

Legislative Council

Tuesday, 16 November 1993

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

MOTION - MOTIONS Nos 6, 7 AND 8 TO BE MADE ORDERS OF THE DAY AND TAKEN COGNATELY

HON GEORGE CASH (North Metropolitan - Leader of the House) [3.33 pm]: I move without notice -

That motions Nos 6, 7 and 8 be made orders of the day for this day's sitting, and that they be taken cognately before Order of the Day No 1, and that the vote be taken individually at the conclusion of the debate.

Yesterday, at approximately 3.30 pm, I received a letter from the Leader of the Opposition indicating that regarding Motion No 6 - which relates to sessional orders and time management -

Hon John Halden: You mean a guillotine; I will help you out.

Hon GEORGE CASH: - the Opposition was prepared to debate the motion up to paragraph (4). The letter later indicated that Motion No 7 was not opposed dependent on when it would be put into effect. Regarding Motion No 8, the Leader of the Opposition indicated that he wanted to cooperate over sitting time, but said he would consider moving an amendment so that the motion was not totally open-ended.

In recent weeks the Opposition, using various devices, has taken as long as is practically possible to discuss various Bills. Clearly the Opposition has decided to embark on a course of obstructing, delaying and frustrating the Government's legislation.

Several members interjected.

Hon GEORGE CASH: I invite members to look at *Hansard* and see who has done all the talking.

Hon John Halden: Hon Peter Foss; he has outdone everybody and you know it!

Hon GEORGE CASH: It was the Opposition members who were saying only the other day that Hon Peter Foss did a good job with that legislation.

Hon John Halden: We still believe it.

Hon GEORGE CASH: Although I strongly support the notion that Hon Peter Foss has been doing an extremely good job, the Opposition has clearly decided to embark on the course of obstructing the passage of Government legislation through this House. That is why I took the opportunity last week of giving notice on Motions Nos 6, 7 and 8.

Hon Tom Stephens: Why not wait for them to come up on the Notice Paper?

Hon GEORGE CASH: I have told Mr Stephens that the Leader of the Opposition wrote to me yesterday and clearly supported the view that this was a matter of urgency.

Hon Tom Stephens: I wrote to the President indicating that I have a matter of urgency which I would like dealt with first!

Hon GEORGE CASH: In a moment, assuming Mr Stephens does not want to obstruct this motion -

Hon John Halden: You are ruining a House of Review.

Hon GEORGE CASH: - the member can do whatever he wants to do with his urgency motion, if he has one. The Leader of the Opposition took the opportunity to write to me on this matter. I have discussed it with my colleagues on this side of the House, and we regard it as a matter to be dealt with urgently.

Motion No 6 should not go unexplained. It clearly sets out a schedule or program which

will enable discussion to take place with the Opposition regarding the management of legislation through this House. It would have been very easy for the Government simply to apply Standing Order No 110, which of course would gag debate. We have not wanted to do that to date. However, I have had to restrain some Government members from moving such a motion during the last few weeks.

Hon Tom Stephens: When Minister Foss was speaking!

Hon GEORGE CASH: Motion No 6 would clearly provide the opportunity for the Government and the Opposition to engage in meaningful discussions on the progress of legislation through this House. If the Opposition wants to continue obstructing the Government's legislation, opportunities and avenues are available under standing orders and by other motions, when agreed by this House -

The PRESIDENT: Order! The Leader of the House cannot talk about the merits or the content of Motions Nos 6, 7 and 8 during this debate. He must talk about why he wants to make them orders of the day. If he refers to their content, and should they become orders of the day, he would be saying the same things over again.

Hon John Halden: More Government filibustering!

Hon GEORGE CASH: You are correct, Sir; I would not want to repeat my comments.

One of the reasons that the Government considers that Motions Nos 6, 7 and 8 should be dealt with today is in the letter I received from the Leader of the Opposition. We do not wish to delay discussions on these motions. It is important that they be dealt with and the House make a decision as soon as possible. I need say no more because, as you have pointed out, Mr President, should the House agree to make them orders of the day for this day's sitting, an opportunity will be provided to me and other members on this side of the House to speak in support of those motions. For those who may be a little interested or even concerned, given Hon Tom Stephens' interest in standing orders, I used Standing Order No 128 to move this motion today.

Hon Tom Stephens: I understand exactly what was possible; I just never thought I would see this day.

The PRESIDENT: Order!

Hon Muriel Patterson: I second the motion.

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [3.41 pm]: It is interesting that the Leader of the House, who comes into the Chamber professing to want to deal with things in a meaningful way and in a way which will enhance the operations of this House, is immediately found to be false in his sincerity when one recognises that the Opposition was given no notice of this motion -

Hon George Cash: You wrote to me yesterday.

Hon GRAHAM EDWARDS: - and no advice that the Government intended to bring the matter on in the way that it has. However, we are not surprised about that because we are aware of the old tactic of ambush that the Leader of the House has used in this place before when he has endeavoured to get his own way. He acted in this seat, as Leader of the Opposition, in a way that I, because of my respect for this place, would absolutely refuse to act.

Hon George Cash: At least I could deal with Mr Berinson, and I could sit down and discuss the legislation with him. That is why there was agreement.

Hon Tom Stephens: He used to say you were a dreadful weasel.

Withdrawal of Remark

Hon P.H. LOCKYER: I believe that Hon Tom Stephens was unparliamentary in referring to the Leader of the House as a weasel.

Hon TOM STEPHENS: I was quoting Hon Joe Berinson. I was not describing the Leader of the House as a weasel.

The PRESIDENT: Order! If members start the week off with my having to adjudicate on matters such as this we are in for a very tough week. I did not hear what the honourable member said, although he was out of order in interjecting in the first place. To call somebody a weasel is totally unacceptable and I suggest the honourable member withdraw it.

Hon TOM STEPHENS: I was quoting someone else who described the Leader of the House as a weasel.

The PRESIDENT: The member can quote me as being the person who says he had better withdraw it.

Hon TOM STEPHENS: I withdraw.

Debate Resumed

The PRESIDENT: Let us at least get into the debate in a dignified way. Members should put their point of view without attacking people's character, for goodness' sake.

Hon GRAHAM EDWARDS: It is a bit difficult to progress this debate without to some degree reflecting on, if not the character, certainly the past practice of the Leader of the House and the way in which he has addressed many issues in this Chamber.

I was saying that in response to the letter which I wrote in goodwill and which I will refer to shortly, the Leader of the House did not at any stage attempt to discuss the matter with me. He gave the Opposition no notice of his motion and the Opposition still has no written copy of the motion that has been moved. What we are seeing is this member up to his old trick of ambush.

Hon George Cash: I received your letter at 3.30 pm yesterday and I acted on it today.

Hon GRAHAM EDWARDS: By interjection, Mr Cash referred to the way he used to react to Hon Joe Berinson. In the past couple of weeks I am on the record on more than one occasion asking the Leader of the House to discuss with the Opposition the business that the Government wanted to get through this session so we could see how we could cooperate to ensure that the business of the Government and of the Opposition was dealt with. The Government seems to have the view that this place is here merely to serve it.

Hon George Cash: I spoke to Hon Graham Edwards last Wednesday and he went back on the arrangement - remember, it was at 10 o'clock at night. We were going to sit beyond 11 o'clock and all of a sudden Hon Graham Edwards decided not to.

Hon GRAHAM EDWARDS: That is totally untrue. I have gone back on no arrangement.

The PRESIDENT: Order! It is unacceptable that the two leaders have a private argument while the House is waiting to hear the debate on the motion.

Hon GRAHAM EDWARDS: It is terribly important I be given the opportunity to respond to this interjection. I have not gone back on my word; I am not that sort of person. The Leader of the House said to me, "We will sit beyond 11 o'clock." There was no consultation.

Hon George Cash: I did not say that at all.

Hon GRAHAM EDWARDS: The Leader of the House went back to his side of the Chamber and did not even move the motion. Such was his view that he delegated the responsibility to the Minister handling the Bill.

Hon George Cash: I told Hon Graham Edwards that Mr Foss would be moving the motion.

Hon GRAHAM EDWARDS: I am not surprised Mr Cash upset members on this side of the House. He enticed them to their feet to the degree that we did not even finish that motion; it is still on the Notice Paper. I do not want to be diverted by the Leader of the House, who always gets a bit shaky when one points out to him that he is being less than forthcoming.

Hon George Cash: Never!

Hon GRAHAM EDWARDS: That was the experience of Hon Joe Berinson; he warned me when I took over as the Leader of the Opposition in this place that I would always have to be cautious in dealing with Hon George Cash because he was very tricky. The words of advice that Hon Joe Berinson gave me have certainly been borne out. I take strong exception to the accusation and, indeed, the allegation of the Leader of the House that we on this side had delayed and obstructed legislation as long as is possible. The facts do not support what the Leader of the House has had to say.

Hon P.R. Lightfoot: That is a load of rubbish. It is monumentally untruthful.

Hon GRAHAM EDWARDS: One has only to look at the Bills we have put through this place with as little as two or three minutes debate. In the main these were Bills handled by Hon Eric Charlton, who has had the decency to come across and to speak to me and other members, particularly Hon Kim Chance, who handled a number of Bills. Hon Eric Charlton said, "We have a particular Bill that we feel sure should go through the House. We will offer the Opposition a briefing and let members know what it is about. We would appreciate your dealing with it without delay."

So charming is the Leader of the National Party in this place when he adopts an approach like that, we were able to sit down and agree amendments to the legislation that were moved by Hon Kim Chance and Hon Nick Griffiths. There was no delay and no obstruction. It was dealt with as one would expect gentlemen to deal with things once they had given their word. The reason Hon George Cash, Leader of the House, has moved this motion today is that, quite frankly, he does not want to deal with Motion No 1, which concerns comments by Hon Ross Lightfoot.

Hon George Cash: I am more than happy to do that, if you stop talking about it.

Hon GRAHAM EDWARDS: If this is withdrawn, we will get on to it.

Hon John Halden: I challenged him a fortnight ago, and he said he would do it the next day. It has still not seen the light of day.

Hon GRAHAM EDWARDS: Once again we see the Leader of the House suggesting something in a frivolous way. The truth is that the Leader of the House has moved this motion because he does not want to deal with Motion No 1, the urgency motion, moved by one of our members with a strong commitment to trying to address issues that are divisive and have a capacity to fragment our community over the Mabo debate. Hon Tom Stephens moved the urgency motion seeking to debate the comments made by Hon Ross Lightfoot concerning Aborigines, and it is obvious the Leader of the House does not want to deal with that motion. It was he who denied leave to this House to move the motion last Thursday. Indeed, if he had not denied leave to the House to debate the motion fully to its conclusion last Thursday, it would not be on the Notice Paper and the people of this State would certainly know more about the attitude of the Liberal and National Parties in this State to Aboriginal people. Although he has the ability to do so under standing orders, unfortunately he denied the House the opportunity for that debate to continue. The Leader of the House does not want to debate that motion because either he lacks the courage to censure Hon Ross Lightfoot for the comments he made -

The PRESIDENT: Order! You cannot talk about the subject matter of that motion.

Hon GRAHAM EDWARDS: Yes, I understand, Mr President. We are in a bit of difficulty because I am trying to convince you, Mr President, and the House that this motion should be defeated because we believe the Government should give priority to the urgency motion, which is already on the Notice Paper. I am trying to convince you, Mr President, and the House that there are reasons why this present, diversionary motion has been brought forward. One reason is that there are serious matters relating to Urgency Motion No 1 the Government does not want to deal with.

Hon N.F. Moore: Rubbish!

Hon GRAHAM EDWARDS: One of the reasons the Government does not want to deal with that motion is that the Leader of the House does not want to have to come out and

support those people in another place - the Premier, the Deputy Premier, the Leader of the Government in the Assembly and the Minister for Aboriginal Affairs - who have all distanced themselves from Hon Ross Lightfoot. We should be given the opportunity to debate that Motion No 1, an urgency motion moved last Thursday and cut off in the prime of debate by the Leader of the House, who has now come forward with another attempt to restrict debate further on the motion today.

The PRESIDENT: Order! I interrupt the member because I am not quite sure whether he has understood the motion I read to the House. That urgency motion will still be the first motion to be dealt with today. This motion does not supersede that. I indicate that as a matter of courtesy in case you misunderstood what we are doing.

Hon GRAHAM EDWARDS: Yes, Mr President. The Leader of the House has moved a motion, and he did not have the decency to talk to us about it or to respond to my letter. Instead he came in here with his old trick of ambush and without giving people notice of his intentions. If the Leader of the House were genuine and dinkum and wished to talk about these matters in a meaningful way, he would have had the decency to respond to my letter or to give us some notice of his intentions. It may help the House if I refer to the letter so that members of the Government will know what it is that Hon George Cash has used to bring this motion forward. I wrote a letter to the Leader of the Government yesterday.

Hon George Cash: Which I received at 3.30 pm or thereabouts.

Hon GRAHAM EDWARDS: Is that a problem?

Hon George Cash: I do not believe I could have acted on it any faster than I did.

Hon GRAHAM EDWARDS: The Leader of the House could have acted on it much faster. I have been in the House all day and I am in the habit of working fairly long hours. He could quite easily have contacted me, and I am surprised that he should offer such a flimsy excuse. I showed the courtesy of sending a copy of the letter to you, Mr President, to the Leader of the National Party, Hon Eric Charlton, and also to the Clerks, so that you and the others could see the position the Opposition was moving to and what we were thinking.

Quite frankly, I was absolutely stunned when I first saw this motion brought forward by the Leader of the House. It has taken me some time to sit down and work through the ramifications of what that motion means to the Legislative Council and how it would turn on its end the operation of this House and give individual Ministers or - and I do not want to debate the content - even the Parliamentary Secretaries the opportunity to completely sidestep standing orders. I wrote to Hon George Cash and said, "Minister, in the absence of any offer of consultation regarding the business of the House, I write to advise you on the position that the Opposition has adopted." There has been no consultation by the Government with the Opposition on the business of the House; or, if there has, it has been very little. This is a complete departure from what we saw when Hon Joe Berinson was on that side of the House, where he constantly kept informed not just the Leader of the Opposition but also the Leader of the National Party, and I understand he quite often spoke to Hon Reg Davies in his capacity as an Independent to inform him what we were doing. Quite different from the approach adopted by the Leader of the House, I also had the courtesy to send a copy of this letter to the Independents, Hon Jim Scott and Hon Reg Davies, so that they too were aware of the attitude and position being adopted by the Opposition.

Hon Tom Stephens: It would be interesting to know whether Mr Davies was aware of the ambush tactic Mr Cash was going to bring into the House today.

Hon GRAHAM EDWARDS: I would think not. It is erroneous to say that the Government has endeavoured to offer any consultation or consideration of the Opposition's position in this place. One of the reasons that has come about is in part because of the attitude as expressed by Hon Phil Lockyer, who some time ago said, "You can have all the debate you like; give me the numbers." Hon Phil Lockyer stands by that statement; he is nodding his head in agreement. The conservatives have had the numbers

in this House for so long that they have forgotten about the extension of common courtesies and the need to cooperate with the Opposition; instead, they have relied on the brute force of numbers. It is unfortunate if that is the way the Government is going to conduct its business, and it does not augur well for the future conduct of this place.

In writing to the Leader of the House I referred to Motion No 6, dealing with a sessional order for time management. I pointed out that the Opposition was prepared to discuss that motion up to the fourth paragraph, provided the Government was prepared to write into the motion the necessity for the Minister to genuinely consult with the Opposition over the proposed or amended program. The Leader of the House has given no indication in trying to bring this motion on for discussion as to whether the Government is prepared to write into the motion an amendment that would make it necessary for the Minister to consult with the Opposition. Were the Leader of the House dinkum he would have come forward and said that the Government thought there was some value in what the Opposition had to say and that it was prepared to consider an amendment to write into the motion the necessity for the Minister to genuinely consult with the Opposition over the proposed or amended program.

I put that forward and wrote to the Leader of the House in an endeavour to work out with him behind the Chair - as has been the practice for as long as I have been a member of this place - some means of handling the business of the House and, from the Opposition's point of view, to at least ascertain how genuine the Government was when it talked about putting forward programs for the time that would be set aside for the handling of business, as set out in the proposed sessional order. I wanted the opportunity to do that before we got into the debate in this place. Even now the Leader of the House has still not indicated the Government's attitude to that suggestion. In part (b) of the letter I said that the Opposition was not prepared to discuss paragraphs 5 and 6 of the motion and would oppose them in principle and practice as being out of place in a House of Review.

The PRESIDENT: Order! I told the Leader of the House that he could not talk about the merits of those motions, and the Leader of the Opposition is equally disqualified from doing the same. When the Leader of the Opposition referred to the letter I thought he intended to simply read the letter so that the House was aware of its contents. I did not interpose on him when he was going to do that because I did not think it unreasonable. However, if he talks about the justifications of his stance as opposed to the stance of the Leader of the House, he is entering into the debate on Motion No 6. I have no objection to his reading that letter because he is right, he gave me a copy and I know what is contained in it; therefore, I am in a position to rule that it does not conflict with the present debate. However, the member must only read it and not put it forward as an argument.

Hon GRAHAM EDWARDS: I appreciate your advice, Mr President. In writing to the Leader of the House I was offering an opportunity for the Opposition to discuss with the Government this motion and the other two motions which the Leader of the House seeks to debate cognately. It seems that somewhere between the sending and the receiving, the Leader of the House has read something into the letter that was not there when I sent it.

Hon George Cash: Read the bit about pairs.

The PRESIDENT: Order!

Hon GRAHAM EDWARDS: I will try to draw to his attention the fact that the Opposition was genuinely seeking the opportunity to let Government members know what was contained in the letter so that they would know what the Opposition was about. I will read the letter in total so that it makes sense -

Minister,

In the absence of any offer of consultation regarding the business of the House, I write to advise you of the position which the Opposition has adopted.

- 1) Motion Number 6
Sessional Order - Time Management

- a) The Opposition is prepared to discuss this motion up to point four, providing the Government is prepared to write into the motion the necessity for the Minister to genuinely consult with the Opposition over the proposed or amended program;
- b) The Opposition is not prepared to discuss points five and six, and will oppose them in principle and in practice as being out of place and alien to a House of review. Indeed, while those points five and six remain on the Notice Paper or for the period in which they are in effect, the Opposition will be unable to extend the privilege of pairs. In accordance with my previous agreement on pairs, I formally give you twenty four hours notice of my intention to withdraw pairs.

Hon Tom Stephens: We gave you 24 hours' notice, which is more than you ever gave us.

Hon N.F. Moore: You never called pairs off, ever?

Hon Tom Stephens: We gave you more notice than this.

Hon George Cash: Take a holiday, you turkey.

The PRESIDENT: Order! If members continue interjecting there will be several holidays.

Withdrawal of Remark

Hon TOM STEPHENS: The Leader of the House has just called me a turkey. I consider that unparliamentary and I want it withdrawn.

The PRESIDENT: I do not think it is unparliamentary. We are going to get to an absurd stage. The honourable member is baiting the other member.

On reflection, I will ask the Leader of the House to withdraw.

Hon GEORGE CASH: I withdraw.

The PRESIDENT: Order! Members are trying my patience. In the good old days, members had tougher hides. They are more sensitive these days.

Debate Resumed

Hon GRAHAM EDWARDS: The letter continues -

... the Opposition will be unable to extend the privilege of pairs. In accordance with my previous agreement on pairs, I formally give you twenty four hours notice of my intention to withdraw pairs.

The only response I have had from the Leader of the House is "Ah." I will continue reading the letter and will come back to that point -

The pair granted to Hon Peter Foss, however, will remain in effect and will not be broken during his absence on November 30th - December 2nd.

I have written to the Minister for Health advising him that I have given him a pair during his absence and that my guarantee will not be broken. I have reiterated that in this letter which continues -

Should there arise any extenuating personal circumstances in which a Government member requires a pair, I will consider such a request.

- 2) Motion number 7 is not opposed, dependent upon when it is put into effect.
- 3) I intend to move to amend motion number 8 to ensure that sitting times do not become totally open ended. The Opposition is prepared to co-operate over sitting times and I take the opportunity to invite you to sit down and talk to the Opposition about sitting times.

For instance, it may be that the House needs to consider sitting on Thursday mornings or after dinner on a Thursday night. I reiterate that the Opposition will co-operate over sitting times provided that the

Government is prepared to consult and to give reasonable notice of proposed sitting hours.

Hon Tom Stephens: You are more generous than I am.

Several members interjected.

Hon GRAHAM EDWARDS: Mr President, I hope you will let me expand on a couple of paragraphs of my letter because they are pertinent to the motion moved by the Leader of the House. It is important that I am given the opportunity to refute the allegation made by the Leader of the House that the Opposition is being obstructive and is delaying the passage of the Government's legislation for as long as possible.

People in this community are entitled to know the facts and whether the Opposition has been purposely delaying the passage of the Government's legislative program. The community is entitled to make a judgment on whether this Government is grossly mismanaging the business of this House in its attempt to get legislation through both Houses of Parliament this session. In addition, the community is entitled to make a decision on whether the Opposition should oppose, without a reasonable amount of debate and due scrutiny, the legislation that has been introduced by the Government. It is quite wrong for the Leader of the House to accuse the Opposition of being obstructionist and delaying the passage of legislation. I have outlined the degree to which the Opposition will cooperate with the Government, providing it is extended some courtesy and cooperation. I take strong exception to the accusation of the Leader of the House that I am going back on my word.

Hon Tom Stephens: He is repeating it!

Hon GRAHAM EDWARDS: It does not matter how often he repeats it, it will not make his statement correct.

The only weapon this Opposition can use to stop this Government in its endeavour to steamroll legislation like the industrial relations and workers' compensation legislation and the Mabo Bill, which it has indicated will be passed in the quickest possible time, through this Parliament is the withdrawal of pairs. I am reluctant to use that weapon but, in the face of the motions which the Leader of the House now wishes to have debated cognately, the Opposition has no option but to take that step. I reiterate that the pair granted to Hon Peter Foss will stand.

I draw the attention of members to the last two paragraphs of my letter in which I said -

I intend to move to amend motion number 8 to ensure that sitting times do not become totally open ended. The Opposition is prepared to co-operate over sitting times and I take the opportunity to invite you to sit down and talk to the Opposition about sitting times.

Hon Tom Stephens: I suppose this is what he calls sitting down and talking.

Several members interjected.

Hon Tom Stephens: If that is the Leader of the House's definition, he has a lot to learn.

Hon George Cash: I hope I do not have to talk to you.

Hon GRAHAM EDWARDS: My letter continues -

For instance, it may be that the House needs to consider sitting on Thursday mornings or after dinner on a Thursday night. I reiterate that the Opposition will co-operate over sitting times provided that the Government is prepared to consult and to give reasonable notice of proposed sitting hours.

What we have witnessed today because of my letter is an ambush by the Leader of the House.

Hon John Halden: It can only be described as an ambush.

Hon Tom Stephens: Without any reference to the Opposition.

Hon George Cash: It is in response to the letter I received yesterday.

Hon GRAHAM EDWARDS: The Leader of the House moved that Motions Nos 6 to 8 be made Orders of the Day for this day's sitting and that they be debated cognately before Order of the Day No 1, and that the vote be taken individually at the conclusion of the debate. In seeking to bring these motions on for debate the Leader of the House has given no indication to me or to any member of the Opposition and, I am sure, he has not given any indication to the Independents -

Hon Tom Stephens: He probably did not advise the National Party.

Several members interjected.

Hon E.J. Charlton: It was my idea.

Hon John Halden: That makes good sense. Did he write it for you?

The PRESIDENT: Order! I do not know about other members, but I am trying to listen to the Leader of the Opposition.

Hon GRAHAM EDWARDS: I repeat, the Leader of the House has not apprised any member of the Government's attitude if these motions are debated now. It is important that if we do agree to bring on these motions for debate, we are not seen to be the turkey that is calling Christmas early, as was said about a former Prime Minister. We certainly will not rush to bring on these motions, because we believe that the motions, or at least part of them, are detrimental to the wellbeing of this place and of democracy in this State. We are entitled to some response from the Leader of the House and to some indication of what will be the Government's attitude to these motions before we agree to debate them. That is one argument. The other argument is that we cannot understand why the Government wants to turn around the motions and orders of the day as they appear on the Notice Paper. It seems to me that the Government believes that the Parliament is simply a place for the Government and that the Opposition has no role to play. In that regard, I draw the attention of the Leader of the House to the recommendations from the recent royal commission. In moving his motion, the Leader of the House did not indicate why Motions Nos 6, 7 and 8 should be taken before, or are more important than, motion No 5.

Hon George Cash: Because you wrote to me yesterday about Motions Nos 6, 7 and 8, and I received that letter at 3.30 pm.

Hon GRAHAM EDWARDS: Motion No 5, to be moved by Hon Tom Helm, is for the disallowance of the Transport (Country Taxi-Car) Amendment Regulations 1993. Motion No 4, to be moved by Hon Alannah MacTiernan, is for the disallowance of the Gaming Commission Amendment Regulations (No 4) 1993. The Leader of the House gave no indication why this motion is more important than either of those. Interestingly, he seeks to promote these motions over Motions Nos 3 and 4, to be moved by a member of the Government, Hon Bruce Donaldson, for disallowance of the Painters' Registration (Scheduled Areas) Regulations 1992 and the Builders' Registration (Scheduled Areas) Regulations 1992. He gave no indication why Motions Nos 6, 7 and 8 are more important than motions that have been standing on the Notice Paper for quite some time under the name of Government members. Although I accept that we could get on to debate on Motion No 1, the urgency motion, the Leader of the House gave no reason that this debate which he is proposing is more important than that urgency motion.

In regard to orders of the day, the Leader of the House moved that Motions Nos 6, 7 and 8 be made orders of the day for this day's sitting and be debated cognately, but he did not indicate at what stage of the orders of the day they would be taken. Is it intended that they be taken before or after Order of the Day No 1? Unfortunately, because of the manner in which the Leader of the House introduced this motion and sought to ambush the Opposition, we can only guess about how he wants to handle the debate once it is brought on. Certainly, the Leader of the House did not indicate whether he intends to give the motions the priority that I guess he does, where Order of the Day No 1 is the first order of the day dealt with so that the Government can use its numbers to get the motion through. We would then find that we would deal with the orders of the day that stand on the Notice Paper currently in an environment which is totally different from the one in which we are dealing with them now.

