

Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House;  
Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pandal; Mr Tony Dean; Mr Jim McGinty; Mr  
Arthur Marshall; Mr John Hyde; Mr Rod Sweetman; Mr Max Trenorden

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**PRISONS AMENDMENT BILL 2002**

*Consideration in Detail*

Resumed from 9 April.

**Clause 4: Section 31 amended -**

Debate was adjourned after the clause had been partly considered.

Ms SUE WALKER: It emerged in debate last night that approximately 3 200 people were in prison as at April last year. Can the minister confirm whether that is right?

Mr McGinty: That is the figure for about 18 month to two years ago.

Ms SUE WALKER: How many are in prison at the moment?

Mr McGinty: About 2 800.

Ms SUE WALKER: I am looking at the number of persons who would be eligible to take advantage of these provisions. Does the figure of 2 800 cover all 13 prisons in Western Australia?

Mr McGinty: Yes. The figure includes Acacia Prison, which takes the total number of prisons to 14.

Ms SUE WALKER: Are nearly half of those prisoners eligible to be released early? Last night the minister said that 1 300 are potentially eligible. I am told that a survey was done, based on the prison population as it stood last year, which showed that 1 300 people in prison were potentially eligible. Under some questioning, the minister clawed that figure back to 600.

Potentially, almost half the prison population will be eligible to take advantage of a 200 per cent increase in early prison release.

Mr McGinty: The figure I worked from when the prison population was 3 100 in April of last year, was 1 300 people who are potentially eligible because their sentences are for less than 12 months.

Ms SUE WALKER: The figure is now 2 800.

Mr McGinty: That 1 300 is perhaps disproportionately greater.

Ms SUE WALKER: When was the survey done?

Mr McGinty: In April last year.

Ms SUE WALKER: Am I correct in saying that it was a survey, or a muster, to ascertain the number of prisoners in our jails last year? Bearing in mind that this legislation is fairly new, when did the Department of Justice undertake the survey on the number of eligible prisoners?

Mr McGinty: In April last year.

Ms SUE WALKER: Are 1 300 prisoners still eligible?

Mr McGinty: No; as I said, the prison population of short-term offenders has decreased disproportionately; therefore, fewer people as a proportion of the overall prison population are serving sentences of less than 12 months jail today. Therefore, the figure is proportionately fewer prisoners.

Ms SUE WALKER: How many prisoners are potentially eligible now? It was 1 300 a year ago.

Mr McGinty: I cannot tell you that.

Ms SUE WALKER: Based on those figures, it is potentially half the prison population. The minister cannot give us any detail on the type of behaviour that will warrant a prisoner's early release nor on the type of offences a prisoner has committed. The minister mentioned "flavour". How many prisoners who are serving six to 12 month prison terms have had their parole period cut because they have breached parole? My point is, they could be multiple offenders.

Mr McGinty: We do not have that information available here, but it is available.

Ms SUE WALKER: When the survey was undertaken on who would be eligible, did it include people who were completing terms of imprisonment as a result of breaches of parole? Is that figure isolated?

Mr McGinty: No.

Ms SUE WALKER: Does the minister have a survey with him?

**Extract from *Hansard***  
[ASSEMBLY - Wednesday, 10 April 2002]  
p9332b-9345a

Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House;  
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Mr McGinty: Yes.

Ms SUE WALKER: What categories of prisoners were identified in the survey?

Mr McGinty: The note I have here indicates that approximately 1 300 prisoners are released each year, having served finite sentences, not having been released to early release.

Ms SUE WALKER: Will the minister table the survey?

Mr McGinty: No; I'm not prepared to table it.

*Points of Order*

Ms QUIRK: The member is seeking to quote from an uncorrected *Hansard* and I understand that is not permissible.

Ms SUE WALKER: I think the member for Girrawheen has got her wires crossed once again. I was not quoting from *Hansard*. The minister quoted from a survey and I have asked him, under standing orders, to table the document.

