is resisting that motion. It is there for all to see that he is running and hiding from a debate about ministerial accountability. This is probably the most significant accountability issue his Government has faced. This issue came to light several weeks ago.

Dr G.I. Gallop: That shows how little you regarded it. You did not seek to debate it at that time.

Mr C.J. BARNETT: The policy was flawed, and I made comments to that effect at the time.

Several members interjected.

The SPEAKER: Order!

Mr C.J. BARNETT: The policy is flawed. This motion is not about the failings of the policy; it is about the propriety of Hon Tom Stephens. That is why the Opposition is moving to suspend standing orders. I will read the first two paragraphs of an article in *The West Australian*, a newspaper distributed to hundreds of thousands of Western Australian homes this morning. It is a very public document.

*Points of Order*

Mr J.C. KOBELKE: Mr Speaker, I understood that after due consideration you made a ruling that indicated that there could be no reference to the nature of the allegations. The Leader of the Opposition has already very clearly entered into details on the nature of allegations, in part by quoting from a newspaper article. He is now saying he will quote again from the newspaper article. The whole issue is very much against your ruling that his contribution to the debate cannot enter into the nature of the allegations.

The SPEAKER: If the Leader of the Opposition does do what the Leader of the House is saying, he will be sat down.

Mr C.J. BARNETT: I ask for clarification, Mr Speaker. I want to be absolutely sure of your ruling. Are you saying that I cannot read out in the Parliament an article delivered to hundreds of thousands of Western Australian homes this morning? Is it your ruling that members cannot refer in this Parliament to a public document in a newspaper? I question that, because it would be a most extraordinary ruling for a Speaker to make.

The SPEAKER: The Leader of the Opposition can refer to the allegations, but cannot debate the truth or otherwise of any allegation that has been made. If the quote he is about to read heads towards doing that, he will be sat down.

Mr C.J. BARNETT: Mr Speaker, you put me in an almost impossible position, because you are saying to me, the Leader of the Opposition, that on an issue of ministerial accountability I cannot refer to the most public of documents today - an article in a newspaper distributed to hundreds of thousands of people. That amounts almost to a censorship of this Parliament. It is an extraordinary suggestion that I cannot read a public document to the Parliament of Western Australia.

The SPEAKER: Does the member wish me to answer that?

Mr C.J. BARNETT: I seek some clarification, because I cannot quite believe it.

The SPEAKER: The ruling is quite simple. When something offends Standing Order No 91, it cannot be done. The standing orders are set down by this House so as not to offend the sub judice rules. The Leader of the Opposition has been in this place long enough to know that this House holds dear that ruling. I have been given the job of enforcing the rules that this Parliament has made for itself. I am saying that the Leader of the Opposition cannot debate the substance of what is alleged. He should be very careful. Some of the contributions made prior to my learning that this action was listed before the Supreme Court probably offended that standing order.

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*Debate Resumed*

Mr C.J. BARNETT: I will be extremely careful, because I have a responsibility to this Parliament - as do all members - to ensure that issues of ministerial public accountability are aired. I do not want to offend Standing Order No 91, but I can see a scenario in which, if I am seen to raise an issue that the Speaker interprets in such a way that I am sat down, the Leader of the House will immediately gag this debate. That is the scenario in front of me; the debate will be gagged by the Government. I will be denied my right and responsibility as a member of Parliament to raise issues of accountability. The scenario is there for all to see. I will be sat down and the debate will be gagged. If it has to be that, in moving one of the most fundamental issues of public accountability, I have to tiptoe through the tulips, then tiptoe I will. I should not have to do that. Members should be able to call ministers to account in this place. Members should be able to demand that the Premier defend or dismiss his ministers. That is what our Westminster system of Parliament has always been about. It has not been about censorship or limiting debate on ministerial responsibility or accountability for taxpayers' money. We face an extraordinary situation. I will tiptoe if I must. The article in the newspaper went to hundreds of thousands of Western Australian homes this morning. Probably one million people have read the article yet I cannot read it to this Parliament. To assist the debate, I will ask one of my staff - many of whom are probably listening - to photocopy the article and circulate it to members who can read it as I speak. If that is the length I must go to, I will arrange for copies of the newspaper article to be distributed on this side of the House so members will know what I am talking about. It is an extraordinary and unnecessary step that I take.

I have moved to suspend standing orders because there is a case. Affidavits have been lodged. Mr Buckeridge and representatives of BGC have made it clear that they will be discriminated against in their ability to compete and tender for government contracts. I look now at Hon Tom Stephens. Although the policy is flawed, the issue before the House is the minister's conduct. To understand that, members must understand a little of the tender process. It is a matter of public record that BGC does not employ members of the Construction, Forestry, Mining and Energy Union.

*Points of Order*

Ms A.J. MacTIERNAN: This is going beyond canvassing the allegations and is attempting to adduce evidence as to motive that, no doubt, will be used as part of the court proceedings. That is the nature of the argument used by the Leader of the Opposition. It is prejudicial to the case; it is going to the question of the Leader of the Opposition's fancy as to what the motive of the Minister for Housing and Works may be. This is most improper.