Not only does the Leader of the House want to change the goal posts, but also he wants to take the goal posts downwind in a 50 mile an hour gale, have them all at one end, and kick to that end. The motion moved by the Leader of the House makes a sham of this House of Review. We have heard a lot over the last 10 years about this place being a House of Review. It seems to me that in the short time that this Government has been in office, and for the short time that it will be in office, it has simply forgotten about the necessity for this place to be a House of Review. The Leader of the House should withdraw this motion and let this place be a House of Review. He should let us work through all of the motions and get them off the Notice Paper. He would then not have to move this motion. If we can dispose of Motions Nos 1 to 11 on the Notice Paper, we can immediately go on to this motion.

It is interesting to note also that so long as Hon Tom Stephens been waiting to bring on debate on Order of the Day No 25, appointment of a select committee on use of north west airports, he has had to propose a motion that precedence be given to that debate. There is no reason that the Leader of the House could not have gone through a process similar to that set up under our standing orders in order to bring on debate on Motions Nos 6, 7 and 8, if that is what he wanted to do. Another way that he could have done it was to respond to the letter that I wrote to him and do what happened in this place for a long time - Hon Joe Berinson used to do this - where the Government sat down with the Leaders of the Liberal and National Opposition Parties, and the Independents, and negotiated the manner in which the business of the House would be conducted. The fact that the Leader of the House has not done that indicates that he is not all that dinkum. I did not wait for the Government to take the initiative. I signed a letter addressed to the Leader of the House. I am sorry that he has chosen to respond in this way because we do want to cooperate. We certainly do not want to be an Opposition that is obstructive.

Points of Order

Hon TOM STEPHENS: Mr President, as it is now 4.30 pm I understand that leave of the House will be required for consideration of this motion to proceed rather than proceeding to Order of the Day No 1. I was hoping that you would require that leave of the House be sought before any debate on this issue continued.

The PRESIDENT: Order! That point of order is incredible, indeed. Firstly, if I was going to do that, I would do that at 4.30. For the first time today Hon Tom Stephens seems to think that I am incapable of telling what the time is. Nobody has ever had to remind me of when it is 4.30 before, other than the Clerk when I am busy doing something else. The very fact that the member has raised that point of order makes me think that there is more to the point than he has said. Under normal circumstances, he would not do this; there would not be any requirement for him to do it. I just wonder what motivated the member to do this.

Hon TOM STEPHENS: I am interested in the standing orders.

The PRESIDENT: The member should just wait until I am finished. I am responding to his point of order. The second reason the point of order is extraordinary is that the standing order does not apply to this debate. Therefore, whether it is 4.30 or 5.30, there is no point of order. I will let Hon Tom Stephens tell me to which standing order he is referring in a minute because I am intrigued to find out what he is reading. I will not tell him what the standing order is.

The member should sit down until I finish talking. The fact of the matter is that there is no point of order because in this debate the one hour rule does not apply.

Hon TOM STEPHENS: Mr President, I would like your further assistance. I am afraid that you might be mistaken to think that I know which standing order could possibly have allowed this debate to continue beyond 4.30. I have been scanning the standing orders and I am looking for your assistance. As you know, we are in uncharted waters here; we have not previously seen motions such as that of Hon George Cash in this House.

The PRESIDENT: You have not seen it.

Hon TOM STEPHENS: No, indeed, I have not seen it.

The PRESIDENT: You said that we have not seen one; I am saying that you have not.

Hon TOM STEPHENS: I am the longest serving member on this side of the House and we have never seen this sort of motion moved before. Therefore, we need the assistance of the President.

The PRESIDENT: And he is happy to give it to you.

Hon TOM STEPHENS: Perhaps, Mr President, you could tell me which standing order would enable the debate on this motion to continue beyond 4.30.

The PRESIDENT: Hon Tom Stephens might be the longest serving member of the Opposition but he endeavours to camouflage it by his lack of understanding of how this place works. I cannot help it if he cannot remember this facility having been used before. It is sufficient for me to say that it has been used on many occasions although it may not have been used in his time or while he has been in this Chamber.

Hon TOM STEPHENS: It has not.

The PRESIDENT: If we are having a contest to see who knows what are the rules, let us just proceed. The point is that it is not for me to tell the member the standing order that allows this debate to continue at all. I have told him that there is no standing order that requires me to intervene in this debate because the one hour rule does not apply. I was waiting for the member to tell me to which of the one hour rules he was referring that would require me to do that. One is Standing Order No 164 and the other is No 195 - for the member's information - and neither applies to this debate. Those standing orders apply after we have commenced the routine of business, as is provided in Standing Order No 125. We have not yet commenced the routine of business under Standing Order No 125. Using Standing Order No 129, the Leader of the Opposition is moving to take advantage of the first line of Standing Order No 125 which states -

The Council, unless otherwise ordered . . .

He has moved a motion to provide for this House to order otherwise a certain order of business. Under that set of rules, we are currently debating this motion. This is why I said to the Leader of the Opposition earlier - he said that if this option were carried, it would preclude motion No 1 from being dealt with today - that if we had been within the hour, motion No 1 would have been the first that we would have dealt with, irrespective of this and whether this motion had been voted upon and out of the way.

The fact that the time has now gone beyond the hour means that we will not be able to get back onto your motion, motion No 1, about which the member was so anxious to say something. When the Leader of the Opposition was talking about it, the time was 3.50. At that time 40 minutes were still left. I hope the member gets my drift.

Hon TOM STEPHENS: Mr President, you have drawn my attention to Standing Order No 164 which states -

If all motions shall not have been disposed of one hour after the time fixed for the meeting of the Council, the debate thereon shall be interrupted, unless the Council otherwise order.

The PRESIDENT: We have not yet got onto those motions.

Hon TOM STEPHENS: Mr President, I will read it again. I must be reading it differently from the way in which everyone else in the House is reading it. It states -

If all motions shall not have been disposed of one hour after the time fixed for the meeting of the Council, the debate thereon shall be interrupted, unless the Council otherwise order.

The PRESIDENT: That presupposes that we have started the order of business. But we have not started the order of business.

Hon TOM STEPHENS: Mr President, as I understand it, the order of business each day in this House starts with your arrival in the Chair and saying a prayer, and that prayer is the order of business that arises. At the conclusion of that prayer, you then go -

The PRESIDENT: Onto the order of business.

Hon TOM STEPHENS: But the order of business includes the prayer.

The PRESIDENT: No; it does not. I say the prayer before I commence the order of business.

Hon TOM STEPHENS: What is the prayer doing here, if it is not part of the business?

The PRESIDENT: I am not sitting the member down because I take it that he is genuinely trying to find out something.

Hon TOM STEPHENS: I am genuinely wanting to be instructed by you, Mr President, about the way in which this standing order can be read. That is -

Interruption of motions.

164. If all motions shall not have been disposed of one hour after the time fixed for the meeting of the Council, the debate thereon shall be interrupted . . .

The PRESIDENT: Let me tell the member this: The first thing that he should do is to look at Standing Order No 125.

Hon TOM STEPHENS: I have looked at Standing Order No 125.

The PRESIDENT: Can the member see anywhere in that standing order talk about a prayer? It does not. The prayer is one that I offer up on behalf of the members here prior to entering into the routine of business. It has nothing to do with the routine of business. I need not say prayers at all if the House chose not to do that. There is no point of order in regard to the one hour rule. The next thing that will happen is that it will be the two hour rule, because we will use up an hour trying to educate the member about this. Standing Order No 129 states -

Any motion connected with the conduct of the business of the Council may be moved by a Minister at any time without notice.

That is what the Leader of the House did. Immediately I finished prayers and before we got on to the routine of business, he moved that motion. Standing Order No 125, which refers to the routine of business, states -

The Council, unless otherwise ordered, shall proceed each day with its ordinary business in the following routine . . .

We have not got on to that routine because the Leader of the House has moved a motion to bring about an alteration to the order of business.

Hon John Halden: However disgraceful that is.

The PRESIDENT: I am not arguing the merits of what he is doing. I am simply saying that what he is doing is perfectly correct.

Standing Orders No 164 and No 195, both of which refer to what the Council does in certain circumstances once one hour has elapsed, do not apply until the order of business has commenced.

Hon TOM STEPHENS: It is not 195.

The PRESIDENT: It is Standing Order No 195. The member can sit down. In any event, while I am ruling on the member's point of order, he must sit down.

I now call on the Leader of the Opposition to continue his remarks.

Debate resumed

Hon GRAHAM EDWARDS: Mr President, I might say that I expected you to give that ruling. On the weekend, I looked at Standing Orders No 125 and No 129, because I expected that the Leader of the House would -

The PRESIDENT: Order! Did the Leader of the Opposition say that he expected me to give the ruling that I gave?

Hon GRAHAM EDWARDS: Yes, if it had been brought to your attention, Mr President.

The PRESIDENT: I wish that the Leader of the Opposition had spoken to Hon Tom Stephens about it.

Hon GRAHAM EDWARDS: Hon Tom Stephens, in my view, was quite correct to ask you, Mr President. You are the person who adjudicates on these matters.

The PRESIDENT: I did. And I went to a lot of trouble on the matter.

Hon GRAHAM EDWARDS: We do not have any difficulty with that. I understand that I have unlimited time in these matters.

The PRESIDENT: You have.

Hon GRAHAM EDWARDS: I intend to use that unlimited time, so Government members should sit back and enjoy it.

The PRESIDENT: We will get back to some serious business. The Leader of the Opposition has the floor; he has unlimited time; and there is no one hour rule. The only limitation on him is that he must speak about why we ought or ought not make these motions orders of the day.

Hon GRAHAM EDWARDS: I do not intend to abuse my unlimited time. I was about to draw my comments to a close. The dilemma in which the Opposition finds itself is that, if members make their comments brief, they may find that within an hour the House is debating an important motion and have only a few minutes to deal with it.

I will illustrate the point. I could have concluded my remarks by 4.20 pm so that we could move on to the urgency motion, only to have the Leader of the House deny us leave to continue. At times like this, the Opposition is caught in a dreadful dilemma when the Government decides to set aside the goodwill that should complement the standing orders of this House and the goodwill that should ensure that standing orders are used in a manner which is conducive to proper debate and the proper conduct of this place as a House of Review.

I know that you, Mr President, do not make up the standing orders; you abide by them and adjudicate on them. I will not comment further on that. Your ruling was not one that was unexpected.

If urgency motions are to be placed on the Notice Paper, it is important that we conduct ourselves in a way which enables us to have proper, full debate and not fragmented debate over three or four days on an issue that is so important to members of this House and the people of Western Australia who desire to give Aboriginal people a fair go, and to any person who is interested in ensuring that comments that have the potential to fragment and divide are treated properly.

In conclusion, I regret that the Leader of the House has chosen to respond to my letter in the way in which he has. However, my letter has been read into *Hansard* and people can make a judgment on it. As well, people will have the opportunity to make a judgment on the actions of the Leader of the House. I invite people to do so. I oppose the motion.

Point of Order

Hon TOM STEPHENS: Mr President, we have a motion before the House. It is normal courtesy for a copy of the motion to be made available to members. I understand that the member on the other side of the House is seeking the call to put that question. Opposition members should know what they are voting on. Before the member would dare put the motion, we should have a copy of it. Could the courtesy of the House be extended into this extraordinary situation so that a copy of the motion is made available?

The PRESIDENT: There is no point of order.

Hon TOM STEPHENS: Then I will just take the call.

The PRESIDENT: The member will not take the call. He raised a point of order. I gave him the call on his point of order. Hon Bob Pike has the call to continue the debate.

As to the point of order: if members want copies of motions that are submitted, I point out that, when a member moves a motion in this place, he must hand to the President a

signed copy of the motion. Nobody receives a copy of that motion until the President gets it. The President immediately hands it to the Clerk, after having read it and having put the question. I understand that the Leader of the Opposition then received a copy of the motion and he is the one who spoke. There is no point of order in rising to say that everybody has not got a copy.

Hon TOM STEPHENS: I have not got one.

The PRESIDENT: I have not got one now, because I gave mine to the Clerk.

Hon TOM STEPHENS: If Hon Bob Pike gets the call, the motion will be put and we will not have a copy of it.

The PRESIDENT: The member has become a fortune teller.

Hon TOM STEPHENS: The President should wait and see.

The PRESIDENT: I will be amazed if what the member is saying is correct. However, that is not for me to say. The honourable member rose on a point of order and Hon Bob Pike rose to discuss the motion, I take it. I have given him the call.

House to Divide

Hon R.G. PIKE: I move -

That the House do now divide.

Points of Order

Hon TOM STEPHENS: I understand, Mr President, that you have now given the call to Hon Bob Pike, who has just moved the gag motion so that the Opposition is now forced to vote on a motion of which we do not have a copy. In response to this point of order Hon Bruce Donaldson, showing his ignorance, waved around the Notice Paper as if the motion were to be found on the Notice Paper. It is not on the Notice Paper. The only copy is with the Clerks. Surely Mr President, you will not require the House to vote on a motion, a copy of which I, for one, do not have.

The PRESIDENT: As I have said on many occasions, the only thing one can be sure of in this place is that one cannot be sure of anything. I may well be just as astounded as Hon Tom Stephens. However, it is the responsibility of the member to get a copy of the motion. The Leader of the House read his motion to the House and handed me a copy, which I gave to the Clerk, who then gave it to the Leader of the Opposition because he wanted one. There is no point of order, because Hon Tom Stephens did not ask for a copy and did not get one. I will put the question so you know what the question is. As to what Hon Bob Pike has done, although that may be unusual, it is certainly not out of order. I have no option but to take that motion and it must be put without debate.

Hon TOM STEPHENS: I was trying to get the call for this point. Knowing it might be difficult because I anticipated Hon Bob Pike might move to gag the debate, I sent you a note indicating I would like to be the next person to be given the call. The difficulty is that the other side of the House has put the President in the situation of looking as though he is conspiring in this process to gag the motion. I tried to get the call to speak. I know, Mr President, you were not conspiring in that type of behaviour.

Several members interjected.

The PRESIDENT: Order! I am quite capable of handling this. The member sent me a note asking me to give him the call; it is in that rubbish bin where every other similar note ends up. No Government or Opposition member will direct me on whom I should give the call to. I am not saying that over the years Whips from the Liberal Party have not given me pieces of paper asking that the call be given to Tom, Dick or Harry, but when they have, I have refused to do that. I will continue to refuse to do it and I refuse to do it in Hon Tom Stephens' case. I believe that standing orders and the conventions of this place are sacrosanct. The standing orders and conventions take no notice of people who try to get pre-audience. I give the call to the person whom I believe is the first to come to my attention. Hon Tom Stephens rose simultaneously with Hon Bob Pike - it

was a pretty close match. Hon Tom Stephens called for a point of order. Hon Bob Pike called for the debate to be gagged. I do not know how many times I must go over this. I gave Hon Tom Stephens the call to take his point of order because that takes precedence over the debate. I have dealt with it.

Hon Tom Stephens has now raised another point of order and gone dangerously close to saying there was some conspiracy. I will not take offence at that. If I thought for one second you were serious I would be talking to an empty seat because you would not be here. In the heat of this atmosphere that is not unusual. To repeat what I said earlier, I can understand members becoming irate about it. The fact is - your leader made the point - I do not make the rules; I ensure that, to the best of my ability, members comply with them. Sometimes it may well look like somebody is getting a call above someone else. I must do all sorts of things. Some members stand up and I do not know whether they are going outside to get a drink of water. Some members do not call at all; they are like ghosts when they stand up.

Hon Tom Stephens: Not me.

The PRESIDENT: Some members do not give me any idea that they want the call. One thing I must say about you and Hon Bob Pike is that that does not apply to either of you. I do not want to get into an argument with Hon Tom Stephens and I hope he does not continue to press me to make me do something I do not want to do.

Hon TOM STEPHENS: I need your assistance, Mr President, to work through this situation. I rose on a point of order because Hon Bob Pike had been up to the Chair and spoken to you in the lead-up to his claiming the call. When I saw him do that I wrote a note to you indicating that I would like the call. I then rose on a point of order because I knew that was the way to be on my feet. I then indicated I would like the call because I knew that process would have drawn me to your attention to get the call. You indicated, Mr President, that when considering these issues you would be mighty surprised if Hon Bob Pike were to move the gag motion. That is nonetheless what he did. I need your assistance to find out what standing order I can use to ensure I can continue debate on this important question rather than allow the gag motion to be passed.

The PRESIDENT: I gave you the benefit of the doubt regarding the first innuendo that I or the Government may have had some sort of conspiracy; I let that go. If you are now suggesting that when Hon Bob Pike approached me up here, as does every member from time to time for one thing or another, he approached me with a view to entering into some arrangement to get the call, you are wrong. If you think he approached me to get the call for the purpose of moving the gag, you are really wrong. I will not tell you what he did approach me about, although it is not something that is of any consequence. It would be impertinent of you to expect that I would tell you. In the same way, I would not tell anybody what you asked me or what your leader or any other member asked me from time to time. Members of your party seek advice and talk to me about things they will do. If anybody thinks I tell the Liberal Party about it you are doing me a very grave disservice because I would not under any circumstances do that. You are wrong on every count. He asked me nothing about getting the call and he certainly did not tell me about moving the gag. I think you put the idea in his mind.

Hon TOM STEPHENS: I heard him before he spoke; I knew what he was going to do.

The PRESIDENT: You are psychic.

Hon TOM STEPHENS: Sometimes there is much to be said for that.

The PRESIDENT: The only thing you can do in order to stop him is to vote against the motion. There is no debate. I must put the question.

Hon TOM STEPHENS: Mr President -

The PRESIDENT: If you do not come up with some substantial point of order I will sit you down for frivolous -

Hon TOM STEPHENS: I have not had a chance to consult my colleagues about this; however, I move -

That the House dissent from the President's ruling.

I do so on the basis that you gave another member of the House the call when I was clearly on my feet seeking that call.

The PRESIDENT: Order! That is not a point of order. The member cannot move that.

Hon TOM STEPHENS: I put it to you, Mr President, that you gave a ruling -

The PRESIDENT: I have not given a ruling.

Hon TOM STEPHENS: - and I took a point of order on that and indicated to you -

The PRESIDENT: Order! Members should stop interjecting so that I can concentrate on what the member is telling me.

Hon TOM STEPHENS: I rose on a point of order in that I believed that I had the call and you, Mr President, ruled that the call had gone to Hon Bob Pike. I am indicating to you that that is a ruling and I want to move dissent from that.

The PRESIDENT: No, it is not a ruling.

Hon TOM STEPHENS: Mr President, it is now a ruling by you that it is not a ruling and I want to move dissent.

The PRESIDENT: Order! No, the member cannot. He can give notice of a motion tomorrow to take account of what he has in his mind. In the meantime, I have no alternative but to put the motion. He cannot persist on the course he is following. I genuinely suggest to him that he not persist with that line of action because he is heading down a blind alley; he is not going anywhere. He is frustrating himself and eventually he will make me angry.

Hon TOM STEPHENS: I seek your advice a little further, Mr President. Are you telling me that you have not made a ruling that Hon Bob Pike had the call?

The PRESIDENT: I made a decision; that is not a ruling. The member cannot disagree with that decision. I gave the call to the person I believe was entitled to the call; that is, the person I saw first. Please believe me; the member can do nothing except vote against it.

Hon TOM STEPHENS: Am I able to move dissent from your decision, Mr President?

The PRESIDENT: What decision?

Hon TOM STEPHENS: The decision to give Hon Bob Pike the call.

Hon Reg Davies: Sit down; everyone knows what you are doing.

The PRESIDENT: Order! We are all losing track of the plot. The member can have time to contemplate this matter because I now have to interrupt the debate to take questions without notice.

[Questions without notice taken.]

Hon TOM STEPHENS: Mr President, I have taken your advice and studied the question before the House. You will be aware of the cordial manner in which I address you. I do not reflect on you. I seek your assistance. As I understand it, the House is considering a motion by Hon Bob Pike that the House do now divide. Effectively, that motion is covered by Standing Order No 164 and the requirement is that the House return to orders of the day. I seek your ruling, Sir.

The PRESIDENT: I could not follow what the member said.

Hon N.F. Moore: It sounds like an exceptionally long bow.

Hon TOM STEPHENS: I seek your ruling, Sir, on whether Hon Bob Pike's motion is covered by Standing Order No 164, which indicates that motions should be interrupted for the purposes of allowing consideration of orders of the day.

Ruling - By the President

The PRESIDENT: The answer is no.

Dissent from President's Ruling

Hon TOM STEPHENS: Then I move -

That the House dissent from the President's ruling.

The PRESIDENT: The member can move to dissent from my ruling. The ruling is that Standing Order No 164 has no application to the motion moved by Hon Bob Pike.

Hon TOM STEPHENS: I am very pleased that you have made a ruling on this question, Mr President, because it provides an opportunity to consider the situation we now face. Standing Order No 164 reads -

If all motions shall not have been disposed of one hour after the time fixed for the meeting of the Council, the debate thereon shall be interrupted, unless the Council otherwise order. The orders of the day shall be then taken in rotation; but if there be no order of the day, the discussion on motions may be continued.

That standing order exists for a very good reason. I have been here for a short time compared to you, Mr President, as I have been a member for only 11, nearly 12, years.

Hon N.F. Moore: Heaven help us if it were longer! If anyone had any doubts that you wanted to delay the progress of this House, it would now be known. This is the most absurd argument I have heard here.

Hon TOM STEPHENS: Nothing could be more serious than the matter of the gag and guillotine motion before the House.

Hon N.F. Moore: Except that we are not talking about that.

Hon TOM STEPHENS: As you know, Mr President, nothing could be more serious than such a motion.

Hon N.F. Moore: That is not what you are on about. Think about what you are disagreeing with. You will keep talking until your tongue falls off in order to delay the House.

The PRESIDENT: Order! I am still the President. For the little while that I remain in this position the member will have the opportunity to put his point of view. However, if he is about to embark on a long-winded explanation another standing order will apply; I shall direct his attention to that in a moment.

Hon TOM STEPHENS: I realise that a motion of dissent from the President's ruling is very serious; I will deal with it in that way without any sense of rancour towards you personally, Sir, and without in any way breaching standing orders.

I have not had the foresight of other members - certainly not that of the Leader of the Opposition - in previously addressing attention to Standing Order No 164, which is the subject of my motion for dissent. The Leader of the Opposition came to the conclusion that at very best the order was ambiguous and may provide, under a combination of Standing Orders Nos 164 and 129, an opportunity for other motions which are not part of orders of the day to be discussed after the hour from the commencement of the sitting had elapsed.

I read Standing Order No 164 thoroughly for the first time during question time. That is why I sought the opportunity for a ruling on this matter. Your ruling, Mr President, has provided an opportunity to examine the words of the standing order and what they might be construed to mean. The Leader of the Opposition has indicated they may involve some ambiguity. Part of the standing orders reads -

If all motions shall not have been disposed of one hour after the time fixed for the meeting of the Council, the debate thereon shall be interrupted . . .

This standing order contains no reference to Standing Order No 125 regarding the routine of business. Nothing stipulates that motions to be interrupted are only those which fall within Standing Order No 125.

Hon Peter Foss: How did your privilege motion keep going the other day?

Hon TOM STEPHENS: It did not.

Hon Barry House: Yes, it did.

The PRESIDENT: Order! The motion to which the member refers is not the motion moved under Standing Order No 125. The motion is that the House do now divide as was moved just prior to 5.00 pm. The member must relate his remarks to why he believes my ruling was incorrect in that the motion for the House to now divide was moved well and truly after one hour had elapsed from the commencement of the sitting. The motion relating to the ruling I gave was not the one moved by the Leader of the House under Standing Order No 125. The member must confine his comments to why the motion that the House do now divide somehow or other is caught up under Standing Order No 164. My ruling is clear, and I do not resile from it.

Hon TOM STEPHENS: You have given me the good service, Mr President, of a clear ruling, from which I clearly move dissent. I argue that you incorrectly ruled that Standing Order No 164 does not cover the motion moved by Hon Bob Pike. Standing Order No 164 indicates that all motions relate to it. It reads that "If all motions shall not have been disposed of one hour after the time fixed for the meeting of the Council, the debate thereon shall be interrupted, unless the Council otherwise order". Dealing with the last part first, no other order has been made by the Legislative Council which will prevent debate from being interrupted. Therefore, it is not possible for the Chair to rely on those words within the standing order. Therefore, one must refer to the other words within the order. I ask members to open their copy of standing orders, as they will agree with me.

Hon E.J. Charlton: No; we will listen to you.

Hon TOM STEPHENS: I already indicated that if all motions are not dealt with one hour after the meeting of the House, the debate shall be interrupted. The standing order then reads -

The orders of the day shall be then taken in rotation; but if there is no order of the day, the discussion on motions may be continued.

That order is included in standing orders for good reason as it allows the House to deal with orders of the day. The orders of the day as spelt out on our Notice Paper are growing longer by the day.

Hon George Cash: Because of your obstruction.

Hon W.N. Stretch: Get on with it.

Hon TOM STEPHENS: The orders of the day are listed from 1 to 33. That Notice Paper includes some orders of the day in which I have a lot of interest, and the Leader of the Opposition has previously referred to Order of the Day No 25. It is clear that the orders of the day are the substantive issues that have been agreed to by the House as the issues that it wants to deal with in this place. It is the existence of Standing Order No 164, under which you, Mr President, have made your ruling that allowed us while in Government to get on with our business on the Notice Paper day in and day out. It allowed us as a Government to function during the past 10 years. No matter what other motions were moved in the House early in the day, at least they went on for only an hour.

Hon Peter Foss: You are trying to take the business of the House out of the hands of the Government.

Hon TOM STEPHENS: That is a red herring.

The PRESIDENT: Order! Well ignore it.

Hon TOM STEPHENS: That has nothing to do with the dissent motion I have moved on your ruling, Mr President. If your ruling stands, Standing Orders Nos 164 and 129 could be used by a Minister at any time without notice -

Hon George Cash: It can be? It is.