The ACTING SPEAKER (Mr Andrews): I did not hear the member for Nedlands quote from an uncorrected copy of *Hansard*; in fact, I thought she asked a straightforward question.

Ms SUE WALKER: I asked whether the Attorney General, having quoted from a survey document, could please table that document.

Mr McGinty: The answer is no.

Ms SUE WALKER: I am asking that it be tabled under standing orders.

The ACTING SPEAKER: Does the minister have an official document?

Mr McGinty: It is a cabinet submission, which I have no intention of tabling in this House because documents of that nature are not required to be tabled. It is not a survey as has been described.

Mr BRADSHAW: I cannot quickly find the standing order that refers to tabling documents that are quoted from.

The ACTING SPEAKER: It is Standing Order No 157.

Mr BRADSHAW: The minister has no right to say that he will not table the document. If he does not table it, he will be in breach of the standing orders. It is imperative, Mr Acting Speaker, that you uphold the standing orders and insist that the document be tabled.

The ACTING SPEAKER: The fact that it is a cabinet submission does not make it an official document, so there is no point of order. The minister does not have to table what he quoted from.

Ms SUE WALKER: When I asked the minister whether it was a survey, he said yes. It has now turned into a submission to Cabinet. I want to ask the minister whether a survey has been undertaken, other than that which he quoted from, on who would be eligible to apply for early prison release.

The ACTING SPEAKER: I take the member for Nedlands' point. Even if a survey were included in the cabinet document, the minister would not be required to table it.

Mr BRADSHAW: I have just read Standing Order No 157. I cannot see where it says that cabinet papers are exempt from being tabled. You are applying an exemption, Mr Acting Speaker, when one does not exist. I say that the documents should be tabled.

The ACTING SPEAKER: I propose that the debate continue and I will seek further advice.

Ms SUE WALKER: I would like that document to be held by you, Mr Acting Speaker, until a decision is made.

Mr McGinty: The answer again is no.

Ms SUE WALKER: I am asking you, Mr Acting Speaker, to hold the document so that it is not lost among papers.

Mr Birney interjected.

Mr McGinty: I am telling the member for Nedlands that the answer is no.

Ms SUE WALKER: The minister can tell me what he likes -

The ACTING SPEAKER: I will take advice on this and ask members to wait for one or two moments.

*Acting Speaker's Ruling*

**Extract from Hansard**  
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Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House;  
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The ACTING SPEAKER (Mr Andrews): My ruling on the point raised by the member for Nedlands is quite clear. The document to which the minister is referring is a cabinet document and as such is not an official document. Therefore, the minister is not required to table it.

*Dissent from Acting Speaker's Ruling*

Mr BRADSHAW: I move -

To dissent from the Acting Speaker's ruling.

It is a sad state of affairs that I have to move a motion dissenting from the Acting Speaker's ruling. Standing Order No 157 states -

A Minister who has quoted from an official document will table that document if requested by any other member either during, or immediately after the conclusion of the remarks which include the quotation.

The Acting Speaker indicated that because it is a cabinet document, it does not have to be tabled. The standing order does not allow for any exemptions. There is no reason why the minister should not table it. This is the sad reason I am dissenting from the Acting Speaker's ruling. If a minister quotes from a document in this House, he is obliged to comply with the standing order. I find it astounding that the advice given to the Acting Speaker has prompted him to make his ruling. The Acting Speaker is trying to guard or protect the minister from having to table the document. It is wrong that this has occurred. The Opposition dissents from the ruling.

Mr BARNETT: As the member for Murray-Wellington said, it is not likely that any member of this House would move to dissent from a ruling from the Chair. The standing order is quite clear. It states that -

A Minister who has quoted from an official document will table that document . . .

It does not say shall or may; it says "will table". We have a minister and we have an official document.

Mr McGowan: If you were a minister now, would you table it?