Mr J.H.D. DAY: In his ruling, I believe that the Speaker said the Leader of the Opposition is not allowed to debate whether the accusations made in the court are true. I do not believe the Leader of the Opposition is doing that. He is referring to the conduct of a minister of the Government that was made public prior to the commencement of any court action. If ministers of the Government are not accountable to Parliament, and the Premier, as head of the Government, is also not accountable to Parliament, that is the end of democracy in this State. Standing Order No 91 states that issues should not be debated if "there is a real and substantial danger of prejudice to the trial of the case." I cannot see how anything that has been referred to, particularly in the most recent comments of the Leader of the Opposition, will in any way influence a judge of the Supreme Court of Western Australia in dealing with this issue. The Leader of the Opposition is referring to matters that were on the public record before the commencement of the action in the Supreme Court.

The SPEAKER: I thank both members for their contributions on the point of order. The Leader of the Opposition cannot address the truth of allegations, motive or the like. The Leader of the Opposition may have misunderstood the position earlier, but he can repeat what has been alleged. The moment he starts to debate the truth or otherwise of the allegations, he breaches Standing Order No 91. The reading of a quotation of what is alleged does not breach sub judice rules. Any attempt to add to the quotation or canvass the veracity of it impugns the rules. The situation is difficult but very few motions for suspension of standing orders involve a case in the Supreme Court. Therein lies the problem. The motion was moved by the Leader of the Opposition, presumably in the knowledge of the Supreme Court case. The rules under Standing Order No 91 must be obeyed.

*Debate Resumed*

Mr C.J. BARNETT: I thank Mr Speaker for the clarification. I will now read the quote from *The West Australian* to save my staff the trouble of copying and circulating it. The article commences -

One of WA's top public servants believed his own minister was looking for ways to get building giant BGC off government tendering lists and warned him of the serious consequences of doing so, according to documents before the Supreme Court.

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Affidavits sworn by BGC chief Len Buckeridge also claimed that Housing and Works director-general Greg Joyce -

*Points of Order*

Mr J.C. KOBELKE: The Leader of the Opposition is blatantly contravening the order given by the Speaker.

Several members interjected.

The SPEAKER: Order, members!

Mr J.C. KOBELKE: In two instances of fact just made, he is referring to matters that go to the nature of the allegations. They are part of the allegations that are subject to matters before the Supreme Court. He is seeking to have the matters canvassed, debated and voted on, and a decision of his House made, on matters that are integral to an issue before the court. That is clearly contrary to Standing Order No 91.

Mr J.H.D. DAY: The position of the Government is astounding. I believe I heard Mr Speaker correctly in his most recent ruling when he said words to the effect that the Leader of the Opposition could read from a newspaper article but could not debate whether the allegations were true. He is not doing so. I remind Mr Speaker and members of the House that the motion calls for standing orders to be suspended to allow for debate on a motion that calls for a minister to be stood aside until a matter has been determined. It does not prejudice the guilt or otherwise of the minister. The Leader of the Opposition is not prejudging the issue; he is debating the matters concerning the issue and arguing why we should have a debate about whether a minister should be stood aside. He is going no further than that.

The SPEAKER: I said that the allegations can be repeated but any attempt to verify or confirm the allegations is not permitted. Repeating the allegations does not take the issue further, to prove further than what is reported in *The West Australian*. The House is not debating the motion; it is debating the suspension of standing orders.

*Debate Resumed*

Mr C.J. BARNETT: All I intend to do is to continue the quote. The second paragraph states -

Affidavits sworn by BGC chief Len Buckeridge also claim that Housing and Works director-general Greg Joyce told his immediate superior, Housing and Works Minister Tom Stephens, that any move against BGC could cost WA taxpayers “substantially more” and result in bankruptcies and building projects being late.

...

BGC refuses to sign enterprise bargaining agreements with Kevin Reynolds’ powerful Construction, Forestry, Mining and Electrical Union -

*Points of Order*

Ms A.J. MacTIERNAN: Once again I say that once we start going down this path we are quite clearly trying to get to the truth or otherwise of the allegations. The matter before the court relates to the propriety of a policy that the Minister for Housing and Works has implemented. The Leader of the Opposition is now canvassing the motives that he believes lie behind the introduction of that policy. Clearly, that is the sort of issue that could prejudice the proper determination on the propriety or otherwise of the policy that has been implemented.

The SPEAKER: The quotation that the Leader of the Opposition was about to read does not appear to quote the affidavit. However, in it the author of the article basically gives an opinion on the impact of the affidavit. I presume that the Leader of the Opposition was endeavouring to read the next paragraph of the article into his contribution.

Mr C.J. BARNETT: To clarify that, Mr Speaker, I was about to read the paragraph beginning “BGC refuses”. I presume you have a copy of the article in front of you. I seek clarification. Am I allowed to read that paragraph of a public document?

The SPEAKER: I am sorry; I thought the Leader of the Opposition was about to read the allegation.

*Debate Resumed*

Mr C.J. BARNETT: No, I was not. The final quote I will make is -

BGC refuses to sign enterprise bargaining agreements with Kevin Reynolds’ powerful Construction, Forestry, Mining and Electrical Union and believes it is being punished for giving evidence about union reports to the Cole royal commission into the building industry.

