

LOBBYISTS — REGULATION

Urgency Motion

THE PRESIDENT (Hon Barry House): I received the following letter this morning —

Dear Mr President

Pursuant to Standing Order 72, I hereby give notice that at today's sitting I intend to move;

That this House condemns the Premier for failing miserably on his election commitment to open, accountable and transparent Government, and calls upon him to explain why he has not delivered on the promise he made during the 2008 election campaign to "move quickly to legislate to register and monitor the activities of consultant lobbyists".

Yours sincerely

Hon Ljiljanna Ravlich

Member for East Metropolitan Region

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

HON LJILJANNA RAVLICH (East Metropolitan) [3.54 pm]: I move the motion.

The commitment for a lobbyists register was actually made in August 2008, so it has been more than a year since it was made. I bring this matter of urgency to the attention of the house because the Barnett government and the Premier, Hon Colin Barnett, have failed the people of Western Australia by breaking yet another election commitment. This is a key election commitment because the government, when in opposition, ran very strongly on this issue, saying that it would be an open and accountable government. As part of its election commitments, the government promised to legislate to deal with the registration and monitoring of the activities of consultant lobbyists. That was a central plank of its accountability platform. It now appears that the government has forgotten its election commitment to move quickly to legislate for the regulation and registration of lobbyists.

Given that 13 months have now passed, the government, and the Premier in particular, have done anything but move quickly. One must ask oneself whether this tardiness is accidental or a matter of design by the Premier himself. In other words, has the Premier intentionally put other priorities before legislation for the regulation of the activities of lobbyists? One would have to say that it is no accident; it is more a matter of design by the Premier. With all the resources available to the government, it cannot tell me that in 13 months it has been unable to draft a bill to bring to the Parliament on the registration and monitoring of the activities of lobbyists. Further, this issue was part of the government's 100-day plan. Obviously, the Premier thought that he could do it within 100 days, but now we see month 13 of the new government and still no lobbyists register.

Hon Simon O'Brien: Which lobbyists are causing you concern?

Hon LJILJANNA RAVLICH: I will get to that.

Yesterday, we heard in the media that Mr Conran has made no secret of the fact that the Premier has encouraged his ministers to meet with lobbyists. If members look at *Hansard*, they will see that there is quite a lot of information on the activities of lobbyists, the way they are meeting and which staff, ministers' officers and ministers themselves they are meeting with. From answers to questions that the opposition placed on notice, it is quite clear that Mr Conran, as the Director General of the Department of the Premier and Cabinet, has had no fewer than 83 email contacts with Mr Paul Everingham on a range of clients, and 23 meetings or telephone exchanges. We also know that the Premier and his staff have had a great deal of contact with lobbyists since September 2008. I asked every minister, regarding the period since 23 September 2008, how many times the minister or members of his staff have had contact with lobbyists, and the nature of that contact—that is, whether it was via telephone, email, written mail or face-to-face meetings. I also asked, regarding the occasions of face-to-face meetings, the name of lobbyists, the dates of the meetings, the name of the third party for whom the lobbyist was providing paid or unpaid services and the nature of the third party's issue.

The response from the Premier was very revealing. From answers to those questions, we know that the Premier and his staff have had a great deal of contact with lobbyists since September 2008. There have been 28 telephone contacts, 155 email contacts, no written mail contacts—which is also very interesting—and 49 face-to-face meetings. That is a total of 232 contacts between lobbyists and the Premier and/or his staff. This is very concerning. We also know that the Minister for Mines and Petroleum and his staff have also had considerable contact with lobbyists since September 2008. Unlike the Premier, the minister failed to disclose the nature of the contact with the lobbyists—whether it was via telephone, email or written mail. However, he did disclose the

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face-to-face contacts. I will ask the Minister for Mines and Petroleum, Hon Norman Moore, why he failed to provide the information that I sought for those three categories of contacts, given that they are defined in the lobbyists code of conduct as "contact with a lobbyist". Why did the Minister for Mines and Petroleum choose not to provide information about the contact that he had with lobbyists operating in Western Australia either via the telephone, email or written correspondence? From the responses that we got from the Minister for Mines and Petroleum, we know that he and his staff have had 32 meetings with lobbyists, seven of which were with the registered lobbyist Mr Paul Everingham on behalf of a range of clients. The Minister for Mines and Petroleum has had many phone calls or electronic emails and written contact that he cannot recall. In any event, if he cannot recall them and if he fails to disclose them, he needs to understand that there is an obligation on him to keep a record of these contacts under the provisions of the code of conduct for dealing with lobbyists. We need Mr Moore to put on the public record the contacts that he and his office has had with lobbyists by either telephone, electronic or written contact. If he cannot do that, he must explain why he cannot and how the public can have confidence in him, given that he cannot explain —

Several members interjected.