Mr BARNETT: Ask me the question later and I will answer it. The minister has clearly quoted from an official document. He held the document. There is no equivocation: he will table it if requested. He was requested by the member for Nedlands to table it either during or immediately after the conclusion of the remarks. Unfortunately, Mr Speaker, I think you have no choice. It is clear the minister brought those official documents into the Parliament and quoted from them. He is required under the standing orders to table them. He made an error of judgment. If he used cabinet documents during a parliamentary debate, he was foolish to bring the documents into the House and to use them. I was a minister for eight years but I was never silly enough to bring a cabinet document into this House and quote from it. Cabinet documents often have a lot of background material and should he have wished to quote from some of that he should have been smart enough to extract that part of the document he wished to quote from and use it independently. If he was foolish enough to bring a complete cabinet document into this place and to use it, that is his choice and no-one else's. That is why he is required to table it. Nothing about this was pre-empted or initiated by the Opposition. It is purely a decision of the minister, who is a well-qualified and experienced person. He holds the position of Attorney General - he knew exactly what he was doing. It may be an error of judgment that he should have been smarter and more careful. Regrettably, Mr Speaker, there is no other choice but to require that the minister table the document in accordance with the standing orders.

Ms SUE WALKER: The document is being used as a survey to potentially make eligible for an early discharge nearly half the prison population in this State. That represents an increase of 200 per cent. The document has been referred to during the debate as a survey. It was referred to as a survey just before I asked the minister to quote from it. It has suddenly turned into a cabinet submission. If the Speaker were to rule that it is a cabinet submission and therefore excluded, I would like him to satisfy himself that that is so before he makes such a ruling. There is nothing in Standing Order No 157 that in any way qualifies official documents.

Mr HOUSE: Mr Speaker -

The SPEAKER: The member for -

Mr HOUSE: Stirling.

Mr Kobelke: The member is not here very often!

Mr HOUSE: That is not true - I am here as often as the minister is! That smart alec, flippant remark was quite unnecessary but, in the minister's case, we are quite used to hearing them.

Mr Kobelke: The truth hurts.

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Mr HOUSE: That is not a factual comment at all. We can have a debate about this any time the minister likes.

My party supports the dissension from the ruling of the Chair. It is not a position that my party has taken very often; in fact, the history of the National Party has been to always support rulings from the Chair. In this case, the ruling and determination is clearly incorrect. There is no room in the standing orders to interpret a cabinet document in any other way. The standing orders are written clearly: they clearly refer to an official document, which a cabinet document is. I imagine that if the minister had his time over again, he would not quote from that document, but that is not the issue. Having quoted from the document, he clearly has a responsibility to table it. This is a matter of principle. The principle is that if the standing orders of this Parliament are to be ignored in this instance, there will be other times when the Chair will have to take the same course of action. The Opposition would not readily want to move a motion of dissent from rulings of the Chair because the order and process of the Parliament would break down. This is an important principle. The first course of action would be to give the minister the opportunity to table the document now and allow the Opposition to withdraw the motion so that we can resume the consideration in detail. Upon reflection, the minister may want the opportunity to do that because, as the Leader of the Opposition said, he made an error of judgment. That is something we all do from time to time. We all accept and acknowledge that. It is not pleasant for us to have to vote against the rulings of the Chair. I am sure that with his experience, and upon reading the standing order, the Speaker will accept that we have no other option but to dissent from the ruling of the Chair.

Mr KOBELKE: I do not think the dissent motion can be carried. Standing Order No 157 relates to official documents, and only official documents. No argument has been made that substantiates that a cabinet document is an official document.

Mr Birney: Come on!

Mr KOBELKE: The mirth opposite indicates how totally ignorant new members opposite are about how government works and what the statutes of this State lay down.

Ms Sue Walker interjected.

Mr KOBELKE: What is the members squawking about?

Ms Sue Walker: You do not understand the word, do you?

Mr KOBELKE: By her guffawing, the member for Nedlands indicates a total lack of knowledge of the statutes of this State with respect to documents. The fact is that official documents are differentiated from other documents in a number of ways. For example, official documents are different from personal documents that may be held in a government office. The last mob in government performed the charade of having officers take documents home so that they were not kept in government offices and therefore not official documents. Those documents were produced by consultants with taxpayers' money. However, the last Government gave those documents to certain senior officers to keep at home and call them personal documents. In that way, they were not considered official documents and could be hidden. In those situations, we must try to find the divide between personal documents and official documents.

