

MINISTER FOR THE ENVIRONMENT - CENSURE FOR ANSWER TO QUESTION

Standing Orders Suspension - Motion

MR C.J. BARNETT (Cottesloe) [3.09 pm] - without notice: I move -

That so much of standing orders be suspended so as to allow the following motion to be moved -

That this house censures the Minister for the Environment for misleading the house in respect to his answer to a parliamentary question in relation to the lead poisoning issue in Esperance.

I do not intend to detain the house for very long at all. I simply want to make the point that yesterday, a clear question was asked of the Minister for the Environment about a highly contentious public issue over lead poisoning in the town and the port of Esperance. It is the sort of issue that any minister would have foremost on his radar screen. The question included, "Did the minister or any of his staff advise the Minister for Planning and Infrastructure that the Department of Environment and Conservation was about to lay charges against the Esperance Port Authority?" Anyone who is or has been a minister would know the answer to that question. The minister's answer was no. He denied that his staff had tipped off the Minister for Planning and Infrastructure. He misled this house. There is no doubt about that. I find it inconceivable that he and his staff would not have been aware that the Minister for Planning and Infrastructure had been tipped off. Indeed, when the Minister for the Environment answered no in question time, the Minister for Planning and Infrastructure was sitting over on the other side and remained silent. She had an opportunity to get up or to interject and correct the public record immediately. Therefore, he misled the house and the Minister for Planning and Infrastructure was duplicitous. That is unacceptable. The minister was asked a question on an issue that is very much in the public domain. We are talking about a scandalous issue of lead poisoning - a major public health issue under the responsibility of the Minister for Planning and Infrastructure and the Minister for the Environment. The Minister for the Environment was asked, "In relation to the laying of charges under the environmental legislation, did the Minister for the Environment alert the Minister for Planning and Infrastructure?" It is a fairly pertinent point, when the minister had previously made a comment to the effect that "This has nothing to do with me. This is a departmental process." It had nothing to do with him until he tipped off the Minister for Planning and Infrastructure. Suddenly, it had something to do with him.

In my view, he misled this house. He answered straight out, "No." There was no equivocation about it. He said, "No." He did not say, "I'm unsure; I need to check; I need to find out", and the Minister for Planning and Infrastructure sat over there and just went along with it. This is a government without integrity. We saw it today with the response of the Premier to the questions about the drink-driving offence of the member for Collie-Wellington; that is just one more example.

I have moved this motion. I do not want to go on. I think the point is quite obvious. It was a straight-out question on a highly public, contentious issue. On this issue, the government tried to frustrate the inquiry. Charges have been laid before the committee report has been presented. The Minister for the Environment was asked a question, "Did you inform the Minister for Planning and Infrastructure?" and he said without hesitation, "No." That is not the truth. He came into this chamber today and thought he could get up, make a little statement, and it would be okay. It is okay to mislead the Parliament of Western Australia; it is okay to mislead the people of Esperance, who are rightly concerned about lead poisoning. We must not forget that children in that town were found to have unacceptably high levels of lead in their blood. Does this government not care about it? I suspect it does not, because neither the Minister for the Environment nor the Minister for Planning and Infrastructure has bothered to return to this chamber.

The government will now use its numbers to try to deny it. I am glad that the Minister for the Environment has come back into the chamber. I will at least give him points for that. I put it to the minister, now that he is in the chamber, that he misled this house yesterday. When asked the question, "Had the Minister for Planning and Infrastructure been informed that charges had been laid?" the Minister for the Environment's answer was no. If the minister was not sure - that can happen - he should not have answered no. However, he made what he thought was a smart-alec political response and said that it had not happened. The minister thought he could play politics. This is not the Mandurah City Council anymore. The minister is publicly accountable, and his public response, as a minister of the Crown, was untrue. That is why I have moved this motion. It gives the Minister for the Environment an opportunity to stand and tell us the truth, and it gives the Minister for Planning and Infrastructure the opportunity to return to this chamber and admit that she was tipped off about the laying of these charges before they became public. The minister must remember that he told this house that it had nothing to do with him; he was not involved. Hang on, minister. He was involved. He knew, and he took action to tip off his parliamentary colleague the Minister for Planning and Infrastructure, who may well be culpable in the issues of the lead transport and the lead export through the port of Esperance.