Hon TOM STEPHENS: - to subvert the processes of the House. The orders of the day

have been agreed to by the House; they have finally found their way onto the Notice Paper as orders of the day, and we have been advised of that by the fact that the Notice Paper exists. That is how we get to see what the orders of the day are. Mr President, a combination of the reading of Standing Orders Nos 129 and 164, if your ruling stands, would put us in a very perilous position. We could come into this place at any time and find that a Minister could jump up, as Hon George Cash has done, and change the orders of the day. We might even find Mr Cash starting to jump up before prayers are read. It would appear, if your ruling is to be upheld by the House today, that there is nothing to stop the Leader of the House from jumping up before prayers to make sure he has the call, right in front of the routine of business. I had always presumed the prayers were a routine of business. I have now been educated at least in that regard - you say prayers are almost a gift to the House rather than part of the routine of business. Reading Standing Orders Nos 129 and 164 in the way you propose to do at this time runs the risk of allowing the situation to develop where the Notice Paper could suddenly and dramatically be interfered with.

More importantly, Sir, we have in this House a device, the urgency motion, whereby we pluck out of the air an artificial date to which we move the House might adjourn. Everybody knows that if leave is granted the motion will be withdrawn at the conclusion of debate.

The PRESIDENT: Order! The member is starting now to get away from the motion. You are not addressing the question as to the relevance of Standing Order No 164 to the motion relating to Standing Order No 110. It has nothing to do with Standing Orders Nos 129 or 125; they are not part of the question. The member must start talking about where he has said there is no order. Clearly Standing Order No 110 exists. It tells the member that he cannot do what he is doing now. I am allowing Hon Tom Stephens to do it in the spirit of -

Hon Tom Helm: Glasnost?

The PRESIDENT: I do not know about glasnost, but I am saying to Hon Tom Stephens that he must start relating the consequences of a motion under Standing Order No 110 and Standing Order No 164. I do not want to argue the point. I have given the member the opportunity of putting forward an argument. The member has not mentioned where he is coming from in order to override the very firm order in Standing Order No 110, which says I shall put the question without any debate or without any discussion whatever. I have put the question, and I should not be entertaining this. I am entertaining it as gesture of goodwill to the member, provided he gets on with mentioning something about it. The member is not getting even close to it; he is going off on a different tack about a different set of standing orders. If we are going to be fair dinkum in this place, let us be truly fair dinkum.

Hon TOM STEPHENS: Mr President, you will know I have moved a dissent from your ruling utilising Standing Order No 108. I found that standing order by coming to you and asking what was the standing order under which I could move dissent from your ruling, and you gave it to me. Mr President, you also know that standing orders allow a member to rise on a point of order which does interrupt the flow of business, including the flow of business that would be covered by Standing Order No 110 - that is, that the House do now divide. I have risen on a point of order to interrupt the flow of Standing Order No 110, which is not that there should be any more debate on this motion, which I am not wanting to canvass, because I could not. I want to canvass the fact that when I rose on my point of order under Standing Order No 164 we had a motion before the House from Hon Bob Pike which I put it to you, Sir, should be interrupted by Standing Order No 164; that is, it is just another motion.

The PRESIDENT: Order! You are now going from the sublime to the ridiculous. If the motion came within the scope of Standing Order No 164 it would have had to be interrupted at 4.30 pm this afternoon; but it was not moved at 4.30 pm this afternoon. The motion was moved only a few minutes before five o'clock. Standing Order No 164 deals only with motions that are commenced prior to 4.30 pm - it is relevant one hour

after the House sits. This is why I am saying the member is not getting to the relevancy of his motion. How is the member connecting Standing Order No 164 to Standing Order No 110?

Hon TOM STEPHENS: I understand your interpretation of standing orders, it is just that I disagree with it and I want the House to agree with my interpretation of those same standing orders.

The PRESIDENT: I am trying to help you. If you want the House to agree with you, at least talk about the question with which you have disagreed.

Hon TOM STEPHENS: I will. I am saying to the House, through you, because you are in the Chair, that Standing Order No 164 deals with all motions. In my view, the motion moved by Hon Bob Pike is just another motion. Mr President, if you will bear with me, I will speak through you to the House. If my dissent from your ruling is successful, we would suddenly find ourselves in the situation, if Standing Order No 110 is put successfully to the House, that the motion moved by the Leader of the House should not be considered by the House. Neither the motion that was moved at 3.30 this afternoon nor the motion moved at 4.50 could be properly put. This debate should be interrupted in accordance with Standing Order No 164, just as the debate should have been interrupted on the motion moved at 3.30 by Hon George Cash.

Hon N.F. Moore: What about adjournment motions? Are you saying we cannot adjourn the House at 4.30?

Hon TOM STEPHENS: No, I am not arguing that at all.

The PRESIDENT: Order! I am going to stop you in a couple of minutes.

Hon TOM STEPHENS: I want to address myself, not to the extraneous points made by the Minister -

Several members interjected.

Hon TOM STEPHENS: It is hard to stick to the point, Mr President, if I am going to be interrupted. Some people have said there is an ambiguity about standing orders, but I believe that Standing Order No 164 is quite clear and requires of the Chair a ruling that would have interrupted not only the motion moved now by Hon Bob Pike but also the motion moved at 3.30 by Hon George Cash. Debate on that motion should have been interrupted at 4.30, when I first rose to make my point of order. I did not have the advantage then, Mr President, of a ruling from you from which I could move dissent. It was some time before you, Mr President, made a ruling as to what the House was doing, and I put it to you, Sir, that you said later today -

Hon Peter Foss: You are seeking to dissent from the earlier ruling, not this one.

Hon TOM STEPHENS: I am moving to dissent from this ruling. That dissent casts light upon the situation we were faced with at 4.30, when I did not have the opportunity to study the standing orders. The difficulty the House would be faced with if, Sir, your ruling were to go unchallenged, is that the House would never know where it was. The ruling that you gave in response to my point of order, when reading Standing Order No 164 in conjunction with Standing Orders Nos 129 and 125, could have a disastrous effect on the orderly process of this House. It would allow a member to rise with a gag motion, which is unprecedented, and which would bring on the guillotine motion. All of that brings this House into disarray.

Hon Peter Foss: Speak to the motion.

Hon TOM STEPHENS: I am pointing out that if your ruling is upheld, Mr President, it will lead this House into disarray and not provide us with an opportunity of fulfilling our duties as a House of Review.

Hon Peter Foss: Is it a point of order or a speech?

Hon TOM STEPHENS: It is a speech in support of my motion of dissent from your ruling, Mr President. This dissent is moved under the standing orders of the House, and I

have the opportunity of being able to speak on this serious motion. To move dissent from a ruling is not something people in this House should rush into willy nilly, and I do not and will not. We are faced with a situation here where the ruling would allow a Minister to rise at any time on an incorrect, false reading of Standing Orders Nos 125, 129 and 126. I hope that other members will understand the difficulties they would be causing for themselves if they allowed that situation to develop. What goes around comes around, and this Government will be in Government only for a short time. Government members will be on the other side of this House, and if decisions are made now that allow standing orders to be ridden over roughshod, they will squeal as a result of it when they are back in Opposition.

Mr President, you have been here a long time and you know the way this House operates. What hurts one party or group of members in the House on one occasion will come back and haunt the same members on subsequent occasions. Hon George Cash has endeavoured to ride roughshod over standing orders through these proceedings by requiring of you the continuation of a debate beyond 4.30 and allowing Hon Bob Pike to move yet another motion. We have before the House two motions which are going to be put in breach of Standing Order No 164 and open up a real Pandora's box unless my dissent from your ruling is agreed by the House.

We are all only too well aware that we are currently awaiting a ruling of the Supreme Court of Western Australia which could change for all time the numbers in this place. No Government ever again might have the numbers in this place to control the way things move through this place. If your ruling on Standing Order No 164, which I am moving dissent from, is allowed, you will find that this Parliament can never deal with the Notice Paper or orders of the day in an orderly manner, because the one hour rule will have gone out the window.

Hon Peter Foss: Only the Government can move such a motion.

Hon TOM STEPHENS: The Minister is saying that somehow or other this House will leave matters in the hands of Ministers, as though this House and you, Sir, are playthings of the Government and Ministers of the Crown.

Hon Peter Foss: It is purposely put into the hands of the Government because they control the business of the House.

The PRESIDENT: If the honourable member does not hurry up, I am going to sit him down under Standing Order No 100. You are repeating and repeating things which have nothing whatsoever to do with the ruling I gave. You have not said one word in the whole of your comments which deals with the ruling I gave. If you do not hurry up I am going to ask the House to deal with you under Standing Order No 116.

Hon TOM STEPHENS: Yes, Mr President. Standing Order No 110 that Hon Bob Pike rose under allows him to move a motion that I am putting to the House in my motion of dissent from your ruling, Sir, is covered by Standing Order No 164; that is, that a motion should not be countenanced at this time in the House's proceedings because we have passed the time for such motions. All such motions should have been disposed of one hour after the time fixed for the meeting of the House. The House sat at 3.30 this afternoon, which meant that the motion to divide and the other motion moved by Hon George Cash should have been dealt with before 4.30 or should not have been dealt with at all. That is why I put it to you, Sir, that your ruling under Standing Order No 164 is in breach of the letter and spirit of the standing orders.

Sitting suspended from 6.00 to 7.30 pm

Hon GRAHAM EDWARDS: In seconding the motion, you may be surprised, Mr President, to learn that I do not necessarily agree that your ruling was incorrect. However, there is clearly ambiguity in the standing orders and room for different interpretations. Although I may not disagree with your ruling, Mr President, I certainly support the right of the member who moved the dissent to do so because that is the right given to members under our standing orders when a member believes that a ruling is not correct. The difficulties we have experienced this afternoon have arisen from the manner

in which the original motion was moved and the fact that this is a tactic that we have not previously seen. The ambiguity created was compounded when the gag motion was put, which is also a tactic not seen by members on this side of the House. It just goes to show the confusion that can arise when members - particularly those with the numbers, such as the Government has - forget that standing orders were designed not only to be written, but also to be used in a spirit of cooperation and in the spirit in which they were prepared. That spirit was tarnished to a great degree this afternoon. I regret that.

Hon TOM STEPHENS: Mr President, you will appreciate the difficulty with which the Opposition was faced by the motion of which we were given no prior notice. However, I seek leave of the House to withdraw my motion to dissent from your ruling, Mr President, since I have had the opportunity of counsel from the Leader of the Opposition and to reflect on the standing orders.

Motion, by leave, withdrawn.

Division

Question (House to divide) put and a division taken with the following result -

Ayes (16)		
Hon George Cash	Hon Barry House	Hon B.M. Scott
Hon E.J. Charlton	Hon P.R. Lightfoot	Hon W.N. Stretch
Hon M.J. Criddle	Hon P.H. Lockyer	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon N.F. Moore	Hon Muriel Patterson (<i>Teller</i>)
Hon Max Evans	Hon M.D. Nixon	
Hon Peter Foss	Hon R.G. Pike	
Noes (13)		
Hon T.G. Butler	Hon Graham Edwards	Hon Tom Stephens
Hon Kim Chance	Hon N.D. Griffiths	Hon Doug Wenn
Hon J.A. Cowdell	Hon John Halden	Hon Tom Helm (<i>Teller</i>)
Hon Cheryl Davenport	Hon A.J.G. MacTiernan	
Hon Reg Davies	Hon Sam Piantadosi	

Question thus passed.

Division

Question (on motion) put and a division taken with the following result -

Ayes (16)		
Hon George Cash	Hon Barry House	Hon B.M. Scott
Hon E.J. Charlton	Hon P.R. Lightfoot	Hon W.N. Stretch
Hon M.J. Criddle	Hon P.H. Lockyer	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon N.F. Moore	Hon Muriel Patterson (<i>Teller</i>)
Hon Max Evans	Hon M.D. Nixon	
Hon Peter Foss	Hon R.G. Pike	
Noes (13)		
Hon T.G. Butler	Hon Graham Edwards	Hon Tom Stephens
Hon Kim Chance	Hon N.D. Griffiths	Hon Doug Wenn
Hon J.A. Cowdell	Hon John Halden	Hon Tom Helm (<i>Teller</i>)
Hon Cheryl Davenport	Hon A.J.G. MacTiernan	
Hon Reg Davies	Hon Sam Piantadosi	

Question thus passed.

BILLS (2) - ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Foot and Mouth Disease Eradication Fund Repeal Bill
2. Business Franchise (Tobacco) Amendment Bill

BILLS (2) - ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills -

1. Workplace Agreements Bill
2. Minimum Conditions of Employment Bill

MOTION - SESSIONAL ORDER - TIME MANAGEMENT; SUSPENSION OF STANDING ORDERS; HOUSE SITTING TIMES

HON GEORGE CASH (North Metropolitan - Leader of the House) [7.43 pm]: I understand that Orders of the Day Nos 1, 2 and 3 - Motions Nos 6, 7 and 8 on today's Notice Paper - will be taken as a cognate debate. I move -

Sessional Order - Time Management

That for the remainder of the session and notwithstanding any other provision of Standing Orders the following order shall apply to the disposal of the business of the House and in particular to the handling of Bills -

1. At any time after the moving of the Second Reading of a Bill a Minister may table a program for the completion of the various stages of the Bill.
2. A stage includes -
 - (a) the moving of a reading;
 - (b) a vote on a reading;
 - (c) the adoption of a final report from the Committee of the Whole; and
 - (d) a vote on the question that a clause, division, part or schedule stand as printed or amended in the Committee of the Whole.
3. Such a program may provide for -
 - (a) a fixed time and date for the completion of a stage;
 - (b) a period of time which may elapse calculated from some other point in the course of the debate; or
 - (c) a combination of (a) and (b) but in such case where there is conflict the provision in (a) shall prevail.
4. From time to time after tabling a program a Minister may table a revised program.
5. If any part of the then program is not met a Minister may move without notice that the Bill be treated as an urgent Bill and the motion shall be put forthwith without debate.
6. When a Bill has been declared by the House to be urgent and the time limited by a program is arrived at, the Presiding Officer shall interrupt the debate or other proceedings of the House and forthwith put to the vote all questions as are necessary for the Bill to complete the stage provided for in the program including all amendments standing on the Notice Paper in the name of the Minister handling the Bill and shall take all such other measures as are necessary to enable the Bill to reach the stage provided in the program.
7. In this Order, "Minister" includes Parliamentary Secretary.

and -

Suspension of Standing Orders

That for the remainder of this session Standing Orders be suspended so far as will enable any Bill to pass through any or all stages at one sitting.

and -

House Sitting Times

That for the duration of this session the House on any sitting day be enabled to sit beyond 11.00 pm or 6.00 pm as the case may be.

Earlier today the Opposition outlined the reasons it believed these motions were not necessary.

Point of Order

Hon GRAHAM EDWARDS: The Leader of the House claimed that earlier today he heard from the Opposition the reasons that the motions were not necessary. Mr President, I draw your attention to your ruling in which you indicated it was not possible to debate the content of the motion. Therefore, it was not possible for the Opposition to give the reasons that it believed the motions were not necessary. I ask you to uphold your ruling.

The PRESIDENT: Order! The Leader of the House has not indicated from where he heard it; he may not have heard it from that debate. Just because I said the Opposition was not allowed to refer to the content of those motions does not mean that there was not some mention made of the content of those motions. The Leader of the House never said where he heard it. It is not a point of order.

Debate Resumed

Hon GEORGE CASH: I advise members opposite that we are now debating Motions Nos 6, 7 and 8. It is obvious that we will be discussing the reasons that these motions should be carried by the House.

Hon Tom Stephens: They are not Motions Nos 6, 7 and 8; they are Orders of the Day Nos 1, 2 and 3.

Hon GEORGE CASH: They were Motions Nos 6, 7 and 8 on the Notice Paper and they are now Orders of the Day Nos 1, 2 and 3. I urge Hon Tom Stephens not to give any more advice to the House. He has already made a terrible blue.

The PRESIDENT: Order! I do not want the Leader of the House to give his view of Hon Tom Stephens or anyone else. I want members to give their views on Orders of the Day Nos 1, 2 and 3.

Hon GEORGE CASH: I will certainly get on with the debate. The only way for the Legislative Council to make any progress is for it to carry these three motions. For a number of weeks we have seen how the Opposition has attempted to frustrate and obstruct the passage of the Government's business through this House.

Hon T.G. Butler: Tell us how we did that?

Hon GEORGE CASH: I suggest to the member that he read *Hansard*.

Hon T.G. Butler: You will see Hon Peter Foss' name as much as anyone else's name.

Hon GEORGE CASH: I do not mind listening to logical debate in this place, but when I hear the same argument 16 times I begin to wonder what it is all about.

Point of Order

Hon TOM STEPHENS: The Leader of the House is suggesting that there has been tedious repetition in debate in this place. In other words he is suggesting that the Presiding Officers have not been doing their job and have been allowing flagrant breaches of the standing orders. It is a reflection on the Chair.

The PRESIDENT: Order! That is a conclusion the member has reached; it is not a point of order.

Debate Resumed

Hon GEORGE CASH: I repeat that all the Opposition has to do is pick up the *Hansard* and read the debate on the industrial relations legislation.

Hon John Halden: You don't like accountability and scrutiny.

Hon GEORGE CASH: I believe in accountability and scrutiny but I only have to be told something once, not 16 or 17 times.

Hon John Halden: You should tell the Minister for Health that.

Hon GEORGE CASH: Earlier today the Leader of the Opposition questioned why I would come into this House today and move the motions listed on the Notice Paper. The reason I moved them is in direct response to the letter to me from the Leader of the Opposition which I received at 3.30 yesterday afternoon and which I conveyed to members on this side of the House -

Hon Tom Helm: Your nose will grow if you keep saying those things.

Hon GEORGE CASH: - at a meeting at 2.15 this afternoon. Without indicating what happens in the Liberal Party room -

Hon John Halden: Everyone else tells us what happens. You may as well.

The PRESIDENT: Order!

Hon GEORGE CASH: Later on Hon John Halden must name those people for me so that I can take the necessary action.

The point I am making is that members on this side of the House were incensed at the manner in which the Leader of the Opposition had worded his letter. He said that the Government was not consulting the Opposition. I have gone out of my way to consult with the Leader of the Opposition.

Hon Graham Edwards: Your nose is growing now.

Hon GEORGE CASH: This Leader of the Opposition does not negotiate in the same way as Hon Joe Berinson did when he was Leader of the House.

The PRESIDENT: Order! There is far too much audible conversation. It must stop and the interjections must stop.

Hon GEORGE CASH: Members will recall that in the four years prior to the last State election Hon Joe Berinson as Leader of the House in this place, Hon Eric Charlton as the leader of the National Party, and I sat down on many occasions and we were able to work out a program for the business of this House.

Hon Graham Edwards: Why will you not do that?

Hon GEORGE CASH: Because the Leader of the Opposition does not seem to have the same attitude as had Hon Joe Berinson.

Hon Graham Edwards: For once in your life, tell the truth. You have not once offered to consult.

Hon GEORGE CASH: This is the sort of attitude that we are expected to put up with.

Hon Graham Edwards: No wonder Hon Joe Berinson said not to trust you!

Hon GEORGE CASH: There are people who say exactly the same about the Leader of the Opposition, and I can understand why. Is it not interesting that when I want to negotiate with some other members of the Opposition, I find that they are quite happy to sit down and discuss matters and, in fact, want to encourage the orderly management of business through this House? However, for some reason the Leader of the Opposition does not want to adopt that attitude. Therefore, all the talk in the world about the Opposition wanting to discuss, consult and cooperate falls on deaf ears because the Leader of the Opposition is not dinkum.

Hon Graham Edwards: You have been caught out. You don't even know what business you have got to get through. Colin Barnett is running your show, and you know it. That is why you cannot negotiate.

The PRESIDENT: Order! The Leader of the Opposition must come to order.

Hon GEORGE CASH: Is it not interesting that as soon as I speak on this motion, the

Leader of the Opposition interjects and tries to raise his voice over mine so that the House cannot hear the statements that I want to make?

Hon Graham Edwards: Repeat what you said. It is your time.

Hon GEORGE CASH: I will repeat it as many times as I have to. The Government is more than happy to discuss, consult and cooperate with the Opposition, but it is a two way street, and the sooner the Leader of the Opposition works that out, the sooner we may make some progress in that area. Some members of the Opposition have raised concerns about Order of the Day No 1, which refers to the need for time management. I invite members again to look at *Hansard* of Wednesday, 10 November, when Hon Peter Foss moved a motion that the House sit beyond 11.00 pm. The comments made by the Opposition, as it tried to talk out that one and a quarter hours so that we would not sit beyond 11.00 pm -

Hon Graham Edwards: We did not try to; we did!

Hon GEORGE CASH: The Leader of the Opposition now admits that is exactly what the Opposition was trying to do.

Hon Graham Edwards: Yes. Had you consulted with us, we would not have had to do that.

Hon GEORGE CASH: During that debate, a number of members of the Opposition emphasised, I do not know how many times, the need for time management. They said that they did not like sitting 23 hour days and liked to have some understanding of what business the House would conduct on any particular day that it was sitting. Order of the Day No 1 provides an opportunity for us to have some time management with regard to the business of this House. This motion may be interpreted as a guillotine motion.

Hon John Halden: We have.

Hon GEORGE CASH: I know the Opposition has interpreted it in that way, but I think rather unfairly.

Hon Tom Stephens: It is a guillotine motion.

Hon GEORGE CASH: Whatever Hon Tom Stephens does, he should not bother to address me. I am talking to Hon John Halden, because I think I can get some logical argument out of him.

Point of Order

Hon TOM STEPHENS: Hon George Cash indicated to the House that he is talking to Hon John Halden. I understood that the standing orders require him to speak to the President.

The PRESIDENT: Order! There is no point of order. If the member raises one more fictitious point of order, I will direct him to another course of action which will occupy his time for about three days.

Debate Resumed

Hon GEORGE CASH: Order of the Day No 1 deals with time management and is framed in such a way as to invite consultation with the Opposition.

Hon John Halden: But we are not mentioned.

Hon GEORGE CASH: Standing Order No 110 refers to the motion "That the Council do now divide". That is a gag motion, which is clearly provided within the standing orders. It is also a motion that any member of this House can move at any time. That motion has existed for a long time. The Government could have applied Standing Order No 110 had it seen fit. In fact, given the number of arguments that were very similar - I restrain myself from saying that were tedious repetition of the same subject - in regard to the industrial relations Bills that have been debated by this House to date, we could have moved that motion on a number of occasions.

Hon John Halden: But you could not have got away with it because they were not tedious repetition.

Hon GEORGE CASH: During those debates, some members of the Government came to me and asked whether I thought it was appropriate that they move that motion. In fact, they urged me to see that that motion was moved. I said to members on this side, "Let the Opposition speak. They are entitled to speak. In due course, we will judge them by what they say and we will judge the time that they take to make their comments." We did that, and, quite clearly, every member on this side believes that we have been more than fair to the Opposition and that the time has come for us to recognise that the Government has a legislative program that it wants to progress and the Opposition should not be allowed to obstruct and frustrate that program any longer. Rather than just invoke Standing Order No 110, the gag - and, believe me, that is very much an open and shut case; there is no debate, discussion, consultation or cooperation; we just move that as a procedural motion - we decided that it would be more appropriate -

Hon John Halden: Do not forget that these Bills were not debated in the other House because the guillotine was used there.

Hon GEORGE CASH: I will talk about that in a moment. I want to distinguish between Standing Order No 110 and Order of the Day No 1, because we believe that the Government has been extremely fair in the way in which that motion has been framed, because it does allow for consultation with the Opposition. I said earlier that consultation and cooperation happen to be a two way street, and when the Leader of the Opposition is prepared to recognise that, we may be able to make progress.

The Deputy Leader of the Opposition, Hon John Halden, raised by way of interjection the number of hours that have been used to date in regard to the passage of the industrial relations Bills. That point is worth noting. In the Legislative Assembly, the Workplace Agreements Bill was debated for 26 hours: Ten hours in the second reading stage, 15 hours in Committee, and one hour on the motion to adopt the Committee report from the Legislative Council. In the Legislative Council, the second reading debate was 12 hours, the Committee stage was 35 hours - I repeat that; 35 hours - versus 15 hours in the Legislative Assembly, and the third reading debate was one hour; a total of 48 hours.

Hon John Halden: That is what happens when you guillotine it in the other House.

Hon GEORGE CASH: In the Legislative Assembly the Minimum Conditions of Employment Bill was debated for 10 hours, made up of five hours in the second reading stage, four hours in the Committee stage, and one hour on the adoption of the Committee report from the Council. Members should contrast that with the 25 hours the Legislative Council spent on the Bill: Twelve hours in the second reading stage; 11 hours in the Committee stage; and two hours in the third reading stage. I am not sure that I have the latest figures on the Industrial Relations Amendment Bill so I do not believe it is fair for me to mention them.

Hon Graham Edwards: Make the comment.

Hon GEORGE CASH: Because we are still debating that Bill in this place, a comparison would not be reasonable at this stage.

Hon Graham Edwards: How many hours did the Assembly spend on the Industrial Relations Amendment Bill?

Hon GEORGE CASH: I cannot tell the member.

Hon E.J. Charlton: The public reckon it is overdone anyway.

Hon John Halden: You wouldn't know what the public think.

Hon Graham Edwards: Go back to counting sheep.

The PRESIDENT: Order!

Hon E.J. Charlton: At least I count accurately, which is more than I can say for you.

Hon John Halden: You should be the last person to say that.

The PRESIDENT: Order! Order! Members will come to order when I call for it.

Hon GEORGE CASH: As we are still debating the Industrial Relations Amendment Bill

in this place, it is probably not reasonable to draw a comparison between the time spent on debate in the Assembly versus the time that is likely to be spent on it here.

Hon Graham Edwards: Do you remember the points of order that were called by your members that took three hours?

Hon GEORGE CASH: No; I do not.

Hon Graham Edwards: Ask Hon Derrick Tomlinson and Hon Phil Lockyer about it.

Hon GEORGE CASH: Those on the opposite side have one person in their midst who seems to be addicted to taking points of order. He spends an awfully long time raising points of order, but knows nothing about what he is talking about. To show some members what that means, one member on the other side does not have a clue about the meaning of Standing Order No 129, Standing Order No 110 and Standing Order No 164 - if we have time he might also talk about Standing Order No 195 - or their interpretation.

I have made the point that we have framed this motion in a way that allows for consultation, discussion and cooperation. The Leader of the Opposition may be afraid to enter into those negotiations because he thinks he will lose, but why does he not give it a go?

Hon Graham Edwards: I have written to you to ask you to negotiate with us. That is your response.

Hon GEORGE CASH: This is the response to the letter of the Leader of the Opposition yesterday.

Hon Graham Edwards: I am sick of waiting for the legislation. I will respond to you.