Hon LJILJANNA RAVLICH: The minister is being too clever by half. There must be a very good reason why he failed to provide that information. He must explain why he has failed to provide the information that was sought of him. It is very simple. The activities of Mr Conran, the Premier and the Minister for Mines and Petroleum are simply the tip of the iceberg. We have evidence to that effect. The number of lobbyists is growing. We do not know whether the lobbyists or the ministers are engaging in inappropriate conduct. Quite frankly, what the questions and the lack of answers from the ministers reveal is that it has been very difficult to access, for example, ministerial diaries. It is amazing that there are so many email contacts, yet when we ask in a freedom of information request to be provided with the emails between ministers and lobbyists or between chiefs of staff and lobbyists, we are told that none of that information is available. Given the Premier's own admission and the admission of ministers that they frequently engage in contact with lobbyists through email, we must ask why this information is not being handed over as part of the FOI process.

Without a formal registration process, we do not know how many people are performing the role of a lobbyist. In 2006, Hon Liz Constable attacked Alan Carpenter for his plan to establish a register of lobbyists. He established that register in 2007. To date, what have we got? We still have that register. Quite frankly —

Hon Simon O'Brien: It is okay; we still have it.

Hon LJILJANNA RAVLICH: The Liberal Party promised that it would introduce relevant legislation to the other place within the first 100 days of being in office and then through that place to this place. The government has failed to do that. It has now been 13 months. The government does not have an excuse for not doing it. The government promised it in August.

Hon Simon O'Brien: We were not in government last August, you silly person.

Hon LJILJANNA RAVLICH: I half suspect that they are getting a bit riled up over there because they are concerned, and they have every right to be concerned. After so much inactivity, it is reasonable for us to ask how much time the Premier considers to be moving quickly on this important election promise. It is important to ask whether the Premier still believes that consultants should be registered and that their activities should be monitored and reported on a regular basis and what sort of monitoring is occurring. They are very reasonable questions indeed. It is important to also ask the Premier whether he intends to publish a register on the internet to provide all the information that he promised would be provided. What interim process and procedures has the Premier put in place to monitor the activities of lobbyists? If he has not put any processes in place, why has he not put those processes in place? I also believe that we should be asking whether the Premier still holds the view that organisations such as the Australian Hotels Association, the Australian Medical Association and the Chamber of Commerce and Industry of Western Australia represent a view of their constituent members and therefore are also lobbyists, as he was reported to have said in *The West Australian*. Will they be captured by the legislation that he intends to bring into the Parliament, albeit very belatedly?

Although the Premier promised that this government would be big on accountability, the people of the state have very good reason to be concerned. The responses that we, on our side of politics, have received in response to the activities of lobbyists are very concerning. Mr Everingham had plenty of meetings with Mr O'Brien.

Hon Simon O'Brien: What is the problem? Tell me. Is it that I have not reported all meetings or contacts? They were not all meetings; some were contacts. Is it a problem that I have reported them or that I have not reported them, or that I have met with him? What is your problem?

Hon LJILJANNA RAVLICH: The question has to be asked: how is the Minister for Transport managing the processes by which he deals with the lobbyists? How does Mr O'Brien deal with those potential conflicts?

Hon Simon O'Brien: What conflicts?

Hon LJILJANNA RAVLICH: Mr O'Brien, why did you not do me a favour and hand over your diary as you should have done in the first place —

The PRESIDENT: Order! I am sure that the member meant to say either "Hon Simon O'Brien" or "Minister for Transport".

Hon LJILJANNA RAVLICH: I thank you, Mr President.

The issue is about being open, accountable and transparent. We are seeing a culture emerging whereby the government is not open, transparent or accountable. We are finding it very hard to access information about the nature of the contact that is occurring. We know, for example, through the questions that we put to Hon Norman Moore, that he chose to avoid certain parts of the question, for whatever reason.

Hon Norman Moore: I will go back to look at the question. It was probably faulty.

Hon LJILJANNA RAVLICH: The Minister for Mines and Petroleum should have looked at the question in the first place. There is no point in going back and answering it now. The Minister for Mines and Petroleum avoided answering it and he was not transparent. Frankly, that is not good enough.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [4.09 pm]: This letter concerning the urgency motion was sent to you, Mr President, by the shadow minister for accountability, which I think is a great contradiction in terms. When I read that the urgency motion was about lobbyists, I must confess that I wondered why the Labor Party was going there. Why does the Labor Party want to raise the issue of lobbyists? There used to be a time in Western Australia when being a lobbyist was an honourable profession. Indeed, they played a very significant role in assisting people to get through the very complicated processes of government. As I have said, lobbying used to be a very honourable profession. However, that situation changed. I can tell Hon Ljiljanna Ravlich when it changed. It changed during the term of her government. During the term of the former Labor government, we heard from the Corruption and Crime Commission, almost on a daily basis, about the activities of a range of lobbyists. Some of those lobbyists were former Australian Labor Party ministers. Those lobbyists were very successful. There is one simple reason that those lobbyists were so successful—it was because lobbying was the only way that anyone could get a decision out of that government! When Burke and Grill were expelled as lobbyists, we all knew that the wheels of government would fall off! The reason those two lobbyists became so powerful is that the only way anyone could get a decision out of the Labor government was to go to Burke and Grill, and they would talk to someone they knew, and hopefully that interaction would cause a decision to be made. There are a vast number of people in the community who would say, "Thank God for Burke and Grill, because at least they were able to get the government to do something!" When Burke and Grill were expelled as lobbyists, the wheels of government fell off, and the Labor Party was ultimately tossed out of office.