*Points of Order*



Mr Colin Barnett; Mr Arthur Marshall; Speaker; Ms Alannah MacTiernan; Mr Rob Johnson; Mr John Kobelke;  
Mrs Cheryl Edwardes; Mr Eric Ripper; Mr John Day; Ms Sue Walker; Ms Margaret Quirk

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Ms A.J. MacTIERNAN: This quite clearly is going to the issue of the propriety or otherwise or the motive or otherwise of the conduct of the Minister for Housing and Works. This cannot possibly be anything other than sub judice.

The SPEAKER: I have read that paragraph again, and I agree with the Minister for Planning and Infrastructure. It gives an opinion on what the position is rather than repeating the allegation.

Ms S.E. WALKER: Standing Order No 91 states -

Subject always to the discretion of the Speaker and to the right of the Assembly to legislate on any matter, matters awaiting or under adjudication in any court of record -

. . .

may not be referred to in any motion, debate or question if it appears to the Speaker that there is a real and substantial danger of prejudice to the trial of the case.

The arguments I have heard from the government side of the House are nonsense. How on earth will the Leader of the Opposition's reading out an article in *The West Australian* prejudice the trial of a case, which will not be on for months? It is just an attempt by the Government to gag what the Opposition wants to say in this Parliament.

The SPEAKER: I thank the member for her interpretation of Standing Order No 91. However, that standing order is there to protect every member of the community, whether they be ministers, pensioners or from any walk of life, and ensure that they are given a fair trial. The Parliament has imposed these rules. It is clear that judges are not swayed by public opinion, as perhaps jurors may be. I do not know whether this trial will be before a single judge or a jury. However, if there is any possibility that what is said in this Chamber could lead to an unfair trial, because it is sub judice, it will not be allowed.

*Debate Resumed*

Mr C.J. BARNETT: Thank you, Mr Speaker. You will be relieved to know that I do not intend to quote any more from that article. The Supreme Court has granted an interim injunction, the effect of which has been to stop the tender process for the housing project at Hamilton Hill. That is significant. It is a matter of public interest. Housing is needed in the community. That is another reason that standing orders should be suspended. Indeed, the injunction has the potential to stop all building projects of a similar size under government tender. That is the significance of the issue. It has the potential to stop all school projects, all police station projects, all hospital projects and all housing projects of that size; that is, all contracts above \$1.5 million. That is why this Premier must respond and deal with the propriety of the actions of the minister, Hon Tom Stephens. I do not think it is without question that standing orders be suspended. I do not think it is without question that this Premier should immediately act to move aside the minister concerned. Various issues have been raised about sub judice in the points of order. It is a court process. The Premier should stand aside the minister. He should not risk a conflict between the Parliament and the court. He should not allow a minister to be in that position. Whether the Premier thinks the minister has behaved properly is irrelevant; he should move him aside. I happen to think that the minister has behaved improperly, and that is why I have brought this issue before the Parliament. However, it is up to the Premier; it will be his call. Will he honour accountability in the Parliament? Will he move the minister to one side until these court proceedings are resolved?

I will move on to another reason that standing orders should be suspended, and it relates to a matter not before the Supreme Court, so there is no issue of sub judice. I refer to the tender process for the Geraldton Regional Hospital project.

*Points of Order*

Mr J.C. KOBELKE: The issue before the Chair is a motion to suspend standing orders to debate a motion that refers to an affidavit before the Supreme Court. The Leader of the Opposition is now seeking to introduce argument relating to a building project. He has been speaking for some 25 minutes. It is not open to him now to start to lay out the framework of the case that might be debated if standing orders were suspended. He is limited to speak only to why there is such urgency to require the suspension of standing orders.

Mr C.J. BARNETT: I intend to outline supporting reasons that standing orders should be suspended so that we can debate the motion to stand aside this minister. It relates to issues not before the court, but it supports this motion. It is a brief point and it deserves to be aired in this Parliament.

The SPEAKER: The Leader of the House is correct in saying that a motion of this type needs to be relatively confined. If the Leader of the Opposition considers that another point needs to be made in relation to the suspension of standing orders, it can be made.

Mr Colin Barnett; Mr Arthur Marshall; Speaker; Ms Alannah MacTiernan; Mr Rob Johnson; Mr John Kobelke;  
Mrs Cheryl Edwardes; Mr Eric Ripper; Mr John Day; Ms Sue Walker; Ms Margaret Quirk

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*Debate Resumed*

Mr C.J. BARNETT: This issue is about the propriety of the minister. I allege in this House that the evidence that has come before me shows that this minister has interfered in tender processes. Let us debate it.

Dr G.I. Gallop: Which one?

Mr C.J. BARNETT: Hon Tom Stephens. Evidence has come to me, and I am bound to act upon it. I have brought it to the Parliament and the Premier has the opportunity to stand and reject it.

Ms A.J. MacTiernan interjected.

The SPEAKER: Order! The minister can contribute later.

Mr C.J. BARNETT: This matter relates to the propriety of the minister in the contract relating to government tenders and his interference in a tender. I refer to the Geraldton Regional Hospital project for which expressions of interest were sought. I will be brief. Eight companies lodged expressions of interest. The information supplied to me indicates that the names of five companies were forwarded to the minister's office for his consideration. The minister then sought full details of the tenders. When the information on the companies that had lodged expressions of interest was returned to the department, there were not five companies but six. The minister had added another company name to the tender list under the expressions of interest. That is direct, blatant ministerial interference in a tender process. If the allegation that I have made is proved to have substance, the minister should be not only stood aside but also removed.