Hon GEORGE CASH: This motion will allow the Leader of the Opposition and me to sit down and talk.

Hon Graham Edwards: Unless you move the gag before I get up.

Hon GEORGE CASH: I do not think I will move it before the Leader of the Opposition gets up. At least I will be fair about it.

Hon Tom Helm: What? Fair?

Hon T.G. Butler: Move it during his speech.

Hon GEORGE CASH: It is important that this motion be supported. It should also be recognised that provision to declare Bills urgent is not something new in upper Houses around the world. In fact, in 1926 the Senate adopted a standing order that enabled that House to determine Bills to be urgent Bills so that the business of the Senate could be deliberated upon in an orderly manner. It is nothing new that there should be an opportunity to declare a Bill an urgent Bill.

Hon John Halden: How will you decide whether it is urgent?

Hon GEORGE CASH: That is clearly set out in the motion before the House.

Hon Graham Edwards: It is not clearly set out at all; it is up to the whim of the Minister.

Hon GEORGE CASH: That is the member's interpretation.

Hon Graham Edwards: That is not a bad interpretation.

Hon GEORGE CASH: One of his problems is that he jumps to conclusions, rather than studying the motion.

Hon Graham Edwards: Explain to us about the process of consultation and how this will not operate at the whim of the Minister.

Hon GEORGE CASH: In the end there is such a thing as goodwill and when the Leader of the Opposition works out what that is, he will be able to negotiate with me and Hon Eric Charlton in the way in which Hon Joe Berinson used to negotiate.

Hon Graham Edwards: He used to sit on the side of the House where you are sitting, and initiate negotiations.

Hon GEORGE CASH: That is dead right. He used to sit where I now sit. Hon Joe Berinson, Hon Eric Charlton and I used to sit around the table and Hon Joe Berinson would say, "These are the Bills that I would like to progress. Which Bills do you think we could deal with?"

Hon Graham Edwards: When will you do the same thing for us?

The PRESIDENT: Order!

Hon GEORGE CASH: When I think the Leader of the Opposition is ready to accept that there is a need to negotiate.

Hon Graham Edwards: So there is no consultation coming from your side of the House at all.

Hon GEORGE CASH: All the consultation in the world.

Hon Graham Edwards: You have just brought yourself undone.

Hon GEORGE CASH: I am quite happy to sit down with the Leader of the Opposition at 11 o'clock every night or whenever the House gets up to discuss the future business of the House, if that is what he wants to do.

Hon Tom Helm: When will it start?

Hon GEORGE CASH: In the end, there is one thing that the Leader of the Opposition will have to learn.

Hon Graham Edwards: That you have the numbers. You have already told us that.

Hon GEORGE CASH: That is, that the Labor Party is no longer in Government; it lost the election. We are now in Government, and that is something that Hon Tom Stephens also must learn. Standing Order No 129 allows a Minister to order the business of the House as he or she sees fit.

Hon Graham Edwards: So?

Hon GEORGE CASH: That means that we are allowed to move matters around the Notice Paper as we see fit. I am saying that if the Leader of the Opposition wants to talk, I am more than happy to talk.

Hon Graham Edwards: What is the problem?

Hon GEORGE CASH: In the end, when the Leader of the Opposition does not get his own way, there will be no need to run into the Chamber and say that we have stopped consulting with him.

Hon Graham Edwards: We have never had our own way.

Hon GEORGE CASH: Hon Joe Berinson never seemed to have any problem running this House.

Hon Graham Edwards: Because he negotiated with the Opposition.

Hon GEORGE CASH: He was a reasonable person who sat down at the table and talked things over.

Hon Graham Edwards: The person who is running this House is the Minister for Health. You have had to bring in this motion to cover your inadequacies as Leader of the House.

The PRESIDENT: Order!

Hon Graham Edwards: It is true.

The PRESIDENT: Order! Order! I will not warn the member any more. I have asked him to come to order half a dozen times. I ask the Leader of the House not to enter into a conversation with anybody on the other side. He should direct his comments to me, and I will not interject.

Hon GEORGE CASH: As to the comment that the Minister for Health seems to be running this place, let me say one thing: One of the good things that I have going for me is that we on this side of the House happily work as a team.

Hon Graham Edwards: We have not seen too much of that.

Several members interjected.

The PRESIDENT: Order!

Hon GEORGE CASH: The motion that I have moved is clearly supported by this team. It was framed in such a way because members of this team believed there was a need for consultation. They urged me to see that there was some consultation. I have also advised members on this side of the House that the present Leader of the Opposition is not a person who seems to want to consult or discuss or cooperate. If the Leader of the Opposition wants to change his ways, I am more than happy to talk with him.

Hon Doug Wenn: Will you withdraw this Bill and negotiate again?

Hon GEORGE CASH: No; I will not, because we on this side of the House have made a decision that there is a need for this sort of motion so that we can, at least, talk with members opposite. If I had not given notice of this motion the other day, I doubt that the Leader of the Opposition would have bothered to write to me to talk about the opportunity to discuss things.

Hon John Halden: Waiting for you to consult with them.

Hon GEORGE CASH: One other thing needs to be covered about the letter that I received from the Leader of the Opposition, the question of pairs.

Hon Graham Edwards: You can consult on pairs.

Hon GEORGE CASH: The Leader of the Opposition seems to think that he will punish this side of the House by withdrawing pairs. Very soon after this session started we worked out that we could not rely on the Leader of the Opposition on pairs.

Hon Tom Stephens: You were wrong; and we on this side of the House know it.

Hon GEORGE CASH: We were dead right; absolutely right. I discount what Hon Tom Stephens says.

Hon Tom Stephens: You are wrong twice.

Hon GEORGE CASH: He does not understand the feeling on this side of the House about pairs. We agreed as a team that we could not rely on the Leader of the Opposition and that all members should be in this House on any sitting day.

Hon Tom Helm: Why do you say that?

Hon GEORGE CASH: I did not refer to the member.

Hon Tom Helm: "On this side of the House", you said.

Hon GEORGE CASH: I am referring to the Leader of the Opposition. Hon Tom Helm knows that I had several meetings with him.

Hon Tom Helm: They were memorable meetings. You cannot forget them.

Hon GEORGE CASH: Yes, they were. I told the member that I would be very pleased to work with him. I have no objection to the way in which he has managed pairs in this House. However, the Government is not able to rely on the word of the Leader of the Opposition in respect of pairs.

Hon Tom Helm: I do the pairs. You cannot rely on me, then.

Hon GEORGE CASH: Hon Tom Helm has used as much good faith and goodwill as he possesses to try to keep the place going in respect of pairs, but it has not worked because of the attitude of the Leader of the Opposition.

Hon Tom Helm: Read your speech again.

Hon GEORGE CASH: Did Hon Tom Helm know that the Leader of the Opposition wrote to me yesterday advising that pairs had been withdrawn?

Hon Tom Helm: Twenty-four hours' notice. Yes, I knew that.

Hon GEORGE CASH: Did the member know that he had done that?

Hon Tom Helm: Yes.

Hon GEORGE CASH: I am surprised that the member should say that. I understood that he indicated to someone today that he did not know.

Hon Tom Helm: No. They have got me wrong.

Hon GEORGE CASH: Irrespective of whether the Leader of the Opposition withdraws pairs, that will not stop us from consulting with the Leader of the Opposition. As was said earlier, the wheel turns. One day the Opposition will want something from the Government.

Hon Graham Edwards: Well, we are not getting it.

Hon GEORGE CASH: For the orderly running of the House, Hon Graham Edwards will find that, in the end, we need to work together. When he works that out, perhaps we will be able to make some progress. Joe Berinson worked that out very soon after he started in 1980.

Hon Graham Edwards: Threats.

Hon GEORGE CASH: There is no threat at all. I merely make the point that the former Leader of the House was able to deal with me when I was Leader of the Opposition and Hon Eric Charlton as leader of the National Party. We did not seem to have a problem.

Hon Graham Edwards: Well, you have got a problem somewhere, haven't you?

Hon GEORGE CASH: I do not believe that the problem resides with me. I am prepared to discuss, to consult and to cooperate. I do not know how many times I have to say it.

Hon John Halden: What about the issue of urgency? The motion states -

1. At any time after the moving of the Second Reading of a Bill a Minister may table a program . . .

That would hardly suggest a program of consultation on any definition of "urgency".

Hon GEORGE CASH: The member is obviously not taking notice of the comments that I am making about consultation. We are more than happy to sit down with the Opposition and talk about a program, time management and the need to progress Bills through the various stages in this House. If the Opposition does not want to do that, that is fine. The opportunity will exist on the carriage of this motion for a Minister to be able to table a program in respect of the various stages of a Bill. But the motion does not preclude discussion with the Opposition.

Hon John Halden: It does not guarantee it. We would like it guaranteed.

Hon GEORGE CASH: We are prepared to discuss the matter with the Opposition.

Hon John Halden: Put it in the motion.

Hon GEORGE CASH: There are things such as goodwill and good faith.

Hon Graham Edwards: We have asked you to put it in the motion.

Hon GEORGE CASH: I am happy with the motion as it is, and so are members on this side of the House.

Order of the Day No 2 relating to suspension of standing orders states -

That for the remainder of this session Standing Orders be suspended so far as will enable any Bill to pass through any or all stages at one sitting.

That is a standard motion that is moved by the Government at some time prior to the end of any parliamentary session.

Hon Graham Edwards: And what do I say in my letter?

Hon GEORGE CASH: In respect of Motion No 7, the Leader of the Opposition says -
Not opposed to it, dependent upon when it is put into effect.

I did not expect that the Leader of the Opposition would oppose it. I have taken the liberty of looking at what has occurred in the last four years. Joe Berinson moved that standard motion and the Opposition, as we were then, said that it was prepared to support it. At times, as Leader of the Opposition, I also said to the Leader of the House that I would like to be able to sit down with him to work out a legislative program.

Hon Graham Edwards: Which is what I said to you.

Hon GEORGE CASH: And we are more than happy to enjoy the support of Hon Graham Edwards on that motion.

Order of the Day No 3 relates to House sitting times and states -

That for the duration of this session the House on any sitting day be enabled to sit beyond 11.00 pm or 6.00 pm as the case may be.

Again, members would recognise that as a standard motion that is introduced and carried by the House -

Hon John Halden: You have been doing that for months.

Hon GEORGE CASH: We have not been using that motion. We have been negotiating with the member on some occasions and with the Leader of the Opposition on other occasions and saying that there is a need to sit beyond 11.00 pm. Quite often the reason that we were sitting beyond 11.00 pm was to make up much of the time that was wasted earlier in the day when other motions were run by the Opposition to waste time and filibuster, to obstruct and to frustrate the Government in its legislative program.

Hon John Halden: The Ministers were filibustering.

Hon GEORGE CASH: We saw the Opposition doing that this afternoon. Any reasonable person could take the view that Hon Tom Stephens was filibustering this afternoon. He said the same thing on a number of occasions and did not seem to know what he was talking about. He seemed to want to waste the time of the House. At 7.30 pm, after having argued with the House for 30 minutes about why a dissent motion should be moved against a ruling, he came in here and suggested that he wanted to withdraw it. I have no objection to his withdrawing the motion. The dinner suspension must have given the member an opportunity to reconsider his position and perhaps reflect on advice tendered to him by the President about the standing orders about which he was talking.

Hon Tom Stephens: It was the advice of the Leader of the Opposition, whom you have been slandering.

Hon GEORGE CASH: I congratulate the Leader of the Opposition on having some influence over the member. It seems to be the first time this month that he has had any influence.

Hon Graham Edwards: It might be the last time.

Hon GEORGE CASH: I agree with the Leader of the Opposition. It might be the last time because he is dealing with basically an irrational person.

As to House sitting times, as we near the end of the session, at times a need arises to sit beyond 11.00 pm, or 6.00 pm on a Thursday evening, to allow the Government to complete its legislative program.

Hon John Halden: This is what happens when you bring the House back in July. You had six months and you did nothing. You tried to avoid any problems with the Federal election and you came back too late.

Hon GEORGE CASH: When does the member think that we should start in 1994?

Hon John Halden: Whenever you are ready. We will be waiting for you.

Hon GEORGE CASH: This is consultation. Could the member give me some idea?

Hon John Halden: We should start in early March.

Hon GEORGE CASH: What about February?

Hon John Halden: No. I think early March.

Hon GEORGE CASH: I will talk to Hon John Halden about that.

Hon Tom Stephens: You speak to us through our leader.

The PRESIDENT: I hope that, when you have a talk, it is outside the Chamber, not while we are supposed to be debating these three orders of the day.

Hon GEORGE CASH: I have just said that I am more than happy to discuss the matter outside the Chamber with Hon John Halden. I give the House that undertaking. I doubt very much whether I will bother to discuss it with Hon Tom Stephens. He need not lose any sleep waiting for me to discuss it with him.

Hon Tom Stephens: Talk with our leader. That is consultation.

Hon GEORGE CASH: I have said that I was prepared to discuss it with Hon John Halden. With whom does he want me to discuss it?

Hon John Halden: That does not work any more. They are silly lines.

Hon GEORGE CASH: They are not silly lines. The member knows that on this side of the House we are running a book and the member is shortening every day.

Hon T.G. Butler: Can I get on?

Hon GEORGE CASH: The member can get on later.

Hon T.G. Butler: What about giving some odds?

The PRESIDENT: Order! Hon Tom Butler knows that he cannot do that in this Chamber.

Hon P.R. Lightfoot: Hon Tom Stephens is 2 000/1; if that helps you.

Hon GEORGE CASH: We have wasted an awful lot of time this afternoon reaching this motion. It is in members' interests to have time management introduced into this House. The time management the Government is proposing will enable discussion and consultation with the Opposition. I think it is a very positive move.

Hon John Halden: Didn't Colin Barnett use the same words down there?

Hon GEORGE CASH: Hon John Halden is wrong again. The time management system in the Assembly is not, as I understand it, the same as that being proposed here. If the Leader of the Opposition wants to consult, the Government is available. If on the other hand he wants to adopt the attitude of one of his members who seems to specialise in wanting to frustrate the House and waste its time, that is entirely up to him. Ultimately, we will obviously have to tack on that wasted time to the end of the day, the end of the week or the end of the session.

Hon Doug Wenn: We are happy to stay here.

Hon GEORGE CASH: Hon Doug Wenn might get his wish; later I will get some luncheon orders for Christmas Day!

Hon Doug Wenn: I will be happy to have my order taken.

Hon GEORGE CASH: As long as he does not want turkey, because I do not want Hon Tom Stephens to have to be cut up!

Hon Tom Butler: You will not be offended if I knock you back?

Hon GEORGE CASH: No; Hon Tom Butler will be on a pair for that day.

Quite clearly these are responsible motions. They should enjoy the support of the House. I ask members opposite to understand that the Government is keen that there should be reasonable and reasoned time management for the legislative program it intends to push forward. After all, we were elected to do that and we will certainly not allow the Opposition to continue to obstruct and frustrate the Government in this House.

HON J.A. COWDELL (South West) [8.24 pm]: As the tumbrel is wheeled out this evening to the eager glee of the committee of public safety opposite - Robespierre Cash - Hon Derrick Tomlinson interjected.

Hon J.A. COWDELL: Do not worry, Madame Defarge, you were to have the final mention in that category after Danton Moore and of course Citizen Charlton. I feel constrained to offer a few comments despite the assurances of Hon George Cash that it was not in fact the guillotine we were seeing being wheeled out this evening. Perhaps he likes to use the more arcane terminology of closure by compartment, as was the correct term in the nineteenth century. However, it looks like the guillotine to me. This afternoon we had the edifying spectacle of getting to the guillotine by virtue of the gag moved by that stalwart defender of the interests of the House, Hon Bob Pike.

Today the Legislative Council moves one step closer to being a pale reflection, a mirror image, of the Assembly. Of course, the Assembly has Ministers and we have Ministers - five of them now and perhaps a greater number in the future. The business of the Executive completely dominates the Notice Paper of the Assembly. The business of the Executive completely dominates the Notice Paper of this Chamber. We meet in tandem with the Legislative Assembly in subservience to the Assembly timetable. The Assembly has a range of sham committees to scrutinise the processes of government. We also have committees. I do not know that anything of substance has been referred to those committees in 1993. However, we live in expectation with all of one month to go. The Assembly has the guillotine to radically curtail debate and now we too are to have the guillotine.

Hon Derrick Tomlinson: It is a far, far better thing I do to deliver thus -

The PRESIDENT: Order!

Hon J.A. COWDELL: It sounds like an intimation of change on this guillotine issue. I look forward to some independence of mind on the back bench opposite. The Budget, of course, is presented to the Assembly by the real Treasurer. Here the Minister for Finance presents the Treasurer's Budget for some form of scrutiny. We line up and mimic the affairs of the lower House - the House where the Government is determined. We have a Leader of the Government and Ministers who face a Leader of the Opposition and an Opposition front bench. All the talent, such as it is, contained on the Government back bench, the cross benches and of course the Opposition benches is wasted in a pale imitation of the proceedings of another place. What a wasteful, hollow and useless exercise.

Hon W.N. Stretch interjected.

Hon J.A. COWDELL: We are the "B" team. Quite rightly, the media is not interested, as I view the media gallery in particular. It is not interested in our rerun debates, our mimic forms or our ineffectual committees. Of course, the televising of parliament committee has had to consider this situation. However, judging by the situation in other States, we will not be overwhelmed by the prospect of spending large amounts of money on improving the lighting or, of course, the sound facilities in this Chamber for the amount of attention it is paid.

So, we can look at all the proud claims of this Chamber, most of which now lie in the dust. The Council for many years claimed to be a non-party House. Members on the conservative side used to say that they were free of the shackles of party and the constraints of pledge and preselection. They did not have Whips or bow to the dictates of party discipline. We have not heard those claims for many years. Then, of course, they claimed that, although they may have had party affiliations, they did not act in a partisan way; they considered things on their merits, and acted independently of their party colleagues in another place. However, over the years, the voting record has proved this to be a fallacy. Perhaps the last great independent action was taken 20 years ago when Hon Arthur Griffiths took his political life in his hands and acted independently of Sir Charles Court's dictates. He was - I was going to use the word "kicked" - elevated to the presidency of this Chamber.

Then there was the claim that, in the last resort, regardless of the Government, this House would safeguard at least the fundamental principles of our democracy and defend minority rights. Where was the Chamber when section 54B of the Police Act went through? Where was the Chamber when fundamental voting rights were infringed in 1979, or when a modest form of Aboriginal land rights was proposed in the 1980s? Where will it be when confronted with the complete extinguishment of certain property rights on the basis of race? Where was the Chamber on the issue of universal franchise in local government, opposed to the bitter end? Where was the Chamber on the issue of equality before the law and equality of voting rights? In the vanguard of the stand for property interests and plural voting!

Then there was the claim of the second chance, of sober reconsideration. To quote from the *Australian Liberal* of another era -

The virtue of a time pause between the passage of a Bill in the lower House and its enactment is obvious. The public gets a chance to look at the measure, the members themselves may get second thoughts. Expert opinion is able to correct mistakes. It is not that the upper House members may possess superior qualities of analysis.

A perceptive foresight there on behalf of the *Australian Liberal*. To continue -

The review is as much by the public as by the Parliament and the time lapse is frequently sobering.

Delay, it seems, is no longer a form of safeguard considered to have any merit, particularly as we embark on this course of adopting the guillotine.

Hon Derrick Tomlinson: Are you still quoting?

Hon J.A. COWDELL: No, I have ended the quotation. I will give the member the references after so that he can pursue those references and be apprised of past Liberal philosophy and principle - that which one puts in the bank on which to earn interest.

The last claims of this House have been put to rest today. We are not a House of Review; we are a House that merely has the privilege of rubber stamping the whim of Executive Government that we find in our midst. The President is possibly the last vestige of the values - not to say the last vestige - of a previous era, an era that expected more of this Chamber than is currently being given. The abrogation of the responsibilities of this House as we have seen this evening with the gag followed by the guillotine must take us back to the consideration of the value of this Chamber at all. This, of course, has been considered before and it is the good name of the Parliament that we consider. Geoffrey Bolton, in his section in David Black's book *The House on the Hill* refers to some of the debates in the past in this Chamber under the heading "The good name of Parliament". He states -

The coming of the Second World War revived scepticism on the value of Parliament among some of its Members. L B Bolton returned to the theme when he informed the Legislative Council in 1941:

The man in the street tells us he is overgoverned, that there are too many laws and too many lawmakers; . . . [if] reduced by at least one-third we would get results that would be equal to, if not better than those achieved today.

These sentiments were echoed from the Labor side of the upper House by Thomas Moore. Speaking on a bill about goldfields manpower in the dark days of April 1942 he said:

. . . as far as this House is concerned, discussions on this and similar matters receive but little notice. We certainly keep a printing staff working, but we are incurring much expenditure all for nothing. Very little publicity is given by the Press to our debates. Therefore in my opinion these discussions are a waste of effort. . . Some have said to me that the Council is one of the industries which ought to be closed down

and from which men ought to be manpowered for the war effort. I agree with them. But the calibre of members is such that perhaps not much use could be made of them in the war effort . . .

The comments were made then about the good name of Parliament and the public standing of Parliament. Indeed, as we adopt the features of the Assembly in terms of the gag and guillotine, members may wonder what is the worth of having a second Chamber that mirrors the first Chamber in almost every way.

To move on to the guillotine precisely, I refer first to an article by John Palmer in *Parliamentary Affairs* in 1970 under the heading "Allocation of Time". He writes quite correctly -

Both the closure and the power of the Chair to select amendments have become generally accepted parts of the procedure of the House -

That is, of the House of Commons. He continued -

The same is not true of the guillotine. It has always aroused abhorrence because the stifling of discussion is the negation of the parliamentary process.

Or in similar vein to quote Erskine May on the way in which the House of Commons has always viewed guillotine motions, they "are the extreme limit to which procedure goes in affirming the rights of the majority at the expense of the minorities of the House, and it cannot be denied that they are capable of being used in such a way as to upset the balance, generally so carefully preserved, between the claims of business and the rights of debate". Could it be that the trigger mechanism for considering the use of the guillotine this evening was the huge number of sitting days in which we have engaged this year? I fear not because we have sat approximately 40 days so far out of a possible 360. As Wal Fife, a former Federal Liberal Minister, said a few years ago, the use of the guillotine can be put down to only two things; that is, insufficient time has been set aside to deal with legislation, or the legislation has been introduced too late. Of course, we have the trigger of the guillotine - the excessive number of days we have met this year that necessitates the introduction of this particular form of time management! Obviously, it is such a large number of days!

Of course, it could be because of lengthy and exhaustive sessions of the House and because an impasse has been arrived at. Indeed, the Leader of the Government in this Chamber quoted some impressive figures in terms of our spending 48 hours, a couple of days, on one Bill - shock, horror - and 25 hours, just over one day, on another Bill, as reasons for the extraordinary and exceptional circumstance to introduce the guillotine at this time. If that is compared with other Chambers that have felt the need to introduce the guillotine, it pales into a non-argument. The House of Commons introduced the guillotine in 1881 to ensure the passage of a number of Bills dealing with Ireland. Indeed, it was used almost exclusively in that area in 1881, 1887, 1888, 1893 and 1894. Those were lengthy debates which caused the House to adopt the guillotine.

Indeed, one should consider the situation in our own history, and some of the debates which did not prompt guillotines. I was reading the other day some of the House of Representatives debates when the guillotine was introduced in 1918. Mr Tudor, the then Leader of the Opposition, in fact had cause to comment that the House sat on one occasion from Tuesday at 12.50 pm to the following Sunday morning with the sole break being one adjournment, after a sitting of about 23 hours, from 1.30 to 2.30 pm on the same day. That did not cause the House to adopt the guillotine so the shock, horror of three days' debate on two Bills should not cause us to jump to the guillotine. It is not as though other Chambers adopting the guillotine have done so before extensive use of the gag.

In fact, many people see the guillotine as far worse than the gag in its systematic use. Once again, I refer to one commentator who pointed out that the gag in many ways is preferable to the guillotine, because with the gag at least the Government can get the windbags while they are on their feet and shut them up individually, rather than penalise everyone for the views of a few. We have not adopted the guillotine after extensive use

of the gag. Indeed, we have the facility to utilise the gag, as we saw this evening, but that was exceptional and it has not been used with respect to the Bills that have been complained of. We have not seen the adoption of the guillotine after any real attempt to obtain a voluntary system of time management - certainly as understood by other Parliaments.

Hon W.N. Stretch: A timetable was suggested and you chose not to cooperate.

Hon J.A. COWDELL: I am talking about a real attempt at time management in terms of committees and representation.

Hon E.J. Charlton: Don't they tell you anything?

Hon J.A. COWDELL: I quote Richard Crossman, who introduced an excellent system of time management in the House of Commons -

Timetabling by guillotine is and should be a last resort procedure. A timetable established by voluntary agreement and backed in the last resort only by the sanction of reference to the Business Committee seems to me a much more civilised way . . .

Hon A.J.G. MacTiernan: There are no civilised people on the other side.

Hon J.A. COWDELL: With regard to the voluntary timetable agreements that have been reached in the House of Commons, I refer once again to Palmer's articles on *Parliamentary Affairs* in 1970 -

A recurring theme of procedure committee reports, witnesses before the committee and of speakers in debate is the desirability of voluntary agreements on timetables. These are not uncommon but are unfortunately impossible to quantify since they are, in most cases, informally reached through the usual channels and are not publicised.

It goes on to detail some of the cases of voluntary timetable agreements, without the sanction of the guillotine, that have worked with respect to the House of Commons. Lord Herbert Morrison of Lambeth, a particular opponent of time management or the guillotine, pointed out that the guillotine should be used only in exceptional periods of national emergency. Of course, Lord Morrison was sorely tempted on occasions, as was the British Labour Government of the postwar period. There was the notorious example of the Gas Bill of 1948 being debated in the standing committee for 26 days. The Labor Government did not introduce a guillotine clause but, in fact, debated the matter through those 26 days.

Hon Peter Foss: How long have we gone on these Bills?

Hon J.A. COWDELL: Three days in total on the two industrial relations Bills.

Hon Peter Foss: It is a total of eight weeks.

Hon J.A. COWDELL: The Minister may like to count the holidays and breaks.

Hon Peter Foss: I have counted the hours of debate.

Hon J.A. COWDELL: It is a little fanciful to suggest eight weeks.