Mr Colin Barnett; Dr Steve Thomas; Speaker; Mr John Kobelke; Mr Max Trenorden; Ms Katie Hodson-Thomas;
Mr David Templeman; Mr Matt Birney

DR S.C. THOMAS (Capel) [3.15 pm]: This is a question of the integrity of Parliament and its processes. I believe that it is more than appropriate that we suspend standing orders at this stage so that the Minister for the Environment can answer some questions. It is obvious to me that the Minister for the Environment had a number of choices when confronted with the question yesterday about whether he discussed, or anyone in his office discussed, with the minister or anybody in her office the laying of charges by the Department of Environment and Conservation. A number of answers were available to the minister. If he was unsure of the answer, he could have said, "I don't know." If he did not know the answer, he could have said, "I will find out what the answer is."

There may have been a small amount of confusion about the question, because it was couched in two terms. There was the question about whether the minister knew, and there was the question about whether this was spin. That might be the attempted defence of the Minister for the Environment. That is no defence. If it should be the attempted defence of the Minister for the Environment, he should at least have the courage, and the government should have the courage, to stand by that defence and have it open to parliamentary scrutiny. If that is his defence, let him stand and say so and be judged on the floor of Parliament; otherwise, he has no defence, and if he does not have the ability or the -

The SPEAKER: Of course, we are debating why we should suspend standing orders, not the motion that members will wish to debate if the suspension is granted. The member for Cottesloe was given some leeway to head the debate, but such leeway does not flow down the chain of speakers. Therefore, the member should stick to the motion.

Dr S.C. THOMAS: Thank you, Mr Speaker.

This motion needs to be supported and standing orders need to be suspended, because the question of the integrity of Parliament is at stake. At this stage, it is not just the question of the integrity of the Minister for the Environment and the interactions he might have had with the Minister for Planning and Infrastructure that need to be addressed. The very nature of question time and the ability for ministers to half answer or not answer, or, as the motion says, potentially mislead in an answer not only members of the opposition, but also the Parliament itself and the public of Western Australia, need to be addressed.

MR J.C. KOBELKE (Balcatta - Leader of the House) [3.17 pm]: There is absolutely no basis for the suspension of standing orders, which is the motion before the house. It reflects how members opposite do not conform to the procedures of the house and seek to abuse them, rather than use them correctly. Although I will not canvass the substantive matters, I need to touch on them briefly. In response to a question yesterday, the minister provided an answer. A supplementary question was then asked. Again, the opposition fell into the fault of -

Ms K. Hodson-Thomas: No, it wasn't. It was part of the substantive question, and you know it. It was the third part of the substantive question.

Mr J.C. KOBELKE: The member fell into the fault of not asking a supplementary question.

Several members interjected.

The SPEAKER: If members wish to stand and contribute, they have legs and they can stand. Members should let the Leader of the House speak to the motion.

Mr J.C. KOBELKE: I think the point of interjection reflects exactly what I am saying. Members opposite have no understanding of the forms of this place, they have great disrespect for this place, and, therefore, they seek to abuse it by moving a motion to suspend standing orders. The point I was making was that yesterday, after the member asked his question, he rose on a supplementary, and actually asked two supplementary questions. The minister correctly answered the second one. The first one, though, was the substantive part of the supplementary question. If members opposite stuck to the standing orders and asked one supplementary question, not two, there would not have been this confusion. The minister quite correctly cleared up that confusion with his supplementary information today. There is not an issue that requires the suspension of standing orders.

MR M.W. TRENORDEN (Avon) [3.19 pm]: The Leader of the House has just challenged the Speaker. The Speaker is the only person in this place who has the right to decide what is a question and what is not a question. We just saw him struggling through question time today. Supplementary questions are a formal part of this chamber.