Dr G.I. Gallop: What is the allegation?

Mr C.J. BARNETT: I repeat: expressions of interest were sought for the Geraldton hospital project. The information supplied to me indicates that the names of the five companies that had put in expressions of interest were forwarded to the minister's office - possibly at his request, but I do not know that. He then sought information on all the tenders submitted.

Ms A.J. MacTiernan: What's wrong with that?

Mr C.J. BARNETT: There is nothing wrong with that. When those names were returned to the department, mysteriously - by his hand I presume - a sixth company had been added to the tender list. Here is the situation.

Dr G.I. Gallop: What's the problem.

Mr C.J. BARNETT: The problem, Premier, is that there are clear rules for tenders, and this matter relates to the propriety of ministers. That is why the Opposition has moved to suspend standing orders. Eight companies made expressions of interest, and the department, under the tender guidelines, honed that list down to five companies, and a list of five names then went to the minister.

Dr G.I. Gallop: What rule was broken?

Mr C.J. BARNETT: I am getting to that.

Several members interjected.

Mr C.J. BARNETT: Mr Speaker, please. I am addressing my comments to the Chair.

I repeat, eight companies put in expressions of interest, and the department, under the tender process and guidelines, reduced the list to five companies. That list went to the minister's office and the minister sought additional information from all tenderers. From his office, a sixth company was added to the short list. In other words, the minister interfered and added a company to the short list. Should there be any doubt, I seek leave to table a list of the eight companies that originally tendered.

*Points of Order*

Mr J.C. KOBELKE: The Leader of the Opposition is clearly trying to make argument and seeks to table documents, but he has no right to table them as he is not a minister. However, he seeks to carry an argument that may be appropriate if we were debating the substantive issue. He refuses to debate the issue before the House; namely, why we should suspend standing orders.

Mr J.H.D. DAY: The Leader of the House is correct on one point: the Leader of the Opposition seeks to advance argument. He seeks to advance argument about why standing orders should be suspended to allow debate on a motion about the standing aside of a minister. To provide supporting evidence for the motion to be carried by the House, the Leader of the Opposition seeks to provide information to the House. That is all.

The SPEAKER: The Leader of the Opposition has reached the point of debating the motion that he seeks to be passed should the suspension of standing order motion be carried. It is legitimate to touch on, but not expand on,

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those matters. The tabling of documents is beyond that point. I ask the Leader of the Opposition to confine his comments to the suspension of standing orders.

*Debate Resumed*

Mr C.J. BARNETT: The motion for the suspension relates to ministerial impropriety. It will take me only a minute or two to make my point. I believe this is serious ministerial impropriety. It is improper conduct of the highest level. If proved to be the case, the allegations demand not only that the minister be stood aside, but that the minister be sacked. It is a serious allegation. It is about the propriety of the minister. I am not addressing my remarks to the interjections of the Minister for Planning and Infrastructure. She is welcome to speak in the debate. Indeed, she has some knowledge of the tender process. I welcome her to participate in the debate and to defend Hon Tom Stephens. I welcome any member opposite who wishes to do the same because they will nail their colours to Hon Tom Stephens's mast as it goes under.

The House needs to suspend standing orders. I repeat the point about ministerial propriety or impropriety, as I allege. Eight companies made expressions of interest to build the Geraldton hospital. Under the tender process, the department reduced that list to five. Five company names were then forwarded to the minister's office, and the minister sought all the files and information related to the tender. He then added another company to the list; namely, Broad Construction Services. Why would a minister interfere with a tender short list? Why would he expand the list?

Mr E.S. Ripper: What's the point? The number of companies was increased. More companies were allowed to tender. It seems an extraordinary charge.

Mr C.J. BARNETT: The Deputy Premier should listen. It is wrong.

Several members interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: I thought the Deputy Premier would be called to order.

Ministers should not interfere in the tender process. Eight expressions of interest were made. Five names went to the minister's office, and six company names were returned to the department. One company was added - namely, Broad Construction.

Several members interjected.

The SPEAKER: Clearly members on both sides wish to make a contribution to the suspension of standing orders debate. We have been debating for 32 minutes why the House should suspend standing orders. We are well and truly into the realms of the content of the motion that the Leader of the Opposition wishes the House to support in relation to the minister. I urge the Leader of the Opposition to quickly move onto reasons for suspension, rather than the content of what is alleged.

Mr C.J. BARNETT: I thank you, Mr Speaker. I will immediately get to the point.

The scenario of the expressions of interest is comprehended by the House. Why would the addition of Broad Construction raise an issue with the Opposition? The mere addition by the minister of a name to a short list for a tender is proof in itself of ministerial interference in the tender process. He clearly interfered in the tender process. That is improper conduct by the minister.

Several members interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: I allege that the Premier's minister, Hon Tom Stephens, behaved improperly in changing the short list for a government tender.

Several members interjected.

The SPEAKER: Order! I call the Treasurer to order for the first time, and I call the member for Nedlands to order.

Mr C.J. BARNETT: I allege on the basis of the information supplied - it needs to be established whether it is true, but I believe it is true - Broad Construction was added by the minister to a short list for a tender on an approximately \$30 million hospital project in Geraldton. That is a significant capital investment project. The stakes are high as it involves a large amount of money.