I want to give members some of the background to why the situation with lobbyists changed during the term of the former Labor government. The former Premier, Alan Carpenter, made the decision that the concerns about lobbyists that had been raised by his predecessor, Dr Gallop, were no longer an issue, and that he would move on and allow his ministers to meet with Mr Burke and Mr Grill and be lobbied by them. That is when everything went pear-shaped. It was revealed by the CCC, after some investigations, that some lobbyists and some ministers had been behaving badly, and as a result charges were laid and some ministers were sacked or forced to resign.

That is the scenario that we inherited when we came into government after the election. Yes, we did give a commitment that we would legislate to control the activities of lobbyists. We gave that commitment because of the behaviour of not only a number of lobbyists, but also a number of ministers and public servants who had been lobbied. That is, regrettably, a stain on the history of Western Australia, because it has cast serious doubt on the behaviour of all lobbyists. The fact is that 99.9 per cent of lobbyists are honourable people who are doing a good job. They lobby ministers on behalf of clients who have a problem. That is often the only way in which people in the community, be they businesspeople, community groups or whatever, can gain access to a minister or a decision maker. The lobbyist raises with the minister or the decision maker the concerns of those individuals or groups, and the minister or decision maker makes a decision based on the submission put by the lobbyist. On 99.9 per cent of occasions, that type of lobbying is a very proper way of dealing with people's concerns, and it has been going on for generations.

I now want to respond to some of the matters raised by Hon Ljiljanna Ravlich. There is a register of lobbyists. That register was set up by the former government. That register is still in place. The names of all the lobbyists are on that register. The member can go on the net and see that register. Every meeting that I have with a lobbyist—there are not millions of them—is recorded. Every meeting is witnessed by someone, who records who was at the meeting and what the issue was.

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Mr Everingham is a very successful lobbyist, obviously. He has been able to gain access to a whole range of ministers and ministerial officers. That is because he has a lot of clients, and his clients have a lot of problems. Many of his clients are mining company people. These people come to me because they are having problems with the mining approvals system. We inherited that approvals system from the former government. These people are saying that trying to get their approvals through the system is like trying to—well, I will not say what it is like, but it is very, very difficult to get approvals through that system. Therefore, lobbyists come to see me, as the Minister for Mines and Petroleum, to ask whether I can help their clients. What has Mr Everingham done that the member believes is wrong? The member has made no allegations of impropriety against Mr Everingham, other than to suggest that by meeting with a lot of ministers a lot of times, he must be doing something wrong! That is an absurd conclusion. The reason he meets with a lot of people is that he has a lot of clients. If the member is going to allege that he has done wrong, she should do it now. I can say to the member also that Mr Everingham meets with Mr Ripper! Does the member think he is doing something wrong by meeting with Mr Ripper?

Hon Simon O'Brien: Probably!

Hon NORMAN MOORE: Mr Everingham has met with Mr Ripper probably 10 times since Mr Ripper has been the Leader of the Opposition. He also meets with Ben Wyatt. Perhaps he is talking about uranium! Yes! Perhaps he is talking about uranium!

Several members interjected.

The PRESIDENT: Order, members!

Hon NORMAN MOORE: Is it improper that he should meet with Mr Wyatt to talk about uranium mining? That might be the improper behaviour, Mr President! He also meets with Mike Megaw. Who is Mike Megaw? Mike Megaw is the chief of staff of Mr Ripper! He meets with him once a week, on average, on behalf of his clients. These are the sorts of people whom Mr Everingham is meeting with. Is Hon Ljiljanna Ravlich suggesting that there is something improper about that? Perhaps he did raise the uranium issue! Perhaps that is why Mr Wyatt has been frozen out of the Leader of the Opposition's office! Perhaps that is the reason he is in trouble! He has transgressed the Labor Party's policies as espoused by the left wing of the Labor Party, who happen to occupy seats in this chamber. Mr Everingham is a successful lobbyist. Indeed, he has seen a lot of people from both sides of politics during our time of government. If Hon Ljiljanna Ravlich has some allegations of impropriety, she is duty bound to reveal that. Otherwise, this is just a smokescreen that the member has created to try to suggest that there is some impropriety, when there is not, and the member knows there is not.

The government has made a commitment that we will introduce legislation to deal with lobbyists. I will tell members how we are dealing with this matter. The Public Sector Commissioner, with the assistance of Mr Robert Cock, who has been engaged by the government as a special counsel, is looking at a range of issues with respect to accountability and the way in which government functions. The Public Sector Commissioner has recently consulted with a range of people, including lobbyists who are on the list, public sector agencies, ministerial officers, and others, to look at how this legislation might be put in place. A range of questions need to be answered, and a range of issues need to be assessed. We are looking at what is happening in Queensland, where there is a bit of an issue with lobbyists—as we have all noticed; another Labor government! Only a few countries in the world have legislation to deal with lobbyists. Those countries are Canada, the United States, Hungary and Poland. This legislation will be the first of its nature in Australia. This is a complex issue, and we will deal with it when we have had the complexities sorted out. That legislation is unlikely to be introduced into the Parliament this year. However, the development of this legislation is a priority for our government.