Mr J.C. Kobelke: One but not two.

Mr M.W. TRENORDEN: That is not the Leader of the House's decision; that is the Speaker's decision.

Mr Colin Barnett; Dr Steve Thomas; Speaker; Mr John Kobelke; Mr Max Trenorden; Ms Katie Hodson-Thomas;
Mr David Templeman; Mr Matt Birney

Mr J.C. Kobelke: If members do not stick to the rules, they will not get answers.

Mr M.W. TRENORDEN: The Leader of the House has no role in that. The Leader of the House has talked about members on this side not understanding the rules. The Leader of the House has no role in that. The decision about whether a question is acceptable is purely that of the Speaker, whom we defer to for those decisions. Any question that is passed is a question. Any part of a supplementary question is part of the question. That is in the standing orders. Therefore, the Leader of the House's argument has no ground.

MS K. HODSON-THOMAS (Carine) [3.21 pm]: I do not normally get involved in these types of issues but it is important to state in this Parliament today that the member for Capel asked a substantive question that had three parts. I will not quote from the question because I have an uncorrected *Hansard*. The Leader of the House tried to intimate that the member for Capel did not ask the question as part of the substantive question and that, in fact, it was just supplementary and he was trying to clear that up. That is an absolute nonsense. The Leader of the House is drawing a long bow.

MR D.A. TEMPLEMAN (Mandurah - Minister for the Environment) [3.22 pm]: When I looked at the uncorrected *Hansard* late yesterday afternoon I recognised that I had responded to the second part of the question; however, I had not answered the crux of the question in the first part that was asked in the substantive question. I rose after question time today in an attempt to clarify my response.

Mr R.F. Johnson: Why did you not take the first opportunity last night? You should have done that.

Mr D.A. TEMPLEMAN: The member for Hillarys is correct; I should have.

Mr R.F. Johnson interjected.

Mr D.A. TEMPLEMAN: I am answering the member's question. In hindsight I should have got up last night and corrected it then.

The SPEAKER: The question before the house is that standing orders be suspended. If I hear a dissenting voice, I will need to divide the house. Those in favour say aye. Against say no. I hear a dissenting voice. I call a division.

[Bells rung.]

Point of Order

Mr R.F. JOHNSON: A member on the other side of the chamber came in after it was ordered that the doors be locked. She was not in her seat when the count started.

The SPEAKER: When I called for the doors to be locked I presumed that the doors were all locked. The fact of the matter is that there is a tradition in this place that when I call for the doors to be locked all members are seated and then counted. I ask the member for Swan Hills to remove herself from the count.

Division taken with the following result -

Ayes (22)

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

Noes (27)

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

Extract from *Hansard*
[ASSEMBLY - Wednesday, 15 August 2007]
p4124b-4127a

Mr Colin Barnett; Dr Steve Thomas; Speaker; Mr John Kobelke; Mr Max Trenorden; Ms Katie Hodson-Thomas;
Mr David Templeman; Mr Matt Birney

Pair

Mr A.J. Simpson

Mrs M.H. Roberts

Absolute majority not achieved; question thus negatived.

Point of Order

Mr M.J. BIRNEY: I seek clarification from Mr Speaker about his ruling that members must be seated in order for their votes to be counted. My understanding of the standing orders is that there is no such requirement. Could Mr Speaker please confirm that that is the case?

The SPEAKER: That is my ruling in relation to the matter.

Mr M.J. BIRNEY: As a further point of clarification, could Mr Speaker please clarify to the house whether the standing orders require that to happen?

The SPEAKER: I do not wish to get into a debate with the member for Kalgoorlie; however, the standing orders give me control of the house. As I stated, when the house is called to a division members who are seated are the ones who are counted.

Mr M.J. BIRNEY: The standing orders do not show that.

The SPEAKER: The member for Kalgoorlie should not persist or I will have him removed.