Several members interjected.

Mr C.J. BARNETT: I am addressing my comments to the Chair.

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The SPEAKER: I want the Leader of the Opposition to address the reasons for the suspension. The member has gone far enough into the matters he wants to raise regarding the minister's actions. The House needs to know from the Leader of the Opposition as quickly as possible why it should suspend standing orders.

Mr C.J. BARNETT: In the last 10 minutes, I have used perhaps three minutes trying to make my point.

The minister behaved improperly in interfering with the tender process and changing the short list. That is why the House should suspend standing orders. It is about the conduct of a minister. The debate on the motion will give the Premier an opportunity to either defend his minister or stand him down or remove him. That is why we need to suspend standing orders.

I conclude on this final point: why Broad Construction? I read a brief quote from the Cole Royal Commission into the Building and Construction Industry transcript of evidence provided under cross-examination. The following questioning took place by the commission of a director of Broad Construction -

Does Mr Brian Burke consult to Broad Constructions?---Yes, he does, from time to time.

When I say consult, I'm including in that a professional consultation?---That's right, yes.

A company called Broad Construction was added to a tender list in a ministerial office. A director of Broad Construction admitted in the Cole royal commission that Mr Brian Burke acted, and continues to act, I presume, as a consultant for Broad Construction. That company was added to the short list of tenders by Hon Tom Stephens. If that is not enough evidence of improper conduct, and if that is not a serious enough allegation to suspend standing orders, I do not know where this Government or Parliament is coming from. The Premier has the opportunity to agree to the suspension and stand up and refute the allegation. If he fails to do so, he will fail the most fundamental test of accountability under our Westminster system. If the Premier gags this debate, he is running scared like a rabbit in the spotlight.

Dr G.I. Gallop: What is the allegation?

Mr C.J. BARNETT: The allegation is of improper conduct. The matter is before the Supreme Court. Serious claims that have been made in the Supreme Court have been reported in the media. They are sufficiently serious that the judge issued an interim injunction to stop construction on the Homeswest project at Hamilton Hill. They are sufficiently serious that they could stop all government tender contracts above the value of \$1.5 million. They are sufficiently serious because there is evidence that the Minister for Housing and Works added to the short list for a tender on a \$30 million hospital project in Geraldton. What is it all about? It is about improper conduct by a minister; it is about Hon Tom Stephens, Minister for Housing and Works, with responsibility for tendering; it is about the Construction, Forestry, Mining and Energy Union; it is about the fact that BGC does not have an enterprise bargaining agreement with CFMEU; it is about Brian Burke; it is about a faction in the Labor Party. It smacks to me of the sort of deals and backroom arrangements that took place under Labor during WA Inc. That is why we should suspend standing orders to pursue this issue of the conduct of Hon Tom Stephens, Minister for Housing and Works.

**MR J.C. KOBELKE** (Nollamara - Leader of the House) [1.22 pm]: The Government does not agree to suspend standing orders for a silly, political stunt. If it is not a stunt, it shows the Opposition is absolutely incompetent. We are addressing the suspension of standing orders. Unlike the Leader of the Opposition, I will speak to the motion before the House, which is the suspension of standing orders. The motion for the suspension of standing orders is a stunt. The Opposition could not even get the wording right. If this were a serious issue for the Opposition, surely opposition members would have come to me or to the Premier 15 minutes or half an hour before the House met and said that it was a serious issue, shown us the motion and said that they intended to move for the suspension of standing orders because they took the issue seriously. They did not take it seriously enough to give us one second's notice. They do not think it is serious. It is either a stunt or they are incompetent. There is no basis for saying that this is an urgent matter, because if it were urgent and serious, opposition members would have given at least some prior notice so that we could look at the motion and decide whether we would be willing to take up the issue.

Perhaps the reason the opposition members did not want us to look at the motion is that it is so poorly thought out and badly worded that it is outside Standing Order No 91. On that basis it would not be a matter for which the House could suspend standing orders. Further on the matter of urgency, three hours are available to the Opposition in private members' time today. If opposition members wish to bring this matter on, we will give them the opportunity to introduce a late notice of motion, but they will need to craft a motion that is not contrary to Standing Order No 91, as this motion in my view clearly is. The fact is that time is available to deal with this issue today if the Opposition wishes.

Mr Colin Barnett; Mr Arthur Marshall; Speaker; Ms Alannah MacTiernan; Mr Rob Johnson; Mr John Kobelke;  
Mrs Cheryl Edwardes; Mr Eric Ripper; Mr John Day; Ms Sue Walker; Ms Margaret Quirk

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This is also not a matter of urgency that would require the suspension of standing orders. If we get on to debate the issue, if it is a matter which is not sub judice, as the Leader of the Opposition vaguely alluded to, it is a matter of policy issues within the responsibility of the Minister for Housing and Works. If that is the case, the policy was released weeks ago. Why should the House now suspend standing orders to debate a policy that has been in the public arena for several weeks?