One of the issues that will need to be sorted out is who will be included in the definition of “lobbyist”. The current definition of “lobbyist” is the same as the definition that was put in place by the former government. Under that definition, the Australian Hotels Association and the Australian Medical Association did not need to be registered as lobbyists. Therefore, those organisations do not need to be registered as lobbyists now. If Hon Ljiljanna Ravlich thinks that the AHA and the AMA—and all the unions—should be on the register of lobbyists, please tell me! Should the unions be on the register, because they are lobbyists, too, just like the AHA and the AMA?

Hon Ljiljanna Ravlich: They are not!

Hon NORMAN MOORE: Of course they are! They are coming here tomorrow, I am told, to sit in the courtyard to lobby about a pay rise for some of their members! Is that lobbying, or not? That is another question the member might like to think about.

The legislation that we propose to introduce will include a requirement for a statutory declaration regarding criminal convictions; restrictions on former ministers and senior public servants working as lobbyists; disclosure

of success fees; details of what lobbying activities should be disclosed; and sanctions that can be applied to government representatives and lobbyists for not complying with the legislation. There is a range of things that will need to be looked at very carefully.

In respect to the question that the member has asked me, and to which I have given the member an answer, I thought that I had answered that question according to the way the member had worded it. I will go back and have another look. If I have not provided the member with a proper answer to the question, of course she will get one. I have got nothing to hide.

HON GIZ WATSON (North Metropolitan) [4.19 pm]: I will say a few words on this urgency motion, because the regulation of lobbyists is something that the Greens (WA) have long been advocating for with governments of both persuasions.

Hon Simon O'Brien: Are you registered to lobby?

Hon GIZ WATSON: I am happy to be registered, if that is necessary.

I was asking a question today about the legislation on lobbyists, so this motion is very timely. The Greens are happy to see legislation come into this place that we can debate. I am glad to hear from the Leader of the House that that has been considered. I am disappointed that it is taking a long time.

The Greens looked very closely at the Canadian legislation. Out of the models that are available we would argue that the Canadian model is the closest model that we would recommend for Western Australia.

Some very interesting questions can be asked about lobbyists. Obviously the main questions are how comprehensive the register is and whether we need legislation rather than a code of conduct. It is very clear that a code of conduct has not worked in this state. I will touch on the circumstances around the standing committee I chair and chaired at the time of a particular inquiry that involved the activity of lobbyists. Interestingly enough, those members who were involved in circumstance in which they were talking to lobbyists were not in breach of the Premier's code of conduct because they were not ministers. One of the things we argued then, and we would still argue, is that obligation on ministers should be extended to all members of Parliament because members can have influence over decisions and be decision-makers in their role on parliamentary committees. Of course, lobbyists might seek to influence the operations of committees or the decision making of members in the Parliament. All members of Parliament should be covered by the legislation. We argue that all members should be bound by legislation, the point being that legislation provides penalties for failing to comply. A code of conduct has no teeth, and that is another reason that we would argue that it has failed. The Greens were happy that the previous government did move to have a code of conduct. At least that was a step in the right direction and an acknowledgement that there is a huge amount of community concern about, and genuine cynicism of, the role that lobbyists play in influencing decision makers. I can see from where the Leader of the House is coming; that is, a lobbyist just assists people to get through complicated areas of government processes.

Hon Norman Moore: You will see it when you are a minister.

Hon GIZ WATSON: I look forward to that day.

It can be couched in those terms, but let us not kid ourselves that some people have more access to government than other people. Lobbyists are basically paid because they can achieve that access.

Hon Norman Moore: In my case, anyone who wants to meet with me can do that. It doesn't matter whether the person is a lobbyist or not. Lobbyists do not get preference over anybody else, and I am sure it is the same in every case.

Hon GIZ WATSON: Lobbyists are usually paid to achieve a certain outcome.

Hon Simon O'Brien: Not by us, they are not.

Hon GIZ WATSON: No, I am not suggesting that they are being paid by the government, but they are paid by their clients to achieve a certain outcome. The reason individuals or companies employ lobbyists to pursue a matter on their behalf is to achieve the outcome they are seeking.

Hon Norman Moore: I generally ask the company why they got a lobbyist when they could just ring themselves.

Hon GIZ WATSON: That raises a very good question. If people felt that they could ring themselves, we would not have lobbyists. Lobbyists must be doing something else. I suggest that lobbyists have connections and relationships and are probably good at what they do. I am not suggesting that they do not know the processes, they are not articulate and cannot put together a good argument. However, we would be kidding ourselves if we suggested that they are not people who are employed because they are influential and have contacts.

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Interestingly, that is why we see former members of Parliament becoming lobbyists. One of the things that the Canadian legislation provides and that we strongly recommend that this government takes up is to include in the legislation a cooling-off period so that a member of Parliament cannot go straight from that position to becoming a lobbyist. I think the Canadian legislation provides for a couple of years, but I cannot remember that detail off the top of my head because it is a while since I looked at it. That would go a long way to addressing community concerns and cynicism that the influence of lobbyists is related to their connections.