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon J.A. COWDELL: We could probably have chopped that by about four weeks. I notice in the *Hansard* of 10 November mention by Hon Peter Foss that he talks too much. That was a frank admission and if the Minister wanted to go through the process without making a contribution, we could probably save some time.

Several members interjected.

Hon Peter Foss: You criticised me when I didn't.

Hon J.A. COWDELL: When we consider why the guillotine is introduced at this stage we find not an excessive number of sitting days during the year, not a lengthy and

exhaustive time spent on legislation and an absolute impasse of Government business, nor do we find serious attempts at voluntary agreements or a national emergency. We find the real trigger is of course various Bills that are being -

Hon George Cash: Obstructed!

Hon J.A. COWDELL: - sent through at a very fast rate from the Legislative Assembly; that is the most generous way to put it. Of course the necessity here for the guillotine is that we have about to come up - and that the Government would like to get through in a speedy fashion - a Bill to abolish Aboriginal land rights, a Bill to abolish workers' compensation rights, a Bill to abolish student guilds -

Hon N.F. Moore: Rubbish. You are exaggerating.

Hon J.A. COWDELL: - a Bill to abolish the Perth City Council - and I could see why -

Hon P.R. Lightfoot: Where are the Bills that do that?

Hon George Cash: Soon you will be talking about abolishing the upper House.

Hon J.A. COWDELL: I will get to that.

Hon P.R. Lightfoot: He is abolishing the truth, that is all.

Hon J.A. COWDELL: It is understandable that the trigger mechanism at this stage is the sort of legislation that the Government wants to whip through in a time frame similar to that in which it went through the Assembly.

Considering the process of the guillotine, our opposition to it is straightforward. It significantly reduces the ability of this House to scrutinise and to inform the public. It is of course a necessary feature of the second Chamber to have this more deliberative role. There are other solutions to the problems presented to us. To quote Wal Fife again in his article which appeared in the "Canberra Bulletin of Public Administration" in 1991, he rightly identifies that the guillotine may be simply a way of reducing the number of sitting days and therefore scrutiny. He stated -

The "guillotine" is a means of pushing through legislation on a fixed timetable that severely restricts debate. It can also be used to allow a Government to reduce the number of parliamentary sitting days.

The guillotine is a device to reduce scrutiny. The guillotine obviously restricts scrutiny in absolute terms. There is the double jeopardy also with the guillotine, as opposed to the gag, with the situation where there is a known amount of time which means that Government members, strange as it may seem in this Chamber, or ministerial supporters, may leap to their feet knowing that they may occupy the time in the manner of Dorothy Dix questions, and so occupy the limited time for scrutiny of a piece of legislation with speeches that are not probing but just in praise of the legislation. That is the double jeopardy aspect with the guillotine, as opposed to the gag, in limiting scrutiny.

Then, of course, we have the situation of looking at it from the point of view of second Chambers. In his second reading speech the Minister referred to precedents of other Houses. I was waiting for an example of second Chambers. I did not get any examples of that. It used to be said of course that without the Council's scrutiny a Bill, no matter how iniquitous, could become law within a matter of hours. Now, we make that a possibility particularly as we have seen in the Press the Premier's promise to ram through the Mabo legislation in an unedifying race with the Federal Parliament -

Hon Peter Foss: He said nothing of the sort.

Hon J.A. COWDELL: He was reported to have said that. It may be argued that the second Chamber should doubly not have the device of the guillotine if the lower House uses the device of the guillotine because if matters are guillotined through the lower House people would expect - if part of the argument for maintaining a bicameral system is scrutiny in review - that they would get some scrutiny in review in the upper Chamber. Various studies have been done on the House of Lords. The House of Lords does not have a guillotine provision -

Hon Peter Foss: They do. They have another kind of guillotine.

Hon J.A. COWDELL: That is an interesting point, but proportionately studies have shown that the Lords since 1951 have tended to devote a larger part of their time to clauses that have been guillotined in the House of Commons; so there is that extra level of scrutiny, as one would expect of a House of Review.

I do not want to carry the argument too closely in respect of the House of Lords, realising of course that the Minister for Health has previously acquainted us of the fact that we are more a House of burgesses and knights than a House of Lords and it may be inappropriate to draw that upper House analogy. I do draw one analogy, and that is simply that any argument that there may be for the introduction of the guillotine in the House of Commons - and it has been introduced and used there sparingly - may have something to do with the fact that there are 651 members of the House of Commons and there may be a greater argument for a need to have a strict system of time management. Here, we have a Chamber of 34 members apart from the President, 16 of whom seem to remain mute most of the time; so it could hardly be that the huge number of people involved in the scrutiny may carry us away.

Very simply the guillotine is a fair example of complying absolutely with the whim of the Executive Government. No doubt the Ministry would like to see the end of this Chamber in no time at all. Members of the Ministry want to get out of the Chamber and resent time spent in the Chamber as taking them away from their administrative functions.

It was probably put quite pertinently by Mr Watt, as Acting Prime Minister, when he introduced legislation for the guillotine in the Commonwealth Parliament. He said -

Briefly, the proposal is to enable Parliament to do its work more expeditiously. If adopted, it will provide means of shortening debate when the majority of honourable members desire that it be so shortened. The procedures contemplated, if I may boil it down, is that when the Government declares a measure to be of an urgent nature, the question of urgency is put forthwith for decision, no delay, no debate, no amendment.

He continued -

We might say that that designated to effect despatch has become an instrument of delay. This is largely because of the antiquity of form that the British Parliaments the world over, including ourselves, have persisted in using. Many of those have their roots in historic traditions and conditions which have long since disappeared. Despite the fact the disease has gone, we continue availing ourselves of the medicine.

The Acting Prime Minister was certainly frank about what he had in mind and what he would do with the British precedents and convention. He went on to say, "We could sit all around the clock and all around the calendar. If Parliament sat in order to discharge its work for 12 months of the year the administration would suffer heavily."

We now come to the key argument - ministerial resentment of being in Parliament. He continued, "I admit that the administration a Minister can give during the sitting of Parliament, if he be a senior Minister carrying the weight of measures in this House, is very difficult compared with what he can achieve when recesses provide the opportunity to devote all his time and energy to his department."

Therefore, of course, the Parliament is despatched in a speedy manner in the interests of the Administration and ministerial expediency. I, along with many others, have mentioned the preference for the gag to the guillotine as a suitable device to move debate on if it stalls at any stage. Mr Kelly was one in particular who argued in that way when the House of Representatives adopted that instrument. His argument has some merit. He said, "I have seen measures improve over and over again by sheer reason that the party opposed to Government submitted them. I do not feel it is not in the public interest if any party which happens to be placed temporarily in charge of the government of the country is able, by resolution of the kind suggested, to escape the responsibility now placed upon

them and standing orders provide for the closing of any direct obstruction in the Chamber. The difference between the existing standing order and the proposed is this: When obstruction takes place now, the man who is moving under the existing standing order has to take responsibility for his actions. Under the proposed standing order debate may be stifled before obstruction of any kind has been produced, perhaps stifling, not obstructing, argument and light."

The guillotine is a particularly blunt instrument, and many have come to regret its use in other Chambers. Speaker Fitzroy spoke of its operation in the House of Commons as follows: He said a much more scientific method would have to be devised to give ample time for every point of substance to be discussed, as opposed to the present crude system of bringing down that device that at some time part one or part two of the matter shall be disposed of without any regard for what has taken place in the debate.

The same points occurred previously in evidence presented to the procedures committee in the House of Commons. The road to the guillotine is paved with the best of intentions. As the ministry leads us down that road, while assuring us all the time that it will not be employed in a manner that is deleterious to the role of this House, we reach the stage - as occurred recently in other Chambers in this country - at which more legislation is guillotined in one year than has been the case since the start of Federation.

Hon George Cash: That was the House of Representatives. Do they guillotine in that Chamber?

Hon J.A. COWDELL: They do.

Hon George Cash: Indeed!

Hon J.A. COWDELL: The Minister may have missed part of my argument which pertained to the fact that upper and lower Houses should be different.

Hon George Cash: Then I ask the next question: Do they guillotine in the Senate?

Hon J.A. COWDELL: I acknowledge that the Senate does use the guillotine from time to time.

Hon George Cash: It first came in in 1926.

Hon J.A. COWDELL: That does not mean that it is a desirable practice. That Chamber is rarely controlled by the Government of the day, which is a significant factor in making it a true House of Review.

Hon Peter Foss: You are saying that if the House is ruled by the Government, it is okay.

Hon J.A. COWDELL: No. If the balance of power in a Chamber is in the hands of the minor parties -

Hon Peter Foss: Then it is all right.

Hon J.A. COWDELL: No, it is more likely to act as a House of Review. If a Chamber has been controlled by a particular persuasion for 100 years, as this place has, we need an adequate time allocation as the only device for scrutiny and delay regarding debates -

Hon Peter Foss: Delay!

Hon J.A. COWDELL: A classic conservative argument is the necessity of delay so the community may consider what is being served up to it; this is opposed to legislation passing in the dead of night.

Hon Tom Stephens: Mr Foss has been the master of it.

Hon Peter Foss: I could have done anything when in Opposition; we had the majority. We could have rejected legislation; we did not need to delay.

Hon Cheryl Davenport: You delayed it consistently.

Hon J.A. COWDELL: In discussing the guillotine motion I noticed the mention made of parts 3 and 4 of the motion. I am not sure how we will enjoy the fact that on top of the guillotine instrument - as if that is not bad enough - we will also have Bills passing

through all stages in one sitting. Also, we will certainly continue to sit beyond 11.00 pm on Tuesdays and Wednesdays and 6.00 pm on Thursdays. Therefore, it seems that we have an added bonus. It was first believed we would receive the benefit of sitting reasonable hours by the use of the guillotine; however, the motion indicates that although we will have the guillotine, we will also have all the other instruments which have been described as evils.

Hon W.N. Stretch: It is all in your hands. You can sit as early or as late as you like.

Hon J.A. COWDELL: I am happy that we can have some say in policy -

Hon Peter Foss: Who came up with the policy to fail to keep up with agreements?

Hon J.A. COWDELL: I know of no such failure to meet an agreed timetable.

Hon Peter Foss: Did you refuse to agree to the timetable, and did you refuse to keep the indicative timetable?

Hon J.A. COWDELL: No such failure was made to keep a timetable.

Hon N.D. Griffiths: We refused to accept your demands, Mr Foss! You do not run this Chamber.

The DEPUTY PRESIDENT (Hon Barry House): Order! One member is on his feet addressing the Chair. He will do so without interjections.

Hon J.A. COWDELL: I look forward to our adoption of the proposal put forward by Hon Arthur Balfour, who is so dear to many opposite no doubt. He said that the greatest requirement of government was not that time should be shorter, but that time should be predictable. It was predictability which was for the convenience of Government, and he indicated that the Government should pay certain amounts of time in order to have a predictable plan. Indeed, I would welcome it if the Government entered into some genuine discussions about a voluntary timetable agreement rather than this guillotine being introduced. There are many models around the world of voluntary timetable agreements that have worked quite well. I draw the House's attention to a system that operates in the Indian Parliament. An article in "The Chair and the Table" states -

Each House appoints a Business Advisory Committee which consists of representatives of all parties and groups in the House in proportion to their strength and is presided over by the Speaker of the House. Its term of office is usually one year. The function of the committee is to recommend to the House the time required for the various stages of discussion on a Bill, Motion, resolution, etc. The committee also makes recommendations as to whether a particular sitting or sittings should be extended or the House should sit on a Saturday on which normally no sitting is fixed . . .

There is an opportunity for these forms of voluntary timetable agreements that the Government should explore with the Opposition and other members of the Chamber in order to advance the necessary function of the Chamber.

Hon Peter Foss: Would you keep to that? Are you proposing this sort of measure?

Hon J.A. COWDELL: I am suggesting there is that whole field of voluntary timetable agreements that the Government should look at and entertain discussions with the Opposition and other members about in preference to using guillotines. Obviously, if the Opposition made an agreement it would keep to it.

Harold Macmillan commented on a situation similar to that of the current Government's. He stated that, when in Opposition, members were filled with extraordinary devotion to the principles of constitutional government, to the free right of members, to the long historical struggle of Parliament against the Executive, to the cause for which Hampden died in the field and Sidney on the scaffold, but when the same members found themselves on the Government benches they became comparatively immune to these high flowing sentiments. That is indeed an apt quote given the comments of the previous speaker.

Hon Peter Foss: You like to obstruct for as long as possible.

Hon J.A. COWDELL: I will not say in an uncharitable manner to Hon Peter Foss that the House should not pay the penalty for lengthy comments by way of ministerial comment or interjection, which was a point I had generously glossed over in my comments previously in deference to the Minister. We should no longer pretend on this matter. Let us be done with the idea that we are the senior House, in some way unique, as we bury our speaking rights. We are nothing more nor less than the Executive's poodle, a pale mirror image of the Assembly. Let us formally acknowledge this status by having the official opening of the Parliament henceforth in the Legislative Assembly Chamber. Our committee system is stillborn; the Ministry grows in our midst. We have no public role or recognition. Let us simply acknowledge our situation, then the public can judge if there is any point in having a House that does not debate, that does not delay, that does not review, that is merely a stable for half the Ministry.

Hon Tom Stephens: Who are you quoting?

Hon J.A. COWDELL: Myself.

Hon Peter Foss: From his own voluminous notes.

Hon J.A. COWDELL: We may as well save the taxpayers some money if all we are offering is a mirror image of what the Assembly does and six meaningless stages of debate rather than three. I will conclude my comments to the committee of public safety and the perpetrators of the guillotine.

Hon Tom Stephens: What an excellent speech.

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [9.15 pm]: We are seeing this afternoon and this evening an attempt to corrupt the process of government.

Hon P.R. Lightfoot: By filibustering.

Hon GRAHAM EDWARDS: It is an attempt to corrupt the process of government and Parliament. It is clearly an attempt to force the will of Cabinet on Parliament. That is something that should be fought against at every turn. It is something we in this House must oppose, particularly if we are to salvage anything worthwhile from a system of democracy as we know it. The motion we are debating today will turn this Legislative Council, this House of Review, on its end. Regardless of what the Leader of the Government says, this motion is designed to allow not only a Minister but also a Parliamentary Secretary, on a whim, to put a piece of legislation through this House in a way which avoids the Opposition having the opportunity to scrutinise that legislation, to properly examine and consider that legislation. Of course, it is happening, as I have said earlier, because the agenda of the Legislative Council is being run by the Premier and the Leader of the House in another place. All that is happening in this place is that the Leader of the Government in this place is being given his orders.

Hon N.F. Moore: You have it all wrong; you do not understand.

Hon GRAHAM EDWARDS: It is easy to understand when a couple of weeks ago we read in the newspaper that Colin Barnett, the Leader of the House in another place, said that the Legislative Council would be sitting over the course of the two weeks that had previously been set aside as a break. When I asked the Leader of the House here whether he could confirm that, he did not even know that the Leader of the House in another place had made that statement. He said that he would have to run down there and check it out, and then he would be able to let us know what the score was.

Hon A.J.G. MacTiernan: A poodle indeed!

Hon GRAHAM EDWARDS: I will respond to the Leader of the House in relation to pairs. Early in the piece Hon Tom Helm, the Opposition Whip, met with the Government Whip, Hon Muriel Patterson, to discuss the process by which pairs would be granted. I have not deviated from any agreement since then. Indeed the agreement at the time was that if pairs were going to be withdrawn I would give the Leader of the House 24 hours'

notice. That is exactly what I have done in the letter. We have not withdrawn pairs previously; therefore, we have had no need to give the Government notice. The one addition to that is that we indicated earlier in the session, when the Government decided quite unilaterally that we would sit beyond 11.00 pm because the Government had mismanaged the business of the House, in those circumstances we would not be extending pairs beyond 11.00 pm or any time when we were not scheduled to sit. Quite clearly, that is in keeping with the practice of the previous Opposition in that it refused to let the House sit beyond 11 o'clock except in the rarest of circumstances and certainly refused to allow the House to sit beyond the scheduled hours until the dying days of the last session of Parliament.

I checked some of the previous debates about sessional orders in this place, and it was very interesting to be reminded of *Hansard* on page 5675 of 30 November 1989, where Hon George Cash had this to say when talking about a motion to suspend standing and sessional orders -

I make the point if the Legislative Council is to be a proper House of Review it has to have the opportunity to consider legislation in a reasonable manner and that reasonable manner does not necessarily extend to debating important legislation which could have a dramatic effect on this State at the hour of two, three, four or perhaps five o'clock on any one morning.

On the same page Hon George Cash, now Leader of the House, had this to say -

For the Leader of the House to come into this House now and expect it to agree to what would amount to an unlimited time period for which the House would be required to sit is, in my view, unreal and unnecessary. I put it to the Leader of the House that there are opportunities at times for him to negotiate with the Opposition and the National Party to achieve some particular objective.

Hon George Cash: That is right.

Hon GRAHAM EDWARDS: That is totally different from what he said tonight. I reiterate, Mr Deputy President (Hon Barry House), that the practice in this place in Hon Joe Berinson's time was to regularly meet and consult with the Opposition to talk about the structure of the Notice Paper and to ensure that Opposition business was taken into account. He extended every courtesy for cooperation to members on this side of the House, and that is something we are yet to see from this Leader of the House, to the degree that a couple of weeks ago -

Hon George Cash: Are you going to read what is on page 5676? You are not reading it out because it does not suit you.

Hon GRAHAM EDWARDS: I asked the question of the Leader of the House, whether he was yet aware of what priorities the Government had in its business and, indeed, how far down the Notice Paper he expected to go. The Leader of the House gave me an undertaking then that as soon as he was able to ascertain what that business was he would let me know, and we would be in a position to talk about it. Since then we have heard nothing out of him. What we saw was this motion, which he claims is not a guillotine.

Hon George Cash: What about reading what is on page 5676? You have forgotten about that.

Hon GRAHAM EDWARDS: I am going to quote a few things. That is not a problem. The Leader of the House should not get excited but take it easy. I turn to page 5676, where Hon George Cash said -

It would be reasonable for the Leader of the House, if there is a need to deal with a specific Bill beyond 11.00 pm, to negotiate with the Opposition parties.

I do not have any problem with that; but the point is that invariably when the Leader of the House did negotiate with Opposition parties, the answer was no, that they would not sit beyond 11.00 pm.

Hon George Cash: Rubbish.

Hon GRAHAM EDWARDS: In the main these things can be reasonably and successfully negotiated, but to have open slather is, firstly, a very poor way of negotiating business in the House and, secondly, I do not believe it affords members a reasonable opportunity to comment in a reasonable manner if Bills are to be considered at 3.00 am or 4.00 am. I might illustrate that point by recalling situations I have been placed in. I have found that members at 4.00 am or 5.00 am have great difficulty in physically focusing on a Bill, given the small print and the fact they may have been in Parliament for more than 12 or 14 hours. That did not seem to worry the Leader of the House recently when we had the longest sitting in my memory of this place, when we sat from 2.30 on one afternoon through to about 1.00 pm the following day. So much for his concern. That was unprecedented, and we never saw that type of sitting under the leadership of Hon Joe Berinson.

Hon Peter Foss: We did.

Hon GRAHAM EDWARDS: On one occasion, and that was the last day of the session. Members opposite keep saying that we have to have some time management attached to the conduct of business in this place. We do have time management in this place. We have defined the hours in which we will sit and also in recent years taken away the ability of people to speak without limitation. Members opposite used to think it was of tremendous excitement and fun to see people like Hon Peter Wells struggling into this House with copies of *Hansard*. I say "struggle" because he used to come in like a beast of burden and set up *Hansards* on his desk and it was difficult to see him behind them. He would start early in the evening and still be going many hours later.

That was one of the reasons time management provisions were introduced into this House. People were filibustering in an untenable way. Mr Deputy President (Hon Barry House), you have not seen this Opposition act in that way. Indeed, I think for the majority of time that we have been involved in debate, and if members check the record they will see that particularly in the Committee stage of Bills, our members have not taken the full time allocated to them to speak. There have been times when the members of the Opposition have needed to be repetitive in their arguments, but I would suggest to you, Mr Deputy President, that is not filibustering because there have been times when a particular Minister handling a Bill seemed to want to go off at a tangent and, indeed, our members have had to call him back to the matter that was being debated.

Hon Peter Foss: Rubbish.

Hon GRAHAM EDWARDS: They endeavoured to encourage him to accept some of the worthwhile amendments we put forward. Hon Peter Foss may say "Rubbish", but quite frankly it is the truth.

In talking about sessional matters I want to turn to what Hon Peter Foss said on 1 December 1992, about sittings of the House being extended after 11.00 pm. On page 7512 he had this to say -

Hon John Halden: What he had to say then and what he says now are two different things.

Hon GRAHAM EDWARDS: We will remind him. He stated -

... I do not know how many people in Western Australia would really like us to legislate for them at times past 11.00 pm. We have been sitting to 11.00 pm and we have been sitting to 12.00 pm. That is about as late as one can sit and deal effectively with legislation. Beyond that time, all we are doing is going through the motions of passing legislation without its actually being of any real use to anyone.

If that is his judgment, I wonder what sort of judgment he passes on legislation that he has used the force of numbers to have accepted between 2.00 am and 10.00 am. Hon Peter Foss said at that time -

The quality of the legislation that flows through this place at the end of the session, and particularly after a certain hour, is totally useless. I will not sit here

and have it suggested that we should sit past 11.00 pm as if that were a perfectly acceptable thing to do, without some explanation being given as to why we should sit beyond 11.00 pm and what it is that we have to deal with.

On page 7513 of *Hansard* someone had the temerity to interject on Hon Peter Foss and he replied -

If members opposite want me to take 45 minutes to say why I am opposed to this motion, I will, but members can be quiet and let me speak.

It is a pity that Hon Peter Foss does not extend the same courtesy to members on this side of the House. For him to complain about the length of time that the Opposition has taken to debate some matters in this place is incredible, given the fact that he so often has contributed, by way of interjection and introduction of red herrings, to the time that has been taken in debate.

Having dealt with the allegations wrongly put, and the misleading statements of the Leader of the House about the way in which the Opposition has handled pairs, I turn to the report of the recent royal commission, a royal commission that the current Government was long and loud in calling for. However, in Government, members opposite are remarkably silent and reluctant to move to adopt anything flowing from that royal commission. The royal commissioners in bringing down their report spent some time talking about Parliament. They were specific about some of the things they had to say about the Legislative Council. I will quote at length from that report. Members will see why I am about to do that when they consider the motion before the House, particularly parts 5 and 6 of the motion on the sessional order for time management, which state -

5. If any part of the then program is not met a Minister may move without notice that the Bill be treated as an urgent Bill and the motion shall be put forthwith without debate.
6. When a Bill has been declared by the House to be urgent and the time limited by a program is arrived at, the presiding officer shall interrupt the debate or other proceedings of the House and forthwith put to the vote all questions as are necessary for the Bill to complete the stage provided for in the program including all amendments standing on the notice paper in the name of the Minister handling the Bill and shall take all such other measures as are necessary to enable the Bill to reach the stage provided in the program.

The Leader of the House describes that as not being a guillotine. However, the Opposition knows what it is; it is a guillotine and it is unprecedented in this House of Review. It is no wonder that Hon Tom Stephens raised some points of order earlier today and that he along with members of the Government - I could see they were quite confused - were indeed confused about what the Leader of the House was doing. For the Leader of the House to criticise Hon Tom Stephens for taking those points of order flew in the face of a letter written to *The Australian* a couple of weeks ago under the heading "To question is a duty" which states -

I take strong exception to the Prime Minister's view (as reported in *The Australian* on 29/10) that parliamentary Question Time is not a right but "a courtesy extended to the House by the executive branch".

Australian government is based on the twin principles of its being representative and responsible. It is representative in that laws are made by parliaments consisting of Members freely elected by the people. Responsibility means that Ministers must be appointed exclusively from among members of Parliament and must answer individually and collectively to Parliament for their actions.

It took a long and sometimes bloody time to achieve our current form of government. To paraphrase Churchill, it may not be perfect, but it's the best we've got.

Regardless of the actual circumstances which gave rise to Question Time in the House of Representatives, the fact remains that the right of individual members to question ministers on the floor of the House is an essential part of responsible government.

To suggest Question Time is a case of the Government condescending to throw Parliament a few crumbs is to demean the nature of responsible government.

It demonstrates the stranglehold that successive governments have held over Parliament - especially lower houses.

If Question Time becomes a mere privilege today, opposing government legislation may be a crime tomorrow.

It seems that the crime has been committed by this Opposition and the penalty is the guillotine. The guillotine is being introduced by the Government in this place in an effort to get its legislation through. I have never seen legislation so poorly drafted as the legislation this Minister for Health has brought before the House. It is legislation that the Minister when in Opposition would have had thrown out. It is no wonder that the Opposition has sought to improve that legislation, opposing it and amending it where necessary.

Having read the comments of the President to *The Australian* relating to the Federal Parliament, it is important that members recognise that what he is saying of the Federal Parliament is equally true of this place. Paragraph 5.1.1 of part II of the royal commission report under the heading "The democratic principle and the Parliament" commences the series of recommendations and comments to which I will refer. The report states -

At the centre of many of our proposals is the Parliament. It is entirely appropriate that this be so. In our constitutional system, it is the public's representative forum and it derives its ultimate legitimacy from the public on whose behalf it acts.

Paragraph 5.1.2 states -

Much of the focus of the Commission in this part of the report has been on the steps that might be taken to restore and maintain public trust and confidence in the integrity, the processes and the practices of the executive and administrative arms of government. The Parliament is central to our proposals. Above all else, if there is to be government for the people, there must be public trust and confidence in the processes and practices of Parliament and in the role it performs in advancing and safeguarding the interests of the public. If the Parliament is to be the public's guardian against government abuses, it must be so constituted that the public will place its trust in it.

How can the public have faith in the processes and practices of this Parliament when legislation is rushed through the Legislative Assembly by being gagged and guillotined and brought to this House of Review for an appropriate, although somewhat rushed process, only to have the Government in this place say that it does not like that process of review, scrutiny and examination of legislation and, as a consequence, will seek to guillotine legislation in this House of Review in a similar manner to the way it is guillotined in the Legislative Assembly? If members on this side of the House allowed that process to occur it would be an injustice to the people of this State and they would be ignoring the findings of the royal commission. The royal commission's report states -

5.1.3 The Commission's recommendations in relation to the Parliament are so vital to the scheme and purpose of our report that we consider it desirable to state at the outset the considerations which have led us to make them.