The urgency for the suspension of standing orders cannot be separated from the fact that this matter is also before the courts. The motion that we would debate refers to a matter in respect of the Minister for Housing and Works "given the serious allegations of ministerial impropriety contained in three sworn affidavits filed in the Supreme Court on Tuesday, 24 June". What we are dealing with in respect of Standing Order No 91 - you quite lucidly put part of this issue earlier, Mr Speaker - is that in framing the standing order the House has forgone certain rights to debate. Although I do not wish to canvass that at any great length because it is a new and important issue, and I do not have the expertise, a key element of it is that if a matter has been quite rightly taken to the criminal or civil courts, we decide, according to the standing order, that it is not appropriate that we seek to canvass, second guess or judge that issue as a House of Parliament, but that we should stand aside and let the courts make the determination. It may be that this House wishes to make a stand on what follows from that determination. However, Standing Order No 91 clearly centres around this House curtailing its right to debate because we do not wish to undermine a matter before the courts. For the Opposition it is clearly a matter of curtailing what it would like to do. That is because what the Opposition wants to do is make a political issue out of a matter before the courts. Again this shows how ill thought its motion is. What opposition members fail to grasp is that if we want to respect the courts and the processes of the courts, we forgo the right to make political capital while the matter is the prime subject of a court action. The Leader of the Opposition made no attempt to suggest, because it is in his motion, that those serious allegations of ministerial impropriety are not a key matter that would be considered in the action before the Supreme Court. Clearly from the Leader of the Opposition's contribution, that is a matter before the court.

Mrs C.L. Edwardes: The State has stopped.

Mr J.C. KOBELKE: The member for Kingsley implies that there are matters of importance in construction and contracting in this State which are held up by the court action. That does not allow us to put aside Standing Order No 91 and decide that we will debate the matter here rather than let the courts settle it. Clearly, that is not what the standing order intends and what it means.

If opposition members wish to make allegations on this matter, they need to do it outside the very clear parameters that relate to this matter that is currently before the Supreme Court. The Government would love to have the debate. However, the Gallop Government stands up for the rule of law and upholding standing orders. Opposition members do not want to know anything about the rule of law; they are anarchists. They are very happy to do what they think is good for getting a headline in a newspaper regardless of whether it breaches the law or standing orders. That is how the Liberal Opposition functions. However, the current Government will play by the rules. While the matter is before the courts, the House is very limited in what debate can take place on matters which are clearly set within the ruling.

That curtails the Opposition, and it also curtails the Government. The Government would like to take up the supposedly serious claims that the Leader of the Opposition has mentioned and that have supposedly been made in an affidavit of Mr Len Buckeridge. He is the very same Len Buckeridge - I presume this is not in the court action - who gloated about having a hit list for killing unionists. The Government would love to have the debate about Mr Buckeridge's credibility. However, it is not appropriate that we do it if it relates to matters that are currently before the courts. My understanding is that Mr Buckeridge's gloating claim that he had paid someone to kill people is not a matter that is currently before the courts. It is also not a matter that is currently before this House, because the House is dealing with the suspension of standing orders.

*Point of Order*

Mr J.H.D. DAY: Mr Speaker, you have given advice on a number of occasions to the Leader of the Opposition about the need to debate the motion before the House. The subject on which the Leader of the House is speaking is not that in the motion, which is about standing aside a minister. I ask that you draw the Leader of the House's attention to that fact and bring him into line.

The SPEAKER: During his eight-minute contribution I think the Leader of the House mentioned the suspension of standing orders far more than the Leader of the Opposition did. However, it is clear that he should not canvass other issues that might arise in another debate; he should stick to the suspension of standing orders.

*Debate Resumed*

Mr Colin Barnett; Mr Arthur Marshall; Speaker; Ms Alannah MacTiernan; Mr Rob Johnson; Mr John Kobelke;  
Mrs Cheryl Edwardes; Mr Eric Ripper; Mr John Day; Ms Sue Walker; Ms Margaret Quirk

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Mr J.C. KOBELKE: Thank you, Mr Speaker, I will speak to the motion, although I will first rebut a couple of points made by the Leader of the Opposition. He referred to an interim injunction being placed on tenders. That is clearly sub judice, and under Standing Order No 91, debate on that issue is not allowed. Nonetheless, it was a key element raised by the Leader of the Opposition.

Another issue is that of standing aside the Minister for Housing and Works. The Leader of the Opposition's argument moved outside the topic of suspending standing orders. No reference is made in the motion to the tender in Geraldton. He had no right to speak to that aspect during debate on this motion to suspend standing orders. Nevertheless, he was allowed to get away with it.

The issue is the suspension of standing orders, for which the Government sees no justification. The Leader of the Opposition did not attempt to make the case that the Minister for Housing and Works has contravened a matter before the courts. Numerous claims are made against ministers from time to time. As a minister, I have been the subject of court action in the past two years. The Government lost that case. However, it had no bearing on whether I had fulfilled my duties. People often seek to gain an advantage by taking action against the Government, which action involves the responsible minister. That is not a basis for assuming that the minister has not discharged his or her responsibilities in a full and proper way. I have great confidence that the Minister for Housing and Works has more than adequately discharged his ministerial duties. However, the issue before the House is the suspension of standing orders. Although the Leader of the Opposition ranged very widely outside the clear limits of the motion, he made no attempt to explain how the minister had somehow not carried out his duties according to the standards that are expected. He sought to re-run matters that are before the Supreme Court. I believe the minister has met those standards. This motion is a stunt. The suspension of standing orders is not justified. The Opposition has three hours of private members' time in which it can seek leave to give late notice of a motion. The Government would consider that very sympathetically if the Opposition were to provide a copy of the motion. The Opposition did not even craft the motion so that it was not contrary to Standing Order No 91. In making his contribution, the Leader of the Opposition wanted to re-run a bit of scandal surrounding allegations that will be heard before the court. He did not make a substantive case, even in passing.