Hon Norman Moore: The reason that members of Parliament are quite successful is that they actually know how government works.

Hon GIZ WATSON: I understand that, but, as we know, if a member of the government knows the person who wants something, it is likely to be agreed to.

It is important that there is transparency and accountability in this area. Even if members agree that lobbyists are simply helping people to get through the process, what the community expects, and rightly expects, is that they should know who the lobbyists are and who they are employed by to represent what particular interests or projects. It is also important that the full range of lobbyists is covered by legislation. The proposals that I have heard to date do not include in-house lobbyists. If a person is a stand-alone lobbyist or works for a company that is lobbying as a business, they are covered, but if, for example, a person works for a major mining company and part of his or her role is to lobby decision makers, it gets harder to make that definition. I suggest that what the community expects, and what the Greens would support, is a more comprehensive coverage of all people engaged in lobbying activities, including non-government organisations. It is not only about who is making money or has the potential to make money. If we are talking about lobbying, we should include the full range of lobbyists.

It is essential that penalties are imposed for not disclosing contacts and ensuring that the information about contacts is disclosed in a timely way. It is also important that the onus is on the other foot and that all members of Parliament are required to disclose contacts with lobbyists and that that disclosure is not limited to ministers and parliamentary secretaries. The legislation should ensure that the public know what level of success fees are at stake in any given lobbyist activity.

I encourage the government to move on this as quickly as possible. The first 12 months of a government being in office is a good time to actually put in place this sort of legislation, because it will require a fair amount of community discussion and consultation and good debate through the Parliament. My concern is that the closer we get in the election cycle to the next election, it becomes less likely that this particular legislation will be introduced. I assure the government that the Greens are very keen to assist in getting legislation on lobbyists up. We congratulate the Premier for committing to do this, but we would like to see it done sooner rather than later.

Although the Labor Party is to be congratulated for bringing in a voluntary code, it was a wasted opportunity. It should have brought in legislation rather than try to address the issue with voluntary compliance. Clearly, the code of conduct did not work and the public really want to see something much stronger, with teeth, rather than a voluntary code.

HON KEN TRAVERS (North Metropolitan) [4.29 pm]: I join with my colleague Hon Ljiljanna Ravlich in calling on the government to explain why it has not moved quickly to legislate to register and monitor the activities of consultant lobbyists. We need to go back because the government is questioning the position we have put forward by asking which lobbyists we are concerned about. It has also made the point that they are operating under the same system that the Labor government operated under. That is the basic defence to the proposition that has been put to this house this afternoon.

Hon Norman Moore: Defence of what proposition?

Hon KEN TRAVERS: This is the problem; Mr Moore completely misses the point, as he does in a range of areas.

Hon Norman Moore: I think everybody else on this side missed it, too.

Hon KEN TRAVERS: The first missed point is that the Liberal Party went to the last election and tried to differentiate itself from the Labor Party by saying that it would deal with lobbyists differently from the way the previous Labor government dealt with them.

Hon Norman Moore: We are!

Hon KEN TRAVERS: One of the differences it indicated to the public was that within the first 100 days of government it would introduce legislation to create a public register of lobbyists and require regular reporting of

lobbying activities. It went further in its policy and stated that if it came to government, it would move quickly to legislate to register and monitor the activities of consultant lobbyists.

A multiple coalition government rules this state, made up of members of the Liberal Party who went to the election on this platform and members such as the member for Churchlands, who, before she became a member of the government, had long campaigned about the need for this legislation. Yet not a word has been uttered by the government today to explain its difficulties in getting the legislation into the house; there have just been trite, childish responses about how it is doing it no differently from the former government. The key point is that it told the electorate that it was going to do it differently, but it has not done anything about this very important issue.

The government asked us which lobbyists we are worried about. This government has failed to understand that a conflict of interest, perceived or real—which does not necessarily make it wrong because there is potential for a conflict of interest—needs to be managed. How it is being managed needs to be articulated, and it should be demonstrated to the public that that conflict of interest is being managed in a way that does not lead to improper behaviour. We have seen it regularly. The Minister for Environment was asked questions about her husband's shareholdings in Woodside, but she could not manage the issue. There was nothing wrong with her husband holding shares in Woodside, but there can come a time when the conflicts become so great that management of them means a person cannot hold an office. In most of the cases so far there has been nothing intrinsically wrong with those conflicts occurring. We all know people, we all have contacts with people, and we all have relationships with people across Perth. The Deputy Premier's lunch guests today were the same people I had lunch with on Sunday. That is the nature of Perth. We will all have interrelationships with and connections to other people. We now know that the Conran family and the Everingham family have had longstanding family connections.

Hon Norman Moore: So what?

Hon KEN TRAVERS: Exactly!

Hon Norman Moore: Make an allegation, if you've got one!

Hon Ljiljanna Ravlich: Don't get defensive about it! Why are you so defensive?

Hon KEN TRAVERS: This is the problem! The Leader of the House—or the “Dinosaur” as he was once referred to by a very honourable member of this place—cannot get it through his head.

Hon Norman Moore: At least I have survived longer than you, Mr Travers, and I will survive a lot longer than you!