5.1.4 The Parliament has the first responsibility to promote the realisation of the three goals of openness, accountability and integrity upon which our system of government depends. Because it is the principal institution which carries responsible government into effect on behalf of the public, its role as an accountability agency for the public is one which has particular importance. The

Commission's recommendations arise out of this consideration. Many of the proposals we have made already in this report aim to exact a full and effective accountability from the Government and the public sector. As we have noted, most of these proposals have the Parliament as their point of convergence. The concern in our recommendations here is to maximise the capacity the Parliament has to exercise its accountability role but in ways which give full effect to the dual character of our system of government. That character, as we indicated in the introduction to this part of the report, is one of representative democracy and of responsible government.

The royal commissioners referred to the goals of openness, accountability and integrity of government, but I cannot see any reference to these goals in the Government's motion.

In my letter to the Leader of the House I said that providing some safeguards were written into the Sessional Order the Opposition would be prepared to discuss paragraphs 1 to 4 of the Government's first motion to ascertain the Government's attitude to consideration being given to its openness, accountability and integrity. Those principles are not reflected in those paragraphs, and in paragraphs 5 and 6 the opposite is suggested. How can the Government be open and accountable and have some integrity if at the whim of the Minister or the Parliamentary Secretary handling a Bill he can move, without notice, that the Bill be treated as urgent and that the motion before the House be put forthwith? The same applies if a time limit is put on the debate of a Bill. Where is there room in this motion for the suggestions made by the royal commissioners in their report?

The three goals of openness, accountability and integrity cannot be found in this motion and the Opposition would be failing in its responsibility if it were to agree to it. The Government has failed in its responsibility not only because it has moved this motion, but also in the way it has moved it. When the question of accountability was debated in this House when the Opposition was in Government, no-one was more vocal than the present Minister for Health. The royal commission's report states under paragraph 5.1.5 -

The bicameral nature of the Parliament itself provides a very practical way in which this accountability role can and should be put into effect. As we will indicate later in this chapter, the Legislative Assembly is, and is properly regarded as, the House of Government. That role, and the place of the Government in the House, limits what realistically can be expected of it in subjecting the Government and the public sector as a whole to measured and comprehensive review. It is otherwise with the Legislative Council. Many of the recommendations thus far have been made with the Council in mind. The Commission recommends that the Council be openly acknowledged as a House of Review and that its composition and its procedures reflect this purpose. We do not regard this change as merely one which would differentiate the two Houses. Unless the Legislative Council assumes the explicit role of a House of Review, then it is unlikely that the Parliament itself will be able to exact that level of accountability which is necessary to avoid a repetition of events similar in their effects to those into which we have inquired. It is also unlikely that it will be able to give representative and responsible government true meaning in this State.

They are not my words; they are the words of the royal commissioners. It is appropriate that, in a debate on a motion which seeks to limit the Opposition's opportunity to properly debate and scrutinise legislation, we turn to the royal commission's report. It is also appropriate that not only the Opposition, but also the Leader of the House and Government members give consideration to this report.

It is interesting that we do not know what Government members think, because they were gagged a long time ago in this place. Paragraph 5.2.1 states, under the heading "The independence of the Parliament", that -

The causes of a decline in the effectiveness and reputation of the legislature in Westminster systems are well understood. They lie chiefly in the dominance of the party machines in the work of elected representatives. When a Government

commands a majority in both Houses of a bicameral legislature, neither chamber is likely to provide a stringent check upon the Executive's activities. When an Opposition controls the Upper House, there will be a tendency for review to degenerate into mere obstruction. Neither situation nurtures the accountability which parliamentary government should properly guarantee. Both result in concealment: the former through complacency; the latter through evasion.

Paragraph 5.2.2 states -

Members of Parliament have inescapable party duties and affiliations. However, if the Parliament is to fulfil its broad responsibility to act in the public interest, its members' role and responsibility to serve that public interest must be reinforced. That parliamentary role must rest solidly upon the independence of the Parliament as an institution.

The institution of the Parliament is being chipped away at and, indeed, undermined to the degree that the Government commands a majority in both Houses of the Parliament, and I happen to agree with the commissioners that neither Chamber is likely to provide a stringent check upon the Executive's activities. That responsibility has fallen squarely on the shoulders of the Opposition, but because we have been performing that role, members opposite want to confiscate our ability to conduct the three goals to which the commissioners referred; namely, openness, accountability and integrity.

Hon Reg Davies: Are you saying the Government is striking at the heart of the Westminster system?

Hon GRAHAM EDWARDS: I stated at the start of my speech that this motion, if passed, will turn upside down democracy as we know it in this Parliament. There are many shortcomings in this House, but that is a debate for another time. Even if members opposite disagree with my view about democracy and with the way in which I see our role in this place, I ask them not to disregard what was said by the royal commission. I will repeat what the royal commission said about the independence of the Parliament, because that is most appropriate to this debate -

The causes of a decline in the effectiveness and reputation of the legislature in Westminster systems are well understood. They lie chiefly in the dominance of the party machines in the work of elected representatives. When a Government commands a majority in both Houses of a bicameral legislature, neither chamber is likely to provide a stringent check upon the executive's activities. When an Opposition controls the Upper House, there will be a tendency for review to degenerate into mere obstruction. Neither situation nurtures the accountability which parliamentary government should properly guarantee. Both result in concealment: the former through complacency; the latter through evasion.

Hon Reg Davies: That is a good argument for our committee system.

Hon GRAHAM EDWARDS: The member would be aware that a large part of the report of the royal commission dealt with the committee system. Indeed, that part of the report prompted me to put on the Notice Paper a motion which dealt with committees.

Hon John Halden: That was fairly shabbily treated, too.

Hon GRAHAM EDWARDS: Yes. Much to my disgust, that debate was adjourned by Hon Bob Pike on Thursday, 1 July, and we have not seen any sign that the Leader of the House is prepared to reinstate that order of the day to the priority that it should have. It is pertinent that Hon Reg Davies made that point about committees, because not only does this Government have a majority in the Legislative Assembly and the Legislative Council, but also it has total dominance of all the committees of the Parliament.

Hon Reg Davies: Who scrutinises the Government?

Hon E.J. Charlton: The electors, every four years.

Hon Reg Davies: Our parliamentary system dictates that someone be responsible for scrutinising the Government, and we cannot give that responsibility to the electors. They elect us to do that.

Hon GRAHAM EDWARDS: As the President said in his letter to *The Australian* in regard to the Federal Parliament, "If Question Time becomes a mere privilege today, opposing government legislation may be a crime tomorrow". Frankly, this motion is being put forward by a Government and by a Leader of the Government who regard the Opposition as having committed a crime merely because it is carrying out the function that it has been elected to perform and that is so strongly recommended to it by the royal commission. Indeed, the royal commission said that if Governments do not take stock of the way in which they address Parliament and if Oppositions do not accept that responsibility, we will see in the future that which we saw in the past.

Paragraph 5.3.1 of the report of the royal commission states, under the heading "The roles and electoral systems of the Houses of Parliament", that -

Our two Houses of Parliament are not, and are not intended to be, mirror images of each other. Each makes, and should make, a distinctive contribution to the process of government. The Commission believes measures can be adopted to enable a more effective service of the public interest. In saying this, we have the role of the Legislative Council particularly in mind.

However, it would appear to me and, I am sure, to any casual observer that what we are seeing in effect is a Government that is trying to make both Houses mirror images of each other. That is why we see a motion such as the one with which we are dealing being brought forward. That is why today we have seen for the first time in my experience the gag motion moved in this place in a way in which I am sure will become much more of a habit in the future than it has ever been in the past. If that is not trying to make the Legislative Council a mirror image of the Assembly, I do not know what is. Bringing forward this motion, which will introduce the guillotine into the Council, is exactly what the royal commissioners said should not happen; that is, our two Houses of Parliament should not be, and are not intended to be, mirror images of one other.

The reason for that is reinforced by the fact that the Government has control of the Assembly, the Council and all the committees. Where is the scrutiny, the accountability and the integrity of Parliament if Parliament is treated as an extension of the party room or of the Cabinet in the way in which this Government seems to want to treat it? The report goes on to say -

The Legislative Assembly is ordinarily controlled by the elected Government. This follows from the basic precept of our system which makes this House the seat of Government. It is from there that provision for public expenditure (in the form of money Bills) originates. It is in this House that ordinarily the Government's major legislative and policy initiatives are brought forward. It is in this House that an Opposition holds itself forth as an alternative government. The Opposition, and for that matter independent members, have every incentive to subject both the Government and the administrative system in general, to the critical but responsible review we ask for in this report and which our recommendations are designed to facilitate.

Hon Reg Davies: That obviously acknowledged the good work of the Independents in the last couple of years of the last Parliament.

Hon GRAHAM EDWARDS: The commissioners did. Once again, I know that Hon Reg Davies has read the report. Obviously, in saying what he has just said, he is aware of the comments that were made by the commissioners about the structure of this place and about the processes of electing members to it.

The royal commissioners are asking us to do exactly what we have been doing. Because this Opposition has acted so responsibly in the way in which it has subjected the Government and its legislation to that critical review, because the Opposition has followed the path recommended by the royal commissioners, we are now on the verge of having a procedure thrust onto this place which will entirely negate the ability and the opportunity for this Opposition to endeavour to ensure that those three goals of openness, accountability and integrity are met. Paragraph 5.3.3 of the royal commission report states -

In common with the Commonwealth and State Parliaments, with the exception of Queensland, this State has an Upper House - the Legislative Council. It is not the House of Government. It is not the House in which government is won or lost. Yet, in our view, it is, or at least should be, a House of vital importance to the public.

Yet it is this House of vital importance that the Government seems determined to devalue. Paragraph 5.3.4 states -

The roles performed by the Upper Houses in Westminster systems have been quite various. They have ranged from being the crude instruments for the protection of property interests, through unelected "Houses of Review" (as is the case with the Senate in Canada and the House of Lords in Britain), to popularly elected chambers whose members, elected on a basis different from that of the Lower House, can be expected to be attentive to different concerns from those elected to the Lower House.

In part, paragraph 5.3.5 states -

It is, in our view, of the utmost importance that the role, or roles, of the Legislative Council in this State be clearly identified. Its role as a House of Review is of vital concern to the Commission.

I wonder how those commissioners would respond if they were sitting here debating this motion. I will hazard a guess and say that they would be appalled, just as we on this side of the House are appalled, and just as any person in our community, indeed, in our democracy, would be appalled considering what this motion will do to this House if it is passed. The commissioners go on to say -

If it is not the Council which discharges this role -

That is the role as a House of Review -

... we are compelled to accept that the protection given by the Parliament against the abuse and misuse of official power will, for the future, as in the period into which we have inquired, be gravely compromised.

In effect, the royal commissioners are saying that if this House does not accept that important role - the role of this being a House of Review - it is gravely compromising itself. How is it that members of the Government cannot only support but also eagerly support, if the words of the Leader of the House are to be taken as being true, such a motion? Can it be that the Government members do not take their role all that seriously? Are they more interested in closing down the Parliament and having an extended Christmas break? Can it be that they are not interested in ensuring that this House conducts itself as a House of Review?

Hon Reg Davies: That would have to be wrong because, like the Leader of the Opposition, I have been going through the debates of the last four years. The Government, when in Opposition, spoke at length on the role of this House and the need to maintain that role. It was very adamant about that.

Hon GRAHAM EDWARDS: Hon Reg Davies is right. There is no doubt that members of the Government, when in Opposition, were adamant that this was a House of Review. Just as the members of the Government who were then in Opposition were adamant that this was a House of Review, so too were the royal commissioners who put forward their recommendations and who spent so much time talking about the upper House as a House of Review.

At paragraph 5.3.6 on page 5-6, the commissioners went on to say -

Because of the great importance we attribute to the recommendation we are to make in relation to the Legislative Council - it goes directly to the constitutional arrangements of this State - we consider it necessary to make the following observations.

Several observations are made, but I will read only the pertinent considerations. The commissioners state -

- (a) The Legislative Council, whatever the criticisms that can be made of its present role, whatever the questions that can be raised as to its current legitimacy given its present electoral system, has a vital, if unrealised, place in our constitutional fabric.
- (b) Despite the predominant role that political parties have in it, the House itself is not so tied to the making and unmaking of Governments as to make it unrealistic to expect that with appropriate representational and procedural arrangements, it could serve as the House primarily responsible for the systematic oversight and review of the public sector as a whole. This is a primary role we envisage for it.

Many members of this House are disappointed at the current structure of our committee system. Some Government members were looking forward to a much better structured committee system in this place and to this Council performing properly its role as a House of the utmost importance, a House which should be of vital concern to the people of this State. If we had structured our committees differently at the beginning of the session, we would not find ourselves in the bind in which we are now with the bottleneck of legislation that has occurred. What is more, we have had the attitude of some members of the Government who seem to be hell bent on getting legislation through and the attitude of the Independents and the Opposition in this place who are equally hell bent that they are going to scrutinise properly matters which are brought before the House, knowing full well that, if they do not, in the words of the royal commissioners, "for the future as in the period into which we have inquired we will be gravely compromised".

At paragraph (c) the commissioners state -

However desirable in principle, we consider it most probably impractical to prevent Council members from holding ministerial office. In saying this we, nevertheless, believe that such a prohibition could have a considerable effect on the approach the members of all parties would take to the discharge of their responsibilities as Councillors and it would indicate more sharply than is now the case that it is the Legislative Assembly which is the House of Government.

Not only was that ignored but, worse, we saw the House move from three Ministers to five Ministers.

Hon N.F. Moore: Three and a half. Hon Tom Stephens was the Minister.

Hon Tom Stephens: Ten and a half.

Hon GRAHAM EDWARDS: That is fair enough. Certainly, we did not institutionalise that by moving to five Ministers.

Hon Peter Foss: You lost the election; that's the way you did it.

Hon Tom Stephens: Let us get this point straight. We knew that we had a member retiring from this House and it would have gone back to the normal quota after the election.

Hon N.F. Moore: You don't think you would have been reappointed after your performance, do you?

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon Bob Thomas: Why are you so spiteful?

Hon N.F. Moore: I can't help it. I am sitting here listening to this going on. It's one of the reasons why there is a need for time management, because they go on and on.

Hon GRAHAM EDWARDS: All I am doing is quoting from the report of the royal commission.

Hon Bob Thomas interjected.

The DEPUTY PRESIDENT: Order! The interjections from both sides of the House are out of order and unnecessary.

Hon GRAHAM EDWARDS: I am sorry that my comments are not getting through to the Minister, because he has a major role to play.

Hon N.F. Moore: They are getting through. I have heard them all before for about the last hour.

Hon GRAHAM EDWARDS: Perhaps I should start again.

Hon N.F. Moore: If you feel the need to, but you are not getting any of your colleagues to listen to you. You are probably the only one.

Hon GRAHAM EDWARDS: I wonder what worth the Minister places in the Legislative Council.

Hon N.F. Moore: Significant.

Hon GRAHAM EDWARDS: He falls into the same trap as many of his colleagues in the Ministry both in this House and in the other place who think that Parliament is here just to get their legislation through. He does not seem to want proper scrutiny.

Hon N.F. Moore: What do you think you did over the last 10 years? You treated this place with absolute disdain. You couldn't care less about the Parliament. Had you had the numbers in this House in the last 10 years, it would have been a much different place altogether, and you know it.

Hon GRAHAM EDWARDS: We do not know that to be the case.

Hon N.F. Moore: Of course it is.

Hon T.G. Butler: Do you believe that that justifies what you are doing?

Hon N.F. Moore: I have watched what you have done in the past.

The DEPUTY PRESIDENT: Order! Debate across the Chamber is out of order. Members have an opportunity to make their own contributions, but not while they are sitting down.

Hon GRAHAM EDWARDS: It is obvious that the Minister cannot contain himself.

Hon N.F. Moore: I can contain myself quite comfortably. I just suggest that your memory is a bit short.

Hon GRAHAM EDWARDS: I suggest that the member stop defying the Chair and let me continue with my speech. As much as it may upset the Minister for Education, I am quoting -

Hon N.F. Moore: It is not upsetting me. It is just boring me the way that you are speaking.

Hon T.G. Butler: Why don't you go and have a cup of coffee?

The DEPUTY PRESIDENT: Order!

Hon GRAHAM EDWARDS: I am sorry that the Minister for Education is bored at the way I am talking.

Hon N.F. Moore: It has just been so long.

Hon GRAHAM EDWARDS: He has a different effect on many of the members on this side, but I will not go down that path.

Paragraph (d) states -

Without immediate constituency concerns - and the significance of these to members of the Legislative Assembly cannot be underestimated - and with less direct involvement in the struggle for political supremacy than is the case with Assembly members, this House, much more so than the Legislative Assembly, carries the greater capacity to exploit its procedures in committees, and so to regulate its sittings, as to accommodate the role we propose.

Paragraph (e) states -

As the diverse recommendations we have made in this report indicate, we do not for one moment consider the Legislative Council should be the public's sole guardian. We do, however, consider that a council committed to the role we propose and armed with the procedures and powers we suggest in this report would give ministers, public officials and statutory authorities alike considerable reason for pause before even contemplating embarking on actions similar in character to those into which we have inquired.

One must wonder, given that part of the report, why the Government would be bringing forward a motion such as this. Paragraph (f) states -

In concentrating our attention upon the Council as the Parliament's primary review agency of the public sector, we would not wish to be interpreted as suggesting that the exertions of the Legislative Assembly in this regard should be diminished or curtailed. Far from it. Indeed we are of the view that at least in those fields where it can reasonably be achieved, the two Houses should strive to complement each other's review activities and, where appropriate, to conduct them jointly.

It seems that this situation is not one where the two Houses are striving to complement each other's review activities; more, both Houses are striving to ensure that the Parliament is restricted in its abilities to properly review the activities of Government. If that is not the case, why are we debating a motion which, in effect, is quite simply a guillotine? I refer now to that part of the royal commission which refers to the legislative process and the public. It is one of the core areas that we should be dealing with. On page 5.13, at section 5.7.1 the commissioners say -

Of course the legislative role of the Parliament is central to its existence. It is inappropriate that the Commission venture too far into matters relating to the law making power of the Parliament or into the ability of an elected government to seek parliamentary consideration and approval of its legislative proposals. However, we suggest that consideration be given to one matter affecting the legislative process which would enhance the consideration given to the actual detail of Bills and more fully inform the Parliament of the possible effects on the public a Bill is likely to have.

The Commission has recommended that there be a review of the committee system of Parliament. Our earlier comments on committees were directed primarily at those committees the role of which is to review public finances, expenditure and the conduct of public administration. In addition, it would be advantageous to consider also committees on legislation.

I am drawing the attention of the House to this section of the royal commission report because it was referred to earlier by Hon Reg Davies. The commission goes on to say -

The Commission notes that such a committee was established in the Legislative Council in 1989. The use of legislation committees to provide for a more effective examination of Bills than is possible by Houses of Parliament sitting as such, is a growing phenomenon in "Westminster" democracies. We refer here to the useful comparative study of this and other matters contained in the Electoral and Administrative Review Commission Issues Paper No 17, "Review of Parliamentary Committees".

It goes on to say -

The legislative responsibility of the Parliament is an onerous responsibility. The community has entrusted members with the capacity to interfere with the rights, liberty and livelihood of citizens. That capacity should only be exercised after Parliament has given the best consideration of which it is capable to a legislative proposal. The use of committees on legislation is an important means through which such consideration can be given. The Parliament is not, and should not be allowed to become, the rubber stamp of measures put before it.

I reiterate that "The Parliament is not, and should not be allowed to become, the rubber

stamp of measures put before it." One can understand the Opposition's concern with this motion, particularly if we are to give any reference, or pay any consideration, to the royal commission. It seems to me that the Government is not keen to refer to it at all.

Is it any wonder that the Government is not keen to refer to the royal commission or use it as some point of reference when the commissioners have said such things as "Parliament is not, and should not be allowed to become, the rubber stamp of measures put before it"? Quite clearly, this Government is trying to make Parliament a rubber stamp. As I have said before in this Parliament, one wonders why a Government which claims to be strapped for cash and to be unable to meet most of the promises it made before the previous election because it does not have the money, wants to keep this place going as a farce, which it will certainly become if this motion is passed. If the Government is trying to make this place a rubber stamp, rather than treating it as a genuine House of Review, why is it not honest enough to admit that, spend a couple of bob, buy a rubber stamp and bring forward legislation to close down the House and save the State millions of dollars?

I refer to Motion No 8 on the Notice Paper where the Leader of the House has moved that for the duration of this session the House on any sitting day be enabled to sit beyond 11.00 pm or 6.00 pm, as the case may be. As I pointed out in the letter to the Leader of the Government in which I asked that we be given the opportunity of some consultation for a change, this motion is open ended. Given the comments made by members on this side and on the coalition side when it was in Opposition about sitting beyond 11.00 pm, I am surprised the Government has not sought to in some way put forward a motion which is less open ended.

One of the things Hon Eric Charlton used to complain about in the last Parliament was that, as a country member, he disliked the uncertainty under an open-ended system of not knowing what time Parliament would get up and he did not like knowing whether he would be able to meet his appointments in the country areas that he represented.

Hon E.J. Charlton: You are right. The other thing I did not like was people talking on and on for the sake of it.

Hon George Cash: And wasting time. It is called filibustering.

Hon E.J. Charlton: I don't like that either.

Hon GRAHAM EDWARDS: I did not think I was doing that.

Hon E.J. Charlton: I did not say you were doing that now. I meant when it comes to legislation.

Hon George Cash: I think you are. I think you are filibustering.

Hon GRAHAM EDWARDS: In the interest of doing something constructive in this place and in the interest of the royal commission, I am not too fussed about what Mr Cash thinks.

I come back to the motion which I was debating before I was distracted by the Leader of the National Party in this place. I was saying that I know that Hon Eric Charlton, when he was on this side of the House, did not favour open-ended motions such as this although I accept that, toward the end of the session, he supported them. My recollection of his position was that he preferred some limit being put on the time so that the House did not sit beyond 11.00 pm to 3.00 am or 4.00 am or that it did not sit beyond 6.00 pm to 11.00 pm or 12.00 pm. I agreed with those sentiments at that time. While I accept the need for the House to sit beyond its agreed sitting times in order to get the business of the House completed, once again I believe that, just as Hon Joe Berinson used to initiate consultation with the Opposition when he was Leader of the House, this Leader of the House should initiate some consultation or at least respond in a reasonable way to the letter I sent to him so that we can agree on what the sitting times might be.

Motion No 7 on the Notice Paper deals with the suspension of standing orders. It states -

That for the remainder of this session, Standing Orders be suspended so far as will enable any Bill to pass through any or all stages at one sitting.

Once again, I do not have a great problem with that motion because I recognise that, towards the end of a session, legislation should be passed and standing orders should be suspended so as to enable a Bill to pass through any or all stages at one sitting.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! I bring to Hon Tom Stephens' attention that reading of newspapers in this place by honourable members is prohibited under the standing orders. If he wishes to read a newspaper, he should read it elsewhere.

Hon Tom Stephens: You have good eyes, Mr Deputy President.

Hon GRAHAM EDWARDS: I was making the point that I accept that standing orders should be suspended as has been the case in the past so that Bills can pass through all stages at one sitting. However, for the life of me, I have never really understood why the Legislative Council does not stagger its sitting hours so that it sits a couple of weeks after the Assembly begins its sittings, enabling it to get a flow of legislation from that House so that we can begin the proper process of review. That has not been the case in my experience and I do not know that it ever will be the case. I suspect that, whenever the session finishes, we will come back and have more than enough work to keep us going and that situation will not arise again. I remember too, arguments being put in this place following Parliament being prorogued about the reinstatement of business to the Notice Paper so that we could get on with that work and not have to wait two or three weeks for legislation to come to this House from the Legislative Assembly. These procedural motions are not opposed by this Opposition. However, we ask for consultation, consideration and some courtesy.

I want to turn to the more substantive part of the motion with which we are dealing and that is the part which seeks that, for the remainder of the session and notwithstanding any other provision under the standing orders, the following order shall apply to the disposal of business of the House and in particular the handling of Bills. Unfortunately, the Government has not explained to the House what it proposes. It seems that the Leader of the House is asking us to trust him, that consultation is inherent in the motion. Well, there has been no consultation so far. Despite the fact that we have endeavoured to cooperate, that has not been reciprocated by the Government and there has been no consultation. Given that there has been no consultation in the session so far, I wonder how the Leader of the House expects us to trust his word. Paragraph 1 of the sessional order motion on the Notice Paper states that -

At any time after the moving of the Second Reading of a Bill a Minister may table a program for the completion of the various stages of the Bill.

That does not say that there shall be any consultation with the Opposition about the program for the completion of the various stages of the Bill and it does not say what procedures should be adopted for any consultation over disagreements on the program. A Minister might have a view that a piece of legislation is not all that important and that it should pass through the House in a relatively short time. However, it may deal with matters relating to the rural industry and rural members may want to spend a lot of time talking about elements of that Bill. The one which I am trying to remember dealt with the eradication of lice. I recall thinking at the time, when introducing the Bill as a representing Minister, that it did not contain very much and would be passed without much debate. Much to my surprise, that sheep lice eradication fund Bill engendered an immense amount of debate.

A city member might not understand the ramifications of some of those matters. I am pointing out that the proposal contains no mechanism for dispute resolution. Once again, the Opposition would be in a position in which it would be at the whim of the Minister to decide on the various stages the program would include. Paragraph 2 of the motion moved by the Leader of the House states that a stage includes -

- (a) the moving of a reading;
- (b) a vote on a reading;
- (c) the adoption of a final report from the Committee of the Whole; and

- (d) a vote on the question that a clause, division, part or schedule stand as printed or amended in the Committee of the Whole.

Paragraph 3 states that such a program may provide for -

- (a) a fixed time and date for the completion of a stage;
- (b) a period of time which may elapse calculated from some other point in the course of the debate; or
- (c) a combination of (a) and (b) but in such case where there is conflict the provision in (a) shall prevail.