Mr C.J. Barnett: Interfering in tenders -

Mr J.C. KOBELKE: That is not in the motion. The Leader of the Opposition is inept. The motion relates only to court matters. The Opposition's ineptitude has led it to bring on a stunt - a motion to which the Government will not agree. On that basis, standing orders will not be suspended.

**MRS C.L. EDWARDES** (Kingsley) [1.34 pm]: I also support the urgency motion to suspend standing orders. It is urgent because of the allegations of ministerial impropriety contained in the three affidavits filed in the Supreme Court. As a result of the seriousness of the matters raised, an interlocutory injunction was made against the Minister for Housing and Works and the Department of Housing and Works to halt progress on a tender for 22 units at Hamilton Hill. The Premier must stand the minister aside because state government contract work has stopped. The Department of Housing and Works has effectively been prevented from letting any more tenders while we speak today. Potentially, in the period during which the matter will wait to go to court, tenders cannot be let for Department of Housing and Works or police contracts. The Government should stand aside the minister as a matter of urgency.

Dr G.I. Gallop: How does this motion impact on that?

Mrs C.L. EDWARDES: There will be an impact. The state tendering system will stop.

Dr G.I. Gallop: How does standing him aside impact on the issue?

Mrs C.L. EDWARDES: The Premier should appoint a new minister who will not follow that policy.

Mr J.C. Kobelke: The minister would uphold the same government policy.

Mrs C.L. EDWARDES: The Government can put its head in the sand. Essentially, the impact of the injunction throughout the State will be to stop work on all tenders worth more than \$1.5 million - not just housing and police station contracts. That is a serious issue. The State's contracts will cease over the next two to three months unless the Government stands aside the Minister for Housing and Works and lets another minister get on with the job of signing contracts for this State. The minister now has a conflict of interest. The urgency and seriousness of this issue is reflected in the fact that he cannot make decisions on other contracts because of the allegations of impropriety. The Premier must therefore stand that minister aside. The State's tendering process has effectively been stopped due to allegations of ministerial impropriety in the tender process made in the Supreme Court. Until those matters are dealt with the minister cannot effectively sign off on any other tenders.

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The Government might be happy with that because it will save money and allow more money to be put into its supposed surplus.

The Treasurer is beaming while he thinks about how much money will be saved because no capital contracts will be let for three months. The amount of money saved by the Department of Housing and Works alone will be about \$160 million. Does the Government really think that by allowing the minister to remain in his position until this matter is determined, the tendering process in this State will continue to operate? If it does not stand aside the minister, the Government will effectively shut down all state contracts valued at more than \$1.5 million. That reflects the seriousness and urgency of the matter.

The allegations about the Minister for Housing and Works have been raised by a very senior public servant, who is an honourable person. This Government is seeking to establish the Corruption and Crime Commission; it has referred to the introduction of whistleblower legislation next week; it established the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers; and it introduced a ministerial code of conduct and set parliamentary standards. It all means nothing while the Government allows the minister to stay in his position until the matter is determined before the court. If the bloke at the top appears to be dodgy, what leadership is being provided to public servants?

Dr G.I. Gallop: Have you remembered why the money went over at the soccer ground yet? Talk about dodgy. Come on. Has your memory come back?

Mrs C.L. EDWARDES: What leadership is being given to public servants by the Minister for Housing and Works? If the Premier is serious about establishing the Corruption and Crime Commission, introducing whistleblowers legislation and adopting ministerial codes of conduct and codes of conduct for members of Parliament, he has no choice but to demonstrate that by standing aside the Minister for Housing and Works. If he does not want to take action for that reason he must consider the impact of the allegations on the state government tendering process between now and when the court case is heard. Is the Premier prepared for that to occur, or had he not thought about it? I bet neither the Premier nor the Government had considered the consequences. Government members wanted to put their heads in the sand and forget about it. They thought about what else could be put on the front page so that it would go away; they thought that would deal with it. The urgency and seriousness of this issue is that no more state government contracts will be let in this State until that matter is dealt with. I do not want to go through the process, as that and the reasons it was put in place will be the subject of the court case. However, I will talk about the process and what its impact will be - the letting of state government contracts will stop - why the Premier should stand the minister aside, and why the motion is serious and urgent.

The SPEAKER: I remind the member for Kingsley of the motion we are debating. The member should provide reasons for the suspension of standing orders, and should not discuss the motion that she wishes to debate if the standing orders are suspended. I call the member to direct her comments to the suspension motion.