Hon KEN TRAVERS: I do not know that I want to survive in this chamber as long as the Leader of the House.

Hon Norman Moore: And I've been a minister a bit longer than you, too!

Hon KEN TRAVERS: Sorry?

Hon Norman Moore: I've also been promoted a bit longer than you, too!

Hon KEN TRAVERS: I wish the Leader of the House good luck! I have enjoyed my career.

Hon Norman Moore: The good thing about your side of politics is that they have recognised your great talent!

Hon KEN TRAVERS: I am getting dragged away from the points I want to make.

The PRESIDENT: Order! Let us have one member at a time speaking, please.

Hon KEN TRAVERS: Mr Peter Conran's family and Mr Paul Everingham's family have had longstanding contacts going back as far as their mothers; there is nothing wrong with that. I am not suggesting that is improper, but it obliges the government and Mr Conran, who seems to be a very competent and capable senior public servant, to disclose that fact. I make it clear that I am not alleging that Mr Conran has done anything wrong, but I require the government and Mr Conran to articulate and demonstrate to the people of Western Australia that any potential conflicts are being managed and that people are not being treated differently because of the longstanding relationship between Mr Conran and the Everingham family. That is the challenge and that is why the legislation is necessary.

This issue relates to all ministers. If members read the questions asked of government members in Parliament about their contact with lobbyists, they will see that they have often said that they will answer the question if it is not about personal or private contact they have had. That, again, demonstrates the interrelationship that goes on and reinforces the need to have a structure in place.

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The Leader of the House obviously has a long list of the people Mr Everingham has met with. I am more than happy to say that someone from Mr Everingham's office contacted me last week to arrange for a briefing to be conducted by a private company, which I had previously asked to occur, to do with matters in which I have a keen interest because of my shadow portfolio. I do not think there is anything wrong with that, but the management of clear, very close personal contacts needs to be demonstrated. Government members can sit there all afternoon and say that everyone who wants a meeting with them gets one; I find that very hard to believe. I doubt that everyone who contacts ministers for a meeting gets one. They may have met with a staff member, but I doubt even that. I have sat on the government side and I know that hundreds of requests for meetings are received and it is impossible to agree to them all. What needs to be very clearly demonstrated is why and when a minister met the people he met with.

Another area I think needs to be cleared up is that of who is to be regarded as a lobbyist. Yesterday's *The West Australian* contained an article about Hon Cheryl Edwardes, who has political and personal connections with government members. In that article she made the point that she deals with black letter law issues. If that be the case, and if one reads the questions asked about meetings she has had with various ministers, of which there have been numerous, one will find that they relate to issues like the North Port Quay. I am not sure whether black letter law issues relate to that, but I would have thought that if a discussion is being held about black letter law issues, the government would have had someone from the State Solicitor's Office present. If the Labor Party were in government and a lawyer wanted to talk to me about black letter law issues, I would ensure that I had a government lawyer present. I am not sure what the black letter law issue about LandCorp's board restructure could have been, but there may have been one. Again, there does not appear to have been any other lawyers at the meeting.

These are legitimate questions that have to be asked, but they are questions that would not need to be asked if the government had done as it said it would and moved quickly to legislate. Maybe it is moving quickly, in its view, which is an interesting sign of what it defines as moving quickly. If it had moved quickly, we might have been in a position to better understand these issues. This is a very important issue, and government members have to understand that we are not making allegations—although down the track we may—but they need to be able to explain and demonstrate to the people of Western Australia that everyone is being treated fairly.

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [4.39 pm]: It is interesting that Hon Ljiljanna Ravlich and her colleagues should come into this place and be self-righteous about the question of lobbying laws and regulations and interaction with consultants. Why is the left so caught up in thinking that legislation is the answer to everything? But, of course, it does not achieve the outcome.

Several members interjected.

Hon SIMON O'BRIEN: This is the attitude that members opposite fail to come to grips with. We heard about a "cooling-off" period for retired members of Parliament before they could take up positions as lobbyists. Brian Burke certainly had a long cooling-off period when he was sent off overseas as an ambassador, and he certainly hit the ground running when he came back! So much for the cooling-off period. We are reminded of the code of conduct introduced by the Gallop government. I remember Hon Kim Chance, the then Leader of the House, bringing the code of conduct into this place. The Labor Party's code of conduct included such gems as advising members not to accept bribes. Members on this side of the house already know that; we do not need a bit of paper to tell us that we should not take bribes et cetera. The code of conduct did not go very far because it was not credible, and neither are the assertions being made today by those opposite.

I could not believe that my good friend Hon Ljiljanna Ravlich decided that she wanted to have a debate about lobbyists. Back in the days of the Court government, when I first came into this place, we had our problems; all governments do. I was trying to think of lobbyists and corruption scandals, but I could not think of any. This government celebrates 12 months since being sworn into office tomorrow, which will be an occasion for Hon Ljiljanna Ravlich to celebrate; it was not 13 months ago. Over the past year, have there been any lobbying or corruption scandals in this government? No. The opposition has tried to beat up a few by accusing Hon Donna Faragher's husband of creating a conflict of interest, but we just found out from Hon Ken Travers that it is a manageable conflict and only a perception; I am not sure what he was on about. All in all, I think it can be said that we have not as a government been tainted with scandal; it has not even been hinted at. There has been no hint of taint, nor any substantive allegations made, including today, of any corruption or improper reception of lobbyists by this government.