Subparagraph (c) may be interpreted as a conflict resolution provision, but we are saying that such a program may provide a fixed time and date for the completion of a stage. What will happen if during the course of a stage - it could be the second reading or the Committee stage - it becomes evident that the time and date fixed for the completion of that stage is simply inadequate? What will a Minister do? Will he be honest enough to accept that the time set down for the completion of that stage is inadequate and that not enough time remains for the debate to be completed? Will he admit that he has made a blunder and that, for instance, because the Bill is flawed we shall need more time to debate and amend it? Will the Minister extend the time available? If the Minister is under pressure from a colleague in another place or from his Cabinet colleagues to get the Bill through, will he try to keep to the initial program? I am not saying that Ministers would necessarily do that, because I am sure that some Ministers in this place would agree to extend the time, if necessary. However, equally, I am sure that some Ministers would not agree to extend the time allocated. That is one of the problems that arises. Paragraph 4 of the motion states -

From time to time after tabling a program a Minister may table a revised program.

However, in neither paragraph 1 nor paragraph 4 is the Minister under any obligation to consult with the Opposition. Those paragraphs should be amended to ensure that the Minister is obliged to negotiate and consult with the Opposition. Indeed, if a motion such as this has any worth, any dispute that arises should go back to the House to be resolved. I am not saying that should occur ad infinitum, but perhaps one hour or one and a half hours should be allowed to settle such a dispute. In those circumstances if the Minister is in the wrong he may get a better appreciation of the views of the House, and if the Opposition is in the wrong the Minister can firm up the view that the time allocated is appropriate. Certainly, the Opposition will not accept the suggestion by the Leader of the House that this motion requires the Government to negotiate with the Opposition. Nor does the Opposition accept that the guiding factor will be one of goodwill. We saw an example of just how fragile and frail that goodwill can be, because the Leader of the House, having said that, took the opportunity to criticise my colleague, the very hard working Hon Tom Stephens. The Leader of the House indicated that no matter what legislation Hon Tom Stephens might be handling, not too much negotiation would take place. That inherent human frailty creates a problem in this type of situation.

I know that you, Mr President, were intent on that part of the debate in which I referred to the royal commission extolling this House to accept its responsibilities. I know that you will accept that human frailty can be a major problem and that, indeed, the potential exists for personality clashes to occur. There is great potential for a Minister to become upset simply because a member of the Opposition is doing his or her job and properly scrutinising and examining legislation. I can understand that because from time to time Ministers have a view that their sole purpose in life is to get legislation through. Some members of the Opposition think that their sole purpose in life is to filibuster and to be unnecessarily obstructive.

Hon Tom Stephens: It must have been the previous Opposition.

Hon GRAHAM EDWARDS: The current Opposition has not carried on in that way -

Hon George Cash: Rubbish!

Hon GRAHAM EDWARDS: The debates in which we have been involved have been reasonable and restrained.

Hon Tom Stephens: The exact point was made by the Executive Director of the Law Society of Western Australia at a breakfast yesterday in his comments about the role of the Opposition in scrutinising legislation, and the quality of debate.

Hon GRAHAM EDWARDS: That was from an impartial observer.

Several members interjected.

Hon George Cash: He was talking about a Bill that you know nothing about.

Hon GRAHAM EDWARDS: We have a problem with the motion but with the goodwill referred to by the Leader of the House perhaps we could resolve part of the problem we have with the first paragraph of the motion.

The most important part of the motion is the second paragraph. The findings of the royal commission lead me to object very strenuously to the fifth and sixth paragraphs. I turn to paragraph 7, which reads -

In this Order, "Minister" includes Parliamentary Secretary.

The Opposition would not have too much problem with that, although the only involvement by the Parliamentary Secretary this session relates to a couple of instances - when he asked that a question, relating to a request for information about his duties, be put on notice; and early this afternoon when he moved the gag. Putting that aside, I expect that even with five Ministers in this place, there may be times when the Parliamentary Secretary is required to handle a Bill. When Parliamentary Secretaries were introduced to this place, the previous Leader of the Opposition accepted that they had a role to play, that they had a function to fulfil in the operations of the House. Having introduced Parliamentary Secretaries when in Government, the current Opposition now needs to accept that the Parliamentary Secretary has a role to play in handling legislation. We do not object to the seventh paragraph.

Paragraph 5 states -

If any part of the then program is not met a Minister may move without notice that the Bill be treated as an urgent Bill and the motion shall be put forthwith without debate.

If that is not a guillotine, I do not know what is. Any member who is interested in this House continuing as a House of Review and fulfilling the functions set out clearly and reinforced loudly by the royal commission, would object to this paragraph. Unfortunately, again, when addressing the motion the Leader of the House glossed over this paragraph. He did not explain what he is seeking to achieve. He said once again, "Trust me. It is all a matter of goodwill." He said that inherent in the motion is the capacity for the position of the Opposition to be considered, and that will come about through consultation - consultation that we have yet to see.

Paragraph 6 reads -

When a Bill has been declared by the House to be urgent and the time limited by a program is arrived at, the presiding officer shall interrupt the debate or other proceedings of the House and forthwith put to the vote all questions as are necessary for the Bill to complete the stage provided for in the program including all amendments standing on the notice paper in the name of the Minister handling the Bill and shall take all such other measures as are necessary to enable the Bill to reach the stage provided in the program.

Hon Tom Stephens: In paragraph 5 no reference is made to Bills that might be initiated by members of the Opposition.

Hon GRAHAM EDWARDS: That is an appropriate observation to make in the context of my earlier remarks that it seemed that the Government had the view that the Legislative Council exists merely to serve the members of the Government.

Hon N.F. Moore: That is the view you had all the time you sat over here.

Hon GRAHAM EDWARDS: That is not the case.

Hon N.F. Moore: I watched you do it.

Hon GRAHAM EDWARDS: I will not be diverted down that path, but I need to defend the record of the previous Government. Hon Joe Berinson was over generous -

Hon N.F. Moore: It had to do with the numbers on both sides.

Hon GRAHAM EDWARDS: - in the way he accommodated the previous Opposition. It may be argued by Hon Norman Moore that it was just a matter of numbers -

Hon N.F. Moore: Of course it was. That was how you operated. Hon John Halden will tell you about numbers.

The PRESIDENT: Order!

Hon GRAHAM EDWARDS: Just as the previous Government did not have the numbers, the Opposition does not have the numbers in this Parliament. If the Minister is suggesting that there has been some misuse of the numbers -

Hon N.F. Moore: I suggest you had a different approach. Your approach last session was different from what it would have been had you possessed the numbers.

Hon GRAHAM EDWARDS: The responsibility rests entirely on the other side of the House. As I pointed out earlier, the Legislative Council projects itself as a House of Review, and given what has been reinforced by the royal commission and by the actions of people in Government now, we must insist that the House continue to be a House of Review.

Returning to paragraph 6, perhaps you can give some guidance, Mr President. It is difficult to ascertain the views of a person such as the President, who has been such a long serving member of this Parliament and who has observed Parliament both from the floor and from the Chair, on such a motion. It may be that at some stage we shall ascertain those views. I can assure you, Mr President, that the Opposition will be most interested.

[Debate adjourned, pursuant to Standing Order No 61(b).]

House adjourned at 11.00 pm

QUESTIONS ON NOTICE

AUDITOR GENERAL - GOVERNMENT DEPARTMENTS OR AGENCIES, MANAGEMENT LETTERS ADDRESSED TO CHIEF EXECUTIVE OFFICERS

935. Hon TOM STEPHENS to the Minister for Finance:

Would the Minister indicate for the financial year 1992-93, which departments or agencies within his portfolio area he has received from the Auditor General copies of management letters addressed to the chief executive officer?

Hon MAX EVANS replied:

Office of Racing and Gaming
Gaming Commission of WA
Racecourse Development Trust
Racing Penalties Appeals Tribunal
Burswood Park Board
Lotteries Commission
State Tax Department
Valuer General's Office

AUDITOR GENERAL - GOVERNMENT DEPARTMENTS OR AGENCIES, MANAGEMENT LETTERS ADDRESSED TO CHIEF EXECUTIVE OFFICERS

942. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

Would the Minister indicate for the financial year 1992-93, which departments or agencies within his portfolio area he has received from the Auditor General copies of management letters addressed to the chief executive officer?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following reply -

The wording and intent of this question is somewhat ambiguous. Could Hon Tom Stephens please clarify the nature of the information he is seeking so that an accurate answer can be provided.

RACING AND GAMING, OFFICE OF - ORGANISATION DEVELOPMENT OFFICER, POSITION ABOLITION

951. Hon TOM STEPHENS to the Minister for Racing and Gaming:

- (1) Why was the position of Organisation Development Officer with the Office of Racing and Gaming abolished?
- (2) What impact will this decision have on the operations of the office?
- (3) What steps will be taken by the Minister to ensure that this impact is addressed?

Hon MAX EVANS replied:

- (1) As part of the 1993-94 Budget strategy.
- (2) Minimal.
- (3) As the position was mainly responsible for activities which are project based the projects are prioritised, and while in some cases a delay may result, urgent projects are given priority by other staff of the office.

PAYROLL TAX - GOVERNMENT DEPARTMENTS OR AGENCIES

983. Hon TOM STEPHENS to the Minister for Finance:

Which departments or agencies within his portfolio pay payroll tax and which are exempt?

Hon MAX EVANS replied:

The Valuer General, State Taxation Department and Office of Racing and Gaming are exempt. While other agencies are not exempt, not all pay payroll tax as this is dependent on the annual wage bill of the individual agencies.

PERTH CITY COUNCIL - REPRESENTATIVES ON BOARDS OF STATUTORY AUTHORITIES OR GOVERNMENT AGENCIES

1009. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) Which statutory authority or agencies within his portfolio have on their boards representatives of the Perth City Council?
- (2) What number of representatives on these boards are from the PCC in each case?
- (3) Which of these representatives are there by virtue of statutory requirements?
- (4) What is the basis upon which the other representatives of the PCC are on these boards (ie Cabinet decision, Government agreement or some other basis)?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) No statutory authority or agencies within the Housing portfolio have representatives from the Perth City Council on their boards.
- (2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - BUDGET FUNDS ALLOCATED TO NON-GOVERNMENT AGENCIES

1015. Hon TOM STEPHENS to the Minister for Education:

What funds have been allocated from which departments and agencies within his portfolio in the 1993-94 Budget for non-government agencies?

Hon N.F. MOORE replied:

The member's question is unclear; however, if he is referring to grants and subsidies then the following applies -

Ministry of Education	\$75 902 000
Department of Employment, Vocational Education and Training	\$4 270 832
Department of Employment, Vocational Education and Training - (1993 calendar year)	\$203 835
Ministry of Sport and Recreation	\$11 131 000
State Employment and Skills Development Authority	\$2 948 000

GOVERNMENT DEPARTMENTS AND AGENCIES - BUDGET FUNDS ALLOCATED TO NON-GOVERNMENT AGENCIES

1026. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

What funds have been allocated from which departments and agencies within his portfolio in the 1993-94 Budget for non-government agencies?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

The member's question is unclear; however, if he is referring to grants and subsidies the following applies to the Housing portfolio -

Homeswest - \$1 212 000

AUSTRALIAN WOOL PROCESSORS - HEXANE, USE RATE

Pollution; Environmental Protection Authority Monitoring

1157. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

- (1) At what rate does Australian Wool Processors in Spearwood use hexane?
- (2) Has there been a problem in the past with hexane losses at this plant?
- (3) Is this plant causing pollution to the coastal aquifer?
- (4) Has this company caused soil degradation on their site?
- (5) Is the Environmental Protection Authority monitoring the operations of this company?
- (6) Is the Government convinced that this company employs safe environmental operating practices?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) The rate at which hexane is used is a matter of commercial confidence. The EPA is aware of the volume of hexane used in the process and is also aware of the amount of hexane which is lost in the process.
- (2) Yes, there has been a problem with hexane losses in the past; however, AWP has addressed the issue. Hexane lost from the process is either retained in the wool, discharged to the atmosphere through the stack or contained in the final effluent.
- (3) The soil around the spray irrigation site and the area next to the storage tanks has been analysed at the AWP site for hexane and other chemicals. The results did not indicate elevated levels below the top 30 cm of soil.
- (4) No. The company has implemented a waste water management plan to minimise any adverse effect over watering the irrigation area.
- (5) Yes. The EPA's licence on the premises requires the company to submit an annual monitoring report to the EPA.
- (6) The EPA believes that the company employs safe environmental operating practices.

MIRRABOOKA LANDFILL - STIRLING, CITY OF, OPERATIONS

1158. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

- (1) Is the Minister aware that the City of Stirling is still operating a landfill site in Mirrabooka?
- (2) Is the Minister aware of widespread public opposition to this tip?
- (3) Is this tip causing ground water pollution in the Mirrabooka area?
- (4) Have any public wells been closed as a result of such pollution?
- (5) Is the Government planning to take action to phase out the operation of this tip?

- (6) If so, when will it be closed?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

The Health Department of Western Australia has provided the following information -

- (1) The Mirrabooka landfill is gazetted in the name of the City of Stirling. However, the site is owned and operated by the Atlas Group.
- (2) I am aware of some opposition from a group of residents living immediately north of the site.
- (3) Yes.
- (4) No.
- (5) The Health Department is awaiting a revised management plan for the site. This must be submitted by 28 February 1994. A draft is required by 30 November 1993.
- (6) Not applicable.

SEAGRASS MEADOWS - PROTECTION LEGISLATION

1161. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

Now that marine and coastal studies have identified that seagrass meadows cannot be regrown once degraded, will the Minister give an assurance that he will legislate to protect the State's few remaining seagrass meadows?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

The importance of seagrass meadows for both ecological and the prevention of sea-bed erosion is well recognised. Much of the State's important marine environment is protected by existing legislation, and ongoing studies will continue to identify further areas which may require protection. Where important seagrass communities coincide with development proposals the Environmental Protection Authority is able to give me advice about potential impacts.

LAKE YANGEBUP - JANDAKOT WOOL SCOURING CO PTY LTD, EFFLUENT POLLUTION

1162. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

- (1) Has Lake Yangebup been polluted by effluent from Jandakot Wool Scouring Co Pty Ltd?
- (2) Is this pollution continuing?
- (3) Is the company operating under a licence from the Environmental Protection Authority?
- (4) In view of Lake Yangebup's value as a wildlife habitat and its inclusion in the Beeliar regional park, will the Government take action to move this plant to a more suitable site?
- (5) If not, why not?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) The Jandakot Wool Scouring Co Pty Ltd has been operating since the late 1920s, and is situated on approximately 30 ha of land directly east and adjacent to Lake Yangebup. Effluent from wool scouring has been discharged into on-site lagoons since commencement of the scouring operation. In the lagoon systems, waste waters either seep into the regional ground water or evaporate. The major issue associated with JWS is unacceptable environmental impact upon the regional ground water system, along with effects on Lake Yangebup and Kogolup Lake, through lagoon seepage. The waste water lagoons release undesirable levels of dissolved salts, nutrients, oil and grease, and other organics. Past operations have also released unacceptable levels of heavy metals including arsenic and chromium. A strong hydraulic gradient exists between the waste water lagoons and Lake Yangebup, resulting in a proportion of the contaminant plume from the lagoons moving directly into the lake. The southward movement of the contaminant plume has also impacted on the northern and southern sections of Kogolup Lake.
- (2) Although improvements have been made to the waste water treatment system, pollution of the regional ground water and Lake Yangebup is continuing.
- (3) Yes.
- (4) The Environmental Protection Authority is currently consulting with Jandakot Wool Scourers on changes to its licence which will require that unacceptable discharges to the environment cease within a reasonable time. The expected time is approximately two years - December 1995 - and this would allow sufficient time to implement the required changes. Complementary to the EPA's actions, I have been advised that the Department of Commerce and Trade and the Government's wool strategy group are investigating relocation of the whole wool scouring industry to a more environmentally and economically acceptable site. Relocation, however, is only one possible solution for achieving an environmentally acceptable operation. Other options may be comprehensive treatment and on-site disposal; treatment suitable for discharge to sewer; and full containment within impervious lagoons. Relocation to a more suitable site, however, will require the company to employ one of the above treatment and disposal options.
- (5) Not applicable.

MURCHISON HOUSE STATION - PASTORAL INSPECTION

1175. Hon KIM CHANCE to the Minister for Lands:

- (1) On what date did the last pastoral inspection of Murchison House Station occur?
- (2) In the report which arose from that inspection, were adverse comments, or recommendations for action by the leaseholder made in respect of -
 - (a) fences and dams;
 - (b) star thistle or Paterson's curse control;
 - (c) feral animal control;
 - (d) erosion; and
 - (e) unauthorised clearing?
- (3) If so, what action has been taken by the leaseholder to correct any deficiencies identified in the report?

Hon GEORGE CASH replied:

- (1) The last inspection of Murchison House Station was conducted on 11 March 1993.
- (2) The inspection report focused on potential erosion problems, feral goat population and uncontrolled cattle grazing.
 - (a) The condition of fences and watering points was reported as good in the areas actively used for grazing.
 - (b) No.
 - (c) Yes. The Agriculture Protection Board has established a goat eradication cell to include Murchison House Station, adjoining leases and the Kalbarri National Park, to coordinate removal of feral goats.
 - (d) Some erosion was reported on the steep sides of several hills surrounding the shearing shed and holding paddocks, some on freehold land, but the situation is not critical and judicious use of the holding paddocks will alleviate some of the problem.
 - (e) No.
- (3) The lessee company has given an undertaking to the Pastoral Board that a concerted program is to be commenced this summer to address the goat problem, and a firm of consultants has established a strategy for the removal of the majority of the cattle and to build up a long term sheep flock. Follow-up inspections are to be undertaken by the Department of Agriculture, on behalf of the Pastoral Board, to monitor the situation in areas requiring attention.

TAFE - HORTICULTURE COURSES BROOME, UNSUCCESSFUL APPLICATION

1177. Hon KIM CHANCE to the Minister for Education:

- (1) Has there been an unsuccessful application for technical and further education funding to provide courses in horticulture in Broome?
- (2) If so, was one of the reasons that the application was unsuccessful that no suitable site existed on which the courses could be considered?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Yes; however, in addition to there not being suitable facilities available, the course for which funding was sought was inappropriate for application in the north west. During 1994, the curriculum will be revised to ensure that students are skilled in areas relevant to the industry in that part of the State. In addition, in 1994 stage 1 of the new Kimberley TAFE College is to be constructed in Kununurra, initially focusing on horticulture studies. As part of the arrangements being developed, a joint venture with the Frank Wise agricultural research institute is being negotiated, under which training for TAFE students will be provided at the institute in 1994.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1182. Hon TOM STEPHENS to the Minister for Finance:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?

- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon MAX EVANS replied:

(1)-(5)

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1189. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following response -

(1)-(5)

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

HAMERSLEY IRON PTY LTD - LOCOMOTIVES CONTRACT, IMPORTS

1199. Hon TOM STEPHENS to the Leader of the House representing the Minister for Resources Development:

- (1) Can the Minister confirm that a \$90m contract for 29 locomotives has been let by Hamersley Iron Pty Ltd to a company which intends to fulfil the contract by supplying fully imported locomotives?
- (2) In view of the impact that this contract could have had on local employment opportunities within Western Australia, will the Minister assess what steps he can now take to address this situation?
- (3) Is the Minister aware that Hamersley Iron has obligations under its agreement Acts that require it to use local labour and materials?
- (4) What action has the Minister taken to ensure that Hamersley Iron is complying with these Acts?
- (5) What further action will the Minister take to ensure that Western Australia does not lose the benefits from this important contract to supply locomotives to Hamersley Iron's operations in the Pilbara?

Hon GEORGE CASH replied:

The Minister for Resources Development has provided the following answer -

- (1) Yes, but I understand the contract was for \$75m.
- (2) The contract has been let following an open tender process and I would not want to interfere in this normal commercial process, particularly as I am satisfied that Hamersley Iron has met its obligations on local content under the agreements.
- (3) Yes, but I would point out that the obligations under Hamersley Iron's agreement Acts refer to the company using local labour, materials, plant and equipment, where reasonably and economically practicable and where it is not prejudicial to the interests of the company so to do.
- (4) None, as Hamersley Iron is complying. Taken over all of its operations, Hamersley Iron consistently achieves high levels of local content. For example, the Channar project achieved greater than 85 per cent and Marandoo is running at 83 per cent local and only six per cent overseas.
- (5) None.

PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT DEPARTMENTS AND AGENCIES

1203. Hon TOM STEPHENS to the Minister for Finance:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon MAX EVANS replied:

- (1)-(7) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond; however, I refer the member to supplementary information provided in respect of his question asked during the Legislative Council Estimates Committees.

POLICE - CHARGES UNDER POLICE REGULATIONS OR CAUTIONED

1218. Hon REG DAVIES to the Leader of the House representing the Minister for Police:

- (1) How often have police been charged under police regulations or cautioned as an alternative to being charged under a normal Statute such as the Police Act, the Traffic Act or the Criminal Code in the past five years?
- (2) What were the regulations they were charged under compared with the Act/Code charge number?
- (3) Specifically what was the difference in the maximum penalty?
- (4) Who authorised the charges under the police regulations in each case?

(5) Was it the recommendation of the inquiry officer in each case?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1) The Police Regulations are not used as an alternative to normal Statute charges. Where evidence is available, criminal or statutory charges are preferred. As a general rule statutory charges are also accompanied by disciplinary charges under the Police Regulations.

(2)-(5)

Not applicable.

POLICE - TELEPHONE INTERCEPTION EQUIPMENT, 1989-90 BUDGET

1219. Hon REG DAVIES to the Leader of the House representing the Minister for Police:

In the 1989-90 Police budget a sum of \$500 000 was allocated for "telephone interception equipment" and running costs.

(1) What equipment was purchased?

(2) Did any of this go to police internal affairs?

(3) How many times has this equipment been used on -

(a) criminals; and

(b) police officers being inquired into by internal affairs?

(4) What other purpose was this equipment used for?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1) I have been informed by the Commissioner of Police that no equipment was purchased. The sum of \$500 000 was allocated in the 1989-90 Police budget for telephone interception equipment. With the uncertainty as to legislation being enacted to allow for telephone interception in Western Australia, a decision was made by the Police Department not to purchase equipment. The allocated \$500 000 was not utilised by the Police Department and remained as part of the consolidated revenue fund balance as at 30 June 1990.

(2) No.

(3)-(4)

Not applicable.

ESPERANCE PORT - IRON ORE EXPORTS

Power Generation Equipment

1221. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

(1) Why was the private electricity generation proposal for the Esperance Port Authority not included in their Consultative Environmental Review (Iron Ore exports through Esperance), when power shortfalls were clearly identified by the residents of Esperance after discussions with SECWA and concerns raised in the local media?

(2) Due to the close proximity of 38 houses to the port authority boundary, will the Minister refer the installation of a diesel power generator by the Esperance Port Authority to the Environmental Protection Authority for assessment?

(3) If not, why not?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) The scope of a new development is defined by the proponent of that development. The Esperance Port Authority did not include the power supply as part of the proposal. The Port Authority would have to say why this was the case.
- (2)-(3) In the event that on-site power generation equipment is required it will be considered by the Environmental Protection Authority when licensing the operation and will be required to conform to the environmental conditions on noise that I have set for the rest of the project.

GOVERNMENT DEPARTMENTS AND AGENCIES - FREEDOM OF INFORMATION COORDINATOR

1234. Hon TOM STEPHENS to the Minister for Mines:

Would the Minister indicate who the designated officer is for each department or agency within the Minister's portfolio who has responsibility of coordinator in regards to applications under the Freedom of Information Act?

Hon GEORGE CASH replied:

Department of Minerals and Energy - the role of freedom of information coordinator has been assigned to the Director of Corporate Development, Mr K. O'Neil, Department of Minerals and Energy.

Department of Land Administration - the role of freedom of information coordinator has been assigned to the position of Librarian, Gail Woods, Corporate Services Division, Department of Land Administration.

Western Australian Land Authority - the role of freedom of information coordinator has been assigned to Ms Janelle Shinnars, LandCorp.

FREEDOM OF INFORMATION ACT - GOVERNMENT DEPARTMENTS OR AGENCIES, OFFICER RESPONSIBLE FOR COORDINATING APPLICATIONS

1236. Hon TOM STEPHENS to the Minister for Education:

Would the Minister indicate who the designated officer is for each department or agency within the Minister's portfolio who has responsibility of coordinator in regards to applications under the Freedom of Information Act?

Hon N.F. MOORE replied:

The following is a list of designated officers who have the responsibility of coordinator in respect of applications under the Freedom of Information Act for each department or agency within my portfolio -

Ministry of Education - Ms Karen J. Hall.

Department of Employment, Vocational Education and Training - Mr B.J. Ryan.

Ministry of Sport and Recreation - Director, Corporate Development and Services.

WA Office of Higher Education - Mr Alan Marshall.

Secondary Education Authority - Mr Danny McEvoy, Manager Administrative Services and Mr Stephen Hoath, Manager Operations.

Country High School Hostels Authority - Mr Jim Hopkins, Manager.

Office of Education and Training - Ms Susie Barkhouse, Executive Assistant.

State Employment and Skills Development Authority
Research/Information Support Officer.

Superdrome - Kim Cadamy-Thompson.

Western Australian Academy of Performing Arts - Mr David Earl, Edith Cowan University - see note below.

Note: The academy operates its Freedom of Information Act under the auspices of Edith Cowan University. Therefore, Mr Earl of the university will be responsible for processing applications on behalf of the WA Academy of Performing Arts.

FREEDOM OF INFORMATION ACT - GOVERNMENT DEPARTMENTS OR AGENCIES, OFFICER RESPONSIBLE FOR COORDINATING APPLICATIONS

1243. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

Would the Minister indicate who the designated officer is for each department or agency within the Minister's portfolio who has responsibility of coordinator in regards to applications under the Freedom of Information Act?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following reply -
Local Government - Ross Earnshaw.

FREEDOM OF INFORMATION ACT - GOVERNMENT DEPARTMENTS OR AGENCIES, OFFICER RESPONSIBLE FOR COORDINATING APPLICATIONS

1244. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

Would the Minister indicate who the designated officer is for each department or agency within the Minister's portfolio who has responsibility of coordinator in regards to applications under the Freedom of Information Act?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following reply -

The freedom of information coordinator for the Department for Community Development is Mr James Kirton, manager of the information administration branch. The freedom of information coordinator for the Office of Seniors Interests is Ms Kay Lunt, the assistant manager, seniors' information and referral service.