Mrs C.L. EDWARDES: Thank you, Mr Speaker. We are debating the motion to suspend standing orders and why it needed to be an urgent motion. I have clearly explained to the Government a fact that its members had not considered; that by not standing aside the minister, there is the potential for the letting of government contracts to stop. The Government needs to appoint another minister to that position. The other serious issue that is before the court is the tender process. The minister has changed the policy to stop companies from getting too much work. He wanted to prevent companies from gaining more than five contracts at a time worth \$1.5 million each. That is why the state government tender process will stop. Each company that has the potential to take on more than five contracts valued at more than \$1.5 million could go to the Supreme Court to obtain an interlocutory judgment. The issue is the eligibility requirements of tenderers. I will read from a tender of 30 May 2003.

The SPEAKER: I fail to see how the tender documents and what is written in them has anything to do with the suspension of standing orders motion, which we are now debating. I direct the member for Kingsley to speak only to the suspension of standing orders motion.

Mrs C.L. EDWARDES: Mr Speaker, the suspension of standing orders would allow debate to occur on the motion that the Premier stand aside the Minister for Housing and Works. The reason for the urgency and seriousness of this motion and why the Government must stand aside the minister is that this State will have no ability to let tender contracts because of the eligibility criteria for tenderers. The policy was changed and affects companies eligible to tender for state government construction contracts. Any company that falls outside the eligibility criteria will be regarded as being nonconforming, and the tender documents will be returned. If the Government does not stand aside the minister, it will not be able to deal with this issue. It will not be able to deal with any state government tender requirement whatsoever. No criteria have been set for how that policy

**Extract from *Hansard***  
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Mr Colin Barnett; Mr Arthur Marshall; Speaker; Ms Alannah MacTiernan; Mr Rob Johnson; Mr John Kobelke;  
Mrs Cheryl Edwardes; Mr Eric Ripper; Mr John Day; Ms Sue Walker; Ms Margaret Quirk

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should be interpreted or how those to be exempted as a result of the policy change will be determined. If a company that might want -

The SPEAKER: I have warned the member for Kingsley about the standing orders. The member's contribution to this debate is now finished.

*Question to be Put*

**MS M.M. QUIRK** (Girrawheen) [1.44 pm]: I move -

That the question be now put.

Question put and a division taken with the following result -

Ayes (27)

Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mr E.S. Ripper
Mr A.J. Dean	Mr R.C. Kucera	Mr N.R. Marlborough	Mrs M.H. Roberts
Mr J.B. D'Orazio	Mr F.M. Logan	Mrs C.A. Martin	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr M.P. Murray	Mr P.B. Watson
Dr G.I. Gallop	Mr J.A. McGinty	Mr A.P. O'Gorman	Mr M.P. Whitely
Mrs D.J. Guise	Mr M. McGowan	Mr J.R. Quigley	Ms M.M. Quirk ( <i>Teller</i> )
Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich	

Noes (19)

Mr R.A. Ainsworth	Mr J.H.D. Day	Mr A.D. Marshall	Mr T.K. Waldron
Mr C.J. Barnett	Mrs C.L. Edwardes	Mr B.K. Masters	Ms S.E. Walker
Mr D.F. Barron-Sullivan	Mr B.J. Grylls	Mr P.D. Omodei	Dr J.M. Woollard
Mr M.J. Birney	Ms K. Hodson-Thomas	Mr P.G. Pandal	Mr J.L. Bradshaw ( <i>Teller</i> )
Dr E. Constable	Mr M.G. House	Mr R.N. Sweetman	

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Pairs

Mr S.R. Hill	Mr M.F. Board
Mr P.W. Andrews	Mr J.P.D. Edwards
Mr C.M. Brown	Mr R.F. Johnson

Question thus passed.

*Suspension of Standing Orders Resumed*

Question put and a division taken with the following result -



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Mrs Cheryl Edwardes; Mr Eric Ripper; Mr John Day; Ms Sue Walker; Ms Margaret Quirk

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Ayes (19)

Mr R.A. Ainsworth	Mr J.H.D. Day	Mr A.D. Marshall	Mr T.K. Waldron
Mr C.J. Barnett	Mrs C.L. Edwardes	Mr B.K. Masters	Ms S.E. Walker
Mr D.F. Barron-Sullivan	Mr B.J. Grylls	Mr P.D. Omodei	Dr J.M. Woollard
Mr M.J. Birney	Ms K. Hodson-Thomas	Mr P.G. Pandal	Mr J.L. Bradshaw ( <i>Teller</i> )
Dr E. Constable	Mr M.G. House	Mr R.N. Sweetman	

Noes (28)

Mr J.J.M. Bowler	Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mr E.S. Ripper
Mr A.J. Dean	Mr R.C. Kucera	Mr N.R. Marlborough	Mrs M.H. Roberts
Mr J.B. D'Orazio	Mr F.M. Logan	Mrs C.A. Martin	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr M.P. Murray	Mr P.B. Watson
Dr G.I. Gallop	Mr J.A. McGinty	Mr A.P. O'Gorman	Mr M.P. Whitely
Mrs D.J. Guise	Mr M. McGowan	Mr J.R. Quigley	Ms M.M. Quirk ( <i>Teller</i> )

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Pairs

Mr M.F. Board	Mr S.R. Hill
Mr J.P.D. Edwards	Mr P.W. Andrews
Mr R.F. Johnson	Mr C.M. Brown

Question thus negatived.

The SPEAKER: It is now my intention to move down the Notice Paper, calling for petitions, papers, notices, and brief ministerial statements prior to question time. The standing orders require that ministerial statements be presented prior to question time.