What happened in between the present government and the Court government? There were the Gallop and Carpenter governments. I thought I might dig out a few old headlines. There are some little gems, such as an article by Mike Steketee that appeared in *The Weekend Australian* on Saturday, 11 November 2006. What an evocative headline: "Return of that old stink". The article stated —

President; Hon Ljiljanna Ravlich; Hon Norman Moore; Hon Giz Watson; Hon Ken Travers; Hon Simon O'Brien; Hon Dr Sally Talbot

Almost as breathtaking as the Orkopoulos scandal in NSW is the renewed spectre of WA Inc in Perth

...

...

It is the third time in a few months that an unsavoury whiff has wafted around the WA Government.

He was talking about the Carpenter government.

In August, the Premier demanded the resignation of former police minister ...

Oh, yes. The article continues —

Carpenter refused to sack Education Minister Ljiljanna Ravlich after another commission report found her department failed to investigate complaints ...

Et cetera. The article also makes reference to Mr Burke. I do not have anything personal against Mr Burke; I do not know the fellow. That is one lobbyist who has not come to see me.

Elsewhere in the article, Mr Steketee writes —

It could have been another session of the WA Inc royal commission this week when the permanent state Corruption and Crime Commission it spawned drew Burke and his mate, since-resigned small business minister Norm Marlborough, into its web.

Tapes played to the hearing exposed them both as liars over their relationship ...

Et cetera.

Here is another trip down memory lane from an article that appeared in *The Australian* on 10 July 2007. This article really warmed to the subject, pointing out how one lobbyist, Mr Burke, had influenced the lives of various politicians. The article reminds us that —

Kevin Rudd (ALP): Embarrassed over numerous meetings he had with the disgraced former premier

...

Tony McRae (ALP): Sacked from cabinet over attempts to extract a financial advantage from Grill

...

Norm Marlborough (ALP): Sacked for lying to the Corruption and Crime commission over his relationship with Burke

Shelley Archer (ALP): Has admitted passing on government documents to the man she describes as her mentor

Judy Hughes (ALP): Despite accepting \$5000 from Burke at the last election, she refuses to stand down —

That was from a particular post she had. Do members know what that post was? She was on the parliamentary standing committee overseeing the CCC! Would a lobbyist register have fixed any of that? I do not think so. Hang on; there is another one on the same page that I should mention —

Ljiljanna Ravlich (ALP): Sought guidance from Burke on how to deal with Paul Armstrong, the editor of *The West Australian*, when the then education minister was being roundly criticised for her stance on teaching. Removed from her portfolio soon after

That is right, because an article by Jessica Strutt appeared in *The West Australian* on Saturday, 11 November 2006—a notable day, Remembrance Day, although on this occasion memorable for all the wrong reasons for the ALP—with the headline, “Ravlich admits Burke contact over OBE”. Did she admit it through a lobbyist register? Did she stand in Parliament and put her piousness to one side for five minutes? No; she was found out.

Hon Ken Travers interjected.

Hon SIMON O'BRIEN: I am not accepting an interjection.

I do not know what sort of lobbyist register was in place at the time, but there were certainly demands for openness, accountability and honesty. There was a draft code of conduct, which I am pretty sure would also have dealt with this. However, none of that did, could or would have stopped things like this happening. In the same article, Hon Ljiljanna Ravlich is quoted as saying —

“Prior to meeting Mr Armstrong, I met Mr Burke ...

President; Hon Ljiljanna Ravlich; Hon Norman Moore; Hon Giz Watson; Hon Ken Travers; Hon Simon O'Brien; Hon Dr Sally Talbot

Do members know where she met him? According to article in *The West Australian*, at Norm Marlborough's home. What a nice little nest of lobbyists we have here! I could go on about this indefinitely.

Hon Ken Travers: Have you ever met a lobbyist in a private home? Go on; answer it!

Hon SIMON O'BRIEN: If the member puts the question on notice, I will answer it. I will not answer a question by interjection.

Several members interjected.

The PRESIDENT: Order!

Several members interjected.

Hon SIMON O'BRIEN: Indeed; so what?

Several members interjected.

Hon SIMON O'BRIEN: Mr President, I just want to —

The PRESIDENT: Just a second; you do not have to shout over me! I just want Hon Ken Travers to come to order.

Hon SIMON O'BRIEN: I certainly never went around to Norm's place or Brian's place.

Hon Ljiljanna Ravlich: Whose place did you go to? Cheryl's?

Hon SIMON O'BRIEN: No.

Several members interjected.

The PRESIDENT: Order!

Hon SIMON O'BRIEN: A group that has been consistently named by members opposite—I am not sure what sort of cloud they are trying to put this group under—is GRA Everingham. I know Paul Everingham; I do not know whether he has ever been to my place. I have never been to his place, but I have met him plenty of times over the years. Do members know who the chairman of GRA Everingham is? It is John Dawkins from the ALP. GRA Everingham on its website brags about the fact that he was 18 years a minister in the Hawke and Keating governments. Another staff member, who I will not name, is the daughter of an ALP member of the Legislative Assembly. They say that she has a lifetime of political experience, having grown up in a WA political party, and that she has solid ties with the WA state Labor Party. Are they the credentials needed? According to this lot they are, if one is to carry on in an underhand manner.