KARIJINI NATIONAL PARK - IRON ORE EXPLORATION

1250. Hon J.A. SCOTT to the Minister for Mines:

- (1) How many of the 22 temporary reserve status tenements are currently being explored for iron ore mineralisation in the Karijini national park?
- (2) If exploration has been increased or started, in CRA's tenements and Robe River's mining tenements in the south east corner of the park, to what extent has the Karijini Aboriginal Corporation been involved in site clearance work?
- (3) To what extent in each temporary reserve has consultation in regard to exploration work involved:
 - (a) Department of Conservation and Land Management;
 - (b) Department of Resources Development;
 - (c) Department of Minerals and Energy; and
 - (d) Heritage Department of the Western Australian Museum?

Hon GEORGE CASH replied:

- (1) There are 21 tenements including temporary reserves in Karijini national park. Of those tenements, 12 are currently being explored for iron ore.
- (2) I understand that both CRA's and Robe River's exploration activities have to date been of non-ground disturbing nature and, therefore, no Aboriginal site surveys may have been necessary. However, I am advised that local Aboriginal people, including the Karijini Aboriginal Corporation, have been informed of the companies' exploration programs.
- (3) The companies involved in this exploration activity have consulted as follows -
 - (a) detailed consultation with CALM including a site visit by CALM officers;
 - (b) detailed consultation with the Department of Resources Development;
 - (c) detailed consultation with the Department of Minerals and Energy; and
 - (d) I have no information on the level of consultation between the companies and the Department of Aboriginal Sites of the Western Australian Museum. I believe that the question would be more appropriately answered by my colleague, the Minister for Aboriginal Affairs.

MEDIA MONITORING - GOVERNMENT DEPARTMENTS OR AGENCIES

1255. Hon TOM STEPHENS to the Minister for Mines:

- (1) What media monitoring is undertaken in-house by each department and agency within the Minister's portfolio?
- (2) What has been expended by each department or agency within the Minister's portfolio on media monitoring between 1 March 1993 and October 1993?

Hon GEORGE CASH replied:

- (1)-(2) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about media monitoring, I will be pleased to respond.

MEDIA MONITORING - GOVERNMENT DEPARTMENTS OR AGENCIES

1257. Hon TOM STEPHENS to the Minister for Education:

- (1) What media monitoring is undertaken in-house by each department and agency within the Minister's portfolio?
- (2) What has been expended by each department or agency within the Minister's portfolio on media monitoring between 1 March 1993 and October 1993?

Hon N.F. MOORE replied:

- (1)-(2) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about media monitoring, I will be pleased to respond.

MEDIA OR PUBLIC RELATIONS TRAINING - GOVERNMENT DEPARTMENTS OR AGENCIES

1271. Hon TOM STEPHENS to the Minister for Mines:

- (1) How many officers from departments or agencies within the Minister's portfolio areas have undertaken media or public relations training between 1 March 1993 and 31 October 1993?

- (2) What was the date of each training session?
- (3) Who provided the training?
- (4) What is the actual cost to date and estimated total cost of the training?

Hon GEORGE CASH replied:

- (1)-(4) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about media or public relations training, I will be pleased to respond.

**MEDIA OR PUBLIC RELATIONS TRAINING - GOVERNMENT
DEPARTMENTS OR AGENCIES**

1273. Hon TOM STEPHENS to the Minister for Education:

- (1) How many officers from departments or agencies within the Minister's portfolio areas have undertaken media or public relations training between 1 March 1993 and 31 October 1993?
- (2) What was the date of each training session?
- (3) Who provided the training?
- (4) What is the actual cost to date and estimated total cost of the training?

Hon N.F. MOORE replied:

- (1)-(4) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about media or public relations training, I will be pleased to respond.

**SEMINARS OR CONFERENCES - GOVERNMENT
DEPARTMENTS OR AGENCIES**

1287. Hon TOM STEPHENS to the Minister for Mines:

- (1) How many officers from departments or agencies within the Minister for Mines' portfolio area have attended seminars or conferences for which the Government met the cost of registration between 1 March 1993 and 31 October 1993?
- (2) What was the nature of each conference, how many officers attended, where were they held, and what was the total cost for each conference and the cost per person?

Hon GEORGE CASH replied:

- (1)-(2) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about seminars and conferences, I will be pleased to respond.

**SEMINARS OR CONFERENCES - GOVERNMENT
DEPARTMENTS OR AGENCIES**

1289. Hon TOM STEPHENS to the Minister for Education:

- (1) How many officers from departments or agencies within the Minister for Education's portfolio area have attended seminars or conferences for which the Government met the cost of registration between 1 March 1993 and 31 October 1993?
- (2) What was the nature of each conference, how many officers attended, where were they held, and what was the total cost for each conference and the cost per person?

Hon N.F. MOORE replied:

- (1)-(2) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about attendance at seminars or conferences, I will be pleased to respond.

PHOTOCOPY EQUIPMENT - GOVERNMENT DEPARTMENTS AND AGENCIES

1303. Hon TOM STEPHENS to the Minister for Mines:

What photocopy equipment is held within each department and agency within the Minister's portfolio area?

Hon GEORGE CASH replied:

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about photocopy equipment, I will be pleased to respond.

PHOTOCOPY EQUIPMENT - GOVERNMENT DEPARTMENTS AND AGENCIES

1305. Hon TOM STEPHENS to the Minister for Education:

What photocopy equipment is held within each department and agency within the Minister's portfolio area?

Hon N.F. MOORE replied:

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about photocopy equipment, I will be pleased to respond.

GOVERNMENT PUBLICATIONS - ISSUES; PRODUCTION DETAILS

1319. Hon TOM STEPHENS to the Minister for Mines:

- (1) What publications are issued by each department and agency within the Minister's portfolio on a regular or periodical basis?
- (2) For each publication -
 - (a) is it produced in-house or by an outside firm;
 - (b) what is the cost including artwork, printing and distribution;
 - (c) who is the target audience; and
 - (d) is a copy of each edition provided to the Library and Information Service of Western Australia?

Hon GEORGE CASH replied:

- (1)-(2) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about a publication which is issued, I will be pleased to respond.

GOVERNMENT PUBLICATIONS - ISSUES; PRODUCTION DETAILS

1321. Hon TOM STEPHENS to the Minister for Education:

- (1) What publications are issued by each department and agency within the Minister's portfolio on a regular or periodical basis?
- (2) For each publication -
 - (a) is it produced in-house or by an outside firm;
 - (b) what is the cost including artwork, printing and distribution;
 - (c) who is the target audience; and

- (d) is a copy of each edition provided to the Library and Information Service of Western Australia?

Hon N.F. MOORE replied:

(1)-(2)

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a more specific question about publications, I will be pleased to respond.

MINISTERIAL OFFICES - FREEDOM OF INFORMATION COORDINATOR

1335. Hon TOM STEPHENS to the Minister for Mines:

Could the Minister advise the name of the officer in his ministerial office who is designated as being responsible for coordinating applications for information under the Freedom of Information Act?

Hon GEORGE CASH replied:

Mr P. Rowe, senior policy consultant.

MINISTERIAL OFFICES - FREEDOM OF INFORMATION COORDINATOR

1337. Hon TOM STEPHENS to the Minister for Education:

Could the Minister advise the name of the officer in his ministerial office who is designated as being responsible for coordinating applications for information under the Freedom of Information Act?

Hon N.F. MOORE replied:

The officer designated as being responsible for coordinating applications for information under the Freedom of Information Act in my office is Ms Stephanie Boyd.

EDUCATION, MINISTRY OF - MISCELLANEOUS WORKERS UNION, OFFICIALS PREVENTED FROM ATTENDING MEETING

1347. Hon JOHN HALDEN to the Minister for Education:

- (1) Can the Minister confirm whether security guards were used on Wednesday, 10 November 1993 to prevent officials from the Miscellaneous Workers Union from entering Ministry of Education premises to join discussions being held between ministry officials and union members?
- (2) If yes, on what basis were the union officials prevented from attending?
- (3) Is the Minister aware that, in calling this meeting, the ministry is in breach of an order of the WA Industrial Relations Commission which restrained the ministry from implementing the changes in work practices prior to 16 November 1993?

Hon N.F. MOORE replied:

- (1) Union officials were offered entry to the ministry on Wednesday 10 November 1993 for the following purposes: To examine time and wages records for union members; to meet with any member of their union; and to join a meeting to which they had been invited.
- (2) The union was not invited to join a meeting being held at the ministry for school principals and head cleaners on Wednesday afternoon. Their attendance at a similar meeting held on the Wednesday morning resulted in abuse of ministry officials and interruptions to the meeting to the extent that the meeting had to be abandoned.
- (3) The meetings referred to were to outline to staff the implementation process which will commence on 16 November 1993, and did not contravene Industrial Relations Commission orders.

GOVERNMENT DEPARTMENTS AND AGENCIES - ASSET REGISTERS

1357. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

Which departments or agencies within the Minister for Local Government's portfolio areas do not maintain an asset register?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following reply -
None.

**GOVERNMENT DEPARTMENTS AND AGENCIES - IN-HOUSE PRINTING
EQUIPMENT AND FACILITIES**

1364. Hon TOM STEPHENS to the Minister for Mines:

Which departments and agencies within the Minister's portfolio areas have in-house printing equipment and facilities?

Hon GEORGE CASH replied:

The member's question is unclear. However, if the member has a more specific question, I will be pleased to respond.

**GOVERNMENT DEPARTMENTS AND AGENCIES - IN-HOUSE PRINTING
EQUIPMENT AND FACILITIES**

1366. Hon TOM STEPHENS to the Minister for Education:

Which departments and agencies within the Minister's portfolio areas have in-house printing equipment and facilities?

Hon N.F. MOORE replied:

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "in-house" printing equipment and facilities I will be pleased to respond.

**GOVERNMENT DEPARTMENTS AND AGENCIES - IN-HOUSE PRINTING
EQUIPMENT AND FACILITIES**

1373. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

Which departments and agencies within the Minister for Local Government's portfolio areas have in-house printing equipment and facilities?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following reply -
None.

QUESTIONS WITHOUT NOTICE**SMITH, WAYDE - SECOND ELECTORATE OFFICE, TWO ROCKS**

706. Hon GRAHAM EDWARDS to the Leader of the House representing the Premier:

- (1) Has the member for Wanneroo opened a second electorate office in addition to the electorate office located at suite 6, 80 Grand Boulevard, Joondalup?
- (2) If so, what is the address of this second electorate office?

- (3) What, if any, of the following resources have been provided to the member for Wanneroo for this second office by the Ministry of the Premier and Cabinet or by any other Government department or agency -
- (a) furniture;
 - (b) equipment;
 - (c) stationery; and
 - (d) other services and facilities such as cleaning, signs, etc?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(2) I am aware that the member for Wanneroo has opened a second office at Shop 4, Two Rocks Shopping Centre, Two Rocks.
- (3) I am advised that neither the Ministry of the Premier and Cabinet nor the Building Management Authority, the agencies responsible for equipping, staffing and refurbishing electorate offices, have resourced this office, nor am I aware of any other agency providing any resources for Mr Smith in his second office. However, I am advised that the Two Rocks Blue Light Disco Association may have an arrangement to place a photocopier in Mr Smith's office for use by the community only. I understand this equipment will be purchased with the assistance of a sponsorship arrangement with LandCorp.

SMITH, WAYDE - SECOND ELECTORATE OFFICE, TWO ROCKS

707. Hon GRAHAM EDWARDS to the Minister for Lands:

Further to my previous question, if LandCorp has provided any furniture, equipment, stationery, other services or staff to that second electorate office, who gave approval for it?

Hon GEORGE CASH replied:

I cannot advise the Leader of the Opposition. However, I am more than happy to obtain that information if he places that question on notice.

STATE GOVERNMENT INSURANCE COMMISSION - FINANCIAL STATEMENTS TABLING

708. Hon JOHN HALDEN to the Minister for Finance:

When will the audited reports and financial statements for the State Government Insurance Commission for 1992-93 be tabled?

Hon MAX EVANS replied:

The financial statements for the SGIC have been forwarded to the Auditor General for him to audit in accordance with the Financial Administration and Audit Act. The Auditor General is an independent officer reporting to Parliament and the financial statements will be available when he completes his audit.

STATE GOVERNMENT INSURANCE COMMISSION LEGISLATION

709. Hon JOHN HALDEN to the Minister for Finance:

Can I take it from what the Minister said that the Government is asking the Parliament to enact legislation in regard to the State Government Insurance Commission in the absence of a clear financial statement of the SGIC's financial position?

Hon MAX EVANS replied:

I do not think the matter is relevant to whether financial statements have been finalised. However, the member should put the question on notice.

ROADS - MITCHELL FREEWAY, SPEED LIMIT INCREASE

710. Hon B.K. DONALDSON to the Minister for Transport:

- (1) Will the speed limit on the Mitchell Freeway be increased to 100 kmh from the existing 90 kmh?
- (2) If so, when?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1)-(3) A number of requests have been made for an increase in that speed limit. As the member knows, there have been increases in the speed limit on the freeway in the past and there is good reason for an increase now. However, no decision has been made to increase the speed limit. I will advise the member of the outcome of the current deliberations on this matter.

BRADSHAW, DR WAYNE - PARLIAMENTARY SECRETARY TO THE CABINET, FINANCIAL RELATIONSHIP

711. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:

- (1) Has the Premier acquainted himself with the financial relationship between the Parliamentary Secretary to the Cabinet and Dr Wayne Bradshaw?
- (2) Does the Premier consider it appropriate that the Parliamentary Secretary to the Cabinet should be active in the daily operations of a company in which a fellow director is wanted by police for possible corruption charges?
- (3) Has the Parliamentary Secretary to the Cabinet advised the Premier that he does not know the whereabouts of and is not in contact with his fellow director and shareholder, Dr Wayne Bradshaw?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1)-(3) The Premier is not prepared to discuss the private financial affairs of the member.

GRAHAM, ROGER - TRANSPORT, DEPARTMENT OF, CONSULTANCY

712. Hon JOHN HALDEN to the Minister for Transport:

- (1) Will the Minister confirm that Mr Roger Graham is about to be employed, or has been employed, as a consultant to the Department of Transport?
- (2) Under what terms and conditions has Mr Graham been employed?
- (3) What is the nature of Mr Graham's consultancy?
- (4) Does the Minister consider that any conflict of interest might arise from Mr Graham's consultancy in the light of his involvement with the McCarrey commission and Westbus?

Hon E.J. CHARLTON replied:

- (1)-(4) Mr Roger Graham has not been offered any consultancy. However, consultants will be required to assist the Department of Transport, and consideration is being given to those consultants at this time.

Hon John Halden: Is he one of them?

Hon E.J. CHARLTON: I hope to give an update on that.

BRADSHAW, DR WAYNE

713. Hon A.J.G. MacTIERNAN to the Minister for Health:

- (1) With reference to a cheque paid to the Medical Board to maintain Dr Wayne Bradshaw's registration as a medical practitioner, on what bank and branch was it drawn?
- (2) What action has the Minister or the Medical Board taken to draw this matter to the attention of the Police Department, which is seeking Dr Bradshaw on corruption and stealing charges?
- (3) Will the Minister table Dr Bradshaw's letter of 5 September 1993 to the Medical Board, in which he notified the board of his changed address?

Hon PETER FOSS replied:

- (1) The National Bank, Rivervale.
- (2) None.
- (3) While I see no real purpose in tabling Dr Bradshaw's letter of 5 September 1993, I am prepared to do so, and I now seek leave to table the letter.
Leave granted. [See paper No 812.]

BRADSHAW, DR WAYNE

714. Hon A.J.G. MacTIERNAN to the Minister for Health:

- (1) Who are the Medical Board's bankers?
- (2) Will the Minister instruct the Medical Board to retrieve the deposit slip completed when Dr Wayne Bradshaw's medical registration fee was paid into the board's account, in order to establish the identity of the drawer of the cheque?
- (3) If not, why not?
- (4) If so, will the Minister forward that information to the Police Department to assist the department in its efforts to contact Dr Bradshaw?

Hon PETER FOSS replied:

- (1) I consider this to be a confidential matter for the Medical Board and unless some public justification is given I will not disclose it.
- (2) No.
- (3) It does not appear to be a matter relevant to the operations of the Medical Board.
- (4) All these matters seem to be appropriately dealt with by the police, who I am sure can obtain this information should they wish to have it. It is not a function of the Medical Board to carry out police investigations.

WESTRAIL - WESTRAIL CENTRE STAFF REDUCTION

715. Hon JOHN HALDEN to the Minister for Transport:

Will the Minister confirm that, at a meeting of Westrail area managers held in the Westrail Centre on or around Thursday, 4 November 1993, senior staff of Westrail advised their management as follows -

- (1) that staff numbers at the Westrail Centre would decrease by 70 per cent and not by the figure previously advised by the Minister;
- (2) that staff who were not prepared to accept the voluntary severance scheme would be offered alternative employment in the Public Service;
- (3) that if there were no vacancies in the public sector, staff would be assisted to find employment in the private sector; and

- (4) that if neither option (2) nor (3) above provided employment opportunities, the staff involved would be forced to accept compulsory redundancy?

Hon E.J. CHARLTON replied:

- (1)-(4) I ask the member to put the question on notice. It is a well known fact that the numbers will be reduced at head office but I cannot be specific without some notice of the question.

MAIL WEST - CSA CAMPAIGN MATERIAL DISTRIBUTION

716. Hon JOHN HALDEN to the Minister for Health representing the Minister for Services:

I refer to the Minister's answer to question without notice 654 of Tuesday, 9 November, regarding Mail West, and ask -

- (1) Has the Minister instituted an inquiry to determine how it came about that Mail West distributed campaign material for a group called "The CSA Reform Team"?
- (2) Has the Minister issued instructions to Mail West not to process or distribute any further material relating to the forthcoming elections for the Civil Service Association?
- (3) If yes, when was that instruction issued?
- (4) Is the Minister aware that the campaign material from the CSA reform group, marked "Private and Confidential" continues to be distributed to individual CSA members through Mail West?
- (5) If yes, why are the Minister's instructions not being carried out?

Hon PETER FOSS replied:

The Minister for Services has provided the following reply -

- (1) The Department of State Services has instigated an inquiry into this matter.
- (2) It is not Mail West policy to distribute non-government mail or articles. This policy applies to CSA campaign material, and this advice has already been provided to candidates who have made inquiries about the possibility of using Mail West.
- (3) Not applicable.
- (4)-(5) The Department of State Services is investigating this matter and if it is determined that CSA material is being distributed through the Mail West system, as alleged, appropriate action will be taken against the parties responsible. Mail West is monitoring mail through its system to make sure that it does not knowingly distribute CSA campaign material through its system. If, however, the member is aware of any information that would assist in these inquiries, he has a responsibility to make it available to the Minister.

COAL INDUSTRY ADVISORY COUNCIL

717. Hon JOHN HALDEN to the Minister for Mines:

Will the Minister confirm that he has abolished the coal industry advisory council and, if so, for what reasons?

Hon GEORGE CASH replied:

Yes, the coal industry advisory council in Collie has been abolished. About three weeks ago I met with representatives of the coal unions from Collie and representatives of the company in Perth at a joint meeting, at

which time I advised I was considering the future of that council. I advised also that I would seek some discussions with some of my ministerial colleagues on the matter, in particular the Minister for Resources Development, as, following the most recent State elections, there had been a change in the nature of the Resources Development and Mines portfolios. I have made the decision to abolish that council, but - as advised to both the coal unions and the company representatives with whom I met some weeks ago - in its place I have proposed, with the agreement of the Minister for Resources Development, that a Collie coal consultative group be established so that there will be continuing dialogue between the companies, the unions and the Government. Notwithstanding the establishment of the Collie coal consultative group, which will come under the portfolio of the Minister for Resources Development, I have also indicated to those who attended the meeting in Perth that, as Minister for Mines, I want to continue that positive dialogue with the coal industry in the Collie area.

STATE GOVERNMENT INSURANCE COMMISSION - ANNUAL REPORT AND FINANCIAL STATEMENTS TABLING DELAY

718. Hon JOHN HALDEN to the Minister for Finance:

Can the Minister advise the House why there has been a delay in the tabling of the annual report and financial statements for the State Government Insurance Commission?

Hon MAX EVANS replied:

I ask that the question be placed on notice.

HOMESWEST - BENTLEY REDEVELOPMENT

719. Hon T.G. BUTLER to the Minister for Finance representing the Minister for Housing:

- (1) When is the Bentley Homeswest redevelopment scheduled to commence?
- (2) How many houses and units will be built during the redevelopment?
- (3) How long will the redevelopment take?
- (4) Is it intended to carry out more demolition of houses in the Bentley area?
- (5) If yes to (4), what are the addresses of the houses to be demolished?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) Homeswest will commence redevelopment in Bentley as soon as the City of Canning's town planning scheme review has been finalised.
- (2) Homeswest intends to build in the order of 150 houses and units.
- (3) When the new town planning scheme is in place the redevelopment will occur over a three to five year period.
- (4) When the 150 new houses have been substantially completed the need for demolition will be assessed.
- (5) Not applicable.

PRISONERS - WESTRAIL BUSES TRANSPORT

720. Hon KIM CHANCE to the Leader of the House representing the Minister for Police:

- (1) Is it common for prisoners to be transported from Perth to Geraldton by Westrail bus in company with fare paying members of the public?

- (2) Under what circumstances are such travel arrangements authorised?
- (3) Why are prisoners not transported in secure vehicles designed for that purpose?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

- (1) The Commissioner of Police has advised that prisoners are not transported on Westrail buses.
- (2)-(3) Not applicable.

**HAMERSLEY IRON PTY LTD - GONINAN & CO LTD (WA DIV),
LOCOMOTIVES, RECYCLED EQUIPMENT SUPPLY**

721. Hon TOM HELM to the Minister for Employment and Training:

- (1) Is the Minister aware that A. Goninan and Co Ltd (WA Div) could supply locomotives to Hamersley Iron Pty Ltd specifications using recycled equipment, as the company has already done for BHP Iron Ore and Robe River Iron Associates, cheaper and using local labour almost exclusively?
- (2) If not, will he make himself aware and advise Hamersley Iron to keep this important order in Western Australia?
- (3) Could the Minister advise the House if any member of Cabinet is aware of the matter?

Hon N.F. MOORE replied:

- (1)-(2) My advice is that the deal negotiated by Hamersley Iron with the United States company was considerably cheaper than any deal it could manage in Western Australia. Naturally, the Government does not get any satisfaction from that. Of course it is imperative for local manufacturers to be able to fill these sorts of contracts. The information provided to me is that the extent of the difference in price and the contract details was such that the company had no option but to accept the United States offer. The information was provided by the company. As it is a matter for the private sector, it is difficult for a Government to tell a company how it should spend its money or what contracts it should enter. The Premier and the Minister for Resources Development are aware of the matter and it is of concern to the Government. Discussions have been held with the company but my advice is that the deal offered in the United States was one the company could not afford to reject.
- (3) I cannot possibly respond to this part of the question. I do not know what is in the minds of all my Cabinet colleagues or what they do or do not know.

**HAMERSLEY IRON PTY LTD - GONINAN & CO LTD (WA DIV),
LOCOMOTIVES, RECYCLED EQUIPMENT SUPPLY**

722. Hon TOM HELM to the Minister for Employment and Training:

- (1) Is the Minister aware of the question on notice by Hon Tom Stephens to the Leader of the House representing the Minister for Resources Development?
- (2) If not, can he make himself aware of it? I think the Minister has misunderstood my question because his answer relates to new locomotives being ordered overseas. My question relates to locomotive components for Hamersley Iron specifically on recycled bogies and chassis.

Hon N.F. MOORE replied:

- (1)-(2) I am now aware of the question on notice asked by Hon Tom Stephens of another Minister. I do not wish to comment. This question should be placed on notice.

STATE GOVERNMENT INSURANCE COMMISSION - AUDIT
CERTIFICATE, EXTENSION OF TIME

723. Hon JOHN HALDEN to the Minister for Finance:

- (1) Has the Minister given the Auditor General an extension of time to 30 November under the Financial Administration and Audit Act for the Auditor General to sign the audit certificate for the State Government Insurance Commission?
- (2) If yes, why?

Hon MAX EVANS replied:

- (1) I gave an extension of time to the Auditor General.
- (2) No reason needs to be given.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - CENTRAL
WHEATBELT HEALTH REGION, HOSPITALS DOWNGRADING

724. Hon KIM CHANCE to the Minister for Health:

- (1) Has the director of the central wheatbelt health region proposed the downgrading of several hospitals in the region to the extent that some hospitals will no longer be able to provide services requiring general anaesthesia?
- (2) If so, which hospitals will be downgraded by the proposal to reclassify them?
- (3) What criteria have been used in the proposal to select some but not other hospitals for downgrading?
- (4) Does the Minister support the proposal to downgrade the hospitals?
- (5) Has the administration of the central wheatbelt health region prepared a forward analysis of the effect of the reclassifications on the viability of these hospitals?

Hon PETER FOSS replied:

- (1) The director of the central wheatbelt health region has proposed that all hospitals in the region continue to provide the level of general anaesthesia which they are currently providing, unless a negotiated change to that level is undertaken.
- (2)-(5) Not applicable.

SPORT AND RECREATION, MINISTRY OF - ERN HALLIDAY
RECREATION CAMP, DISPOSAL

725. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

Has any decision been made to dispose of all or part of the Ern Halliday recreation camp?

Hon N.F. MOORE replied:

Not to my knowledge.

SPORT AND RECREATION, MINISTRY OF - ERN HALLIDAY
RECREATION CAMP, DISPOSAL

726. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

Given the importance of the Ern Halliday recreation camp to the northern suburbs, will the Minister undertake to make himself aware of the consideration being given to the disposal of that camp?

Hon N.F. MOORE replied:

Yes. However, as the member knows, an assessment is being undertaken

of all camps owned or operated by the Ministry of Sport and Recreation. I have not received the assessment, and I presume it is ongoing. When the report finds its way to my desk I will give it proper consideration.

**SPORT AND RECREATION, MINISTRY OF - RECREATION CAMPS
REVIEW**

727. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

- (1) Who is conducting the review of all recreation camps under the control of the Camps and Reserves Board?
- (2) When will the review be completed?

Hon N.F. MOORE replied:

- (1) I do not know the name of the person. The review is being undertaken on behalf of the Ministry of Sport and Recreation.
 - (2) As soon as it is completed.
-