I look forward to a much longer debate on this matter when we get the chance, and we can compare all the matters alleged by those opposite. We will look at the way that the Labor Party, even in opposition, is attempting to muck up the freedom of information system in this state. This is evidenced by data that was tabled today at a standing committee meeting.

Hon Ken Travers: It shows that the previous opposition was lazy.

Hon SIMON O'BRIEN: No, it shows that the current opposition is lazy. History reveals that Labor governments cannot be trusted, and that they will find some way of getting around any rules that people try to put in place, but they are quite happy to stop people going about legitimate business. That has today exposed this motion and the people behind it as phonies.

HON SALLY TALBOT (South West) [4.49 pm]: In the few minutes that remain for this debate, I want to draw the house's attention to what Hon Ljiljanna Ravlich's motion, which is in two parts, actually says. She starts by condemning the Premier for failing miserably on his election commitment to open, accountable and transparent government. She then refers to the failure to move quickly on the legislation to register and monitor the activities of consultant lobbyists. It is the first part of the motion, which refers to openness, accountability and transparency, that I want to focus on this afternoon. I will not have time to go into that part in the detail that I wanted to, but I will start by saying that it was good to see that Hon Norman Moore and Hon Simon O'Brien obviously thought they were going to come into this place and have some fun this afternoon. In fact, all they have managed to do is confirm for us the document titled "Liberal Plan for the First 100 Days of Government", which under the heading "Accountability" states —

Legislate for a proper register to monitor the activities of political lobbyists.

President; Hon Ljiljanna Ravlich; Hon Norman Moore; Hon Giz Watson; Hon Ken Travers; Hon Simon O'Brien; Hon Dr Sally Talbot

Not only have Hon Norman Moore and Hon Simon O'Brien not managed to legislate for a register, but also they are now saying that they are about 18 months away from being able to do anything. Why, therefore, was that commitment in this document? How did it get on the list of priorities if the government knew it would not be able to do it? Hon Norman Moore and Hon Simon O'Brien confirmed for us this afternoon that they pulled a cheap political stunt on the electorate of Western Australia before the 2008 election, because they have been totally unable this afternoon to explain to us what was wrong with the existing system.

Hon Norman Moore: Do you support it?

Hon SALLY TALBOT: I am not embarrassed to stand in this place and support the existing system. I supported it when the Premier at the time brought it in, and I still think that it is an effective system. The Liberal Party pulled a cheap political stunt on the electorate of Western Australia before the 2008 election. The Liberal Party's two speakers this afternoon have not been able to explain to us what they believe is the problem with the existing system. Yet only yesterday there was an article in *The West Australian*, to which Hon Ken Travers has already referred, headed "Loophole gets ex-MP top access". As Hon Ken Travers said, Hon Simon O'Brien is sounding more like Joh Bjelke-Petersen every time he gets up in this place and opens his mouth. I am just waiting for him to say, "Don't you worry about that. Don't you worry about that."

Hon Ken Travers: Don't you worry about that!

Hon SALLY TALBOT: I am not sure that the Hansard reporter will be able to capture the accent of Hon Ken Travers, but that was most impressive!

We have therefore heard Hon Simon O'Brien and Hon Norman Moore this afternoon stand and say, "If you have any allegations, put them." The point is that this kind of measure, a lobbyists' register and a code of conduct, is about promoting trust in the integrity of government. It is about transparency, it is about integrity and it is about honesty. It is our role in this place to ask questions and it is the role of government members, because they are in government, to give us answers to those questions. It is no good at all for them to stand and say, "Don't worry about anything. It's all right, we've got it all in hand."

The article in yesterday's *The West Australian*, headed "Loophole gets ex-MP top access" is about the former environment minister, Cheryl Edwardes. I read the response from the Premier to a question on notice the other day. When a number of different ministers were asked about their contact with Cheryl Edwardes, they simply came back and said that she was not a lobbyist and therefore does not have to be on the register.

I want to draw the attention of Hon Norman Moore and Hon Simon O'Brien to the fact that we will have a debate in this place when they eventually get their act together and bring legislation into the Parliament. We on this side of the house will be absolutely unflagging in our energy to get the best possible lobbyists' register in this place.

Hon Norman Moore interjected.

The PRESIDENT: Order!

Hon SALLY TALBOT: I suggest that Hon Norman Moore and Hon Simon O'Brien have a look at the federal guidelines that were released earlier this year. The guidelines refer to the fact that members of professions such as lawyers would be exempt from registering, but I put this paragraph on the record —

However, if a significant or regular part of the services offered by a person employed or engaged by a firm of lawyers, doctors, accountants or other service providers involves lobbying activities on behalf of clients of that firm, the firm and the person offering those services must register and identify the clients for whom they carry out lobbying activities.

Motion lapsed, pursuant to standing orders.