That is not what we are dealing with now. We are dealing with whether a cabinet document is an official document. Cabinet documents are treated very differently from official documents in a range of statutes, such as the Freedom of Information Act. That statute clearly sets out that people cannot access cabinet documents through freedom of information. A range of other statutes also discriminates between official documents and cabinet documents. The standing order applying to official documents does not apply to a cabinet document.

Members might debate whether it was wise for the Minister for Justice and Legal Affairs to fully and factually answer the questions asked of him and, for that purpose, refer to his various records. I was not in the Chamber at the time so I do not know whether he quoted from those documents. However, I do not dispute that he referred to a cabinet document. It is up to the Minister for Justice to argue whether he quoted it. I do not think it is relevant to the argument. The argument is about whether a cabinet document is an official document for the purposes of this particular standing order. I believe that the ruling from the Chair was that it is not, and that is the ruling that the Opposition is, through this motion, seeking to overturn.

I know it seems passing strange for members opposite; however, the Minister for Justice was fully and factually answering the questions put to him. Members opposite had a very different view of the world when they were in government. Time and again they refused to answer questions. Some ministers stood in this place and gave incorrect answers to questions about the documents they were quoting from. The Minister for Justice's record in this place has been recognised by the fact that he was yesterday asked a question for the first time in some time.

Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House;  
Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pendal; Mr Tony Dean; Mr Jim McGinty; Mr  
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Those on the other side have realised that we now have an Attorney General and Minister for Justice who is more competent than those who held the portfolios over the previous eight years, and who deals with the facts of the matter and presents the details when answering the question.

During the consideration in detail of the Bill for which he has carriage, the minister has provided detailed answers to the questions asked of him. It is accepted that he referred to a cabinet document. We could consider two issues. One is whether he quoted from the documents. I do not know whether he did; however, it is not relevant to the current dissent motion. The dissent motion is about whether a cabinet document is an official document for the purpose of the standing order. I can find nothing in writing that extends the definition of an official document to a cabinet document. Cabinet documents are in general treated very differently from the range of official documents.

Mr Barnett: Can you give the reference that excludes cabinet documents from official documents?

Mr KOBELKE: Those seeking to dissent from the ruling need to provide the evidence that cabinet documents are official documents.

Mr Barnett: There are no exclusions for cabinet or other records.

Ms MacTiernan: You would not even allow cabinet decisions to be passed onto the Parliament.

Mr Barnett: I think the member for Armadale would be the least competent person to comment on propriety.

The SPEAKER: Members!

Mr KOBELKE: I do not think any case has been made that warrants dissent from the ruling.

Ms GUISE: I speak to the dissent motion and on Standing Order No 157. I argue that the ruling relates to a point of confidentiality. That is what underpins the relevant rules laid down in the House of Representatives and the House of Commons. In the House of Representatives, the Chair must ask the minister if a document from which he has quoted is confidential. If it is, the minister is not required to table it. In the House of Commons, the minister is unable to read or quote from a state paper unless he is prepared to table it; however, papers of a private or confidential nature do not have to be tabled. My understanding of this standing order indicates that the document is in this instance of a confidential nature, as has been ruled.

Mr BOARD: The government members are trying to confuse the issue before the House. The issue is whether there should be dissent from the ruling on the basis that an error has occurred and the ruling was against Standing Order No 157. The issue is whether the Parliament and its standing orders can override the wishes of Executive Council. The Government wants a cabinet document to remain confidential, and is therefore proposing that the wishes of Executive Council should override this Parliament and its standing orders. Such documents should remain confidential; however, the reality is that that paper has been referred to in this Parliament. It was used publicly in a debate by the minister to substantiate his position. Through that action, it has become a public document. The minister chose to use the document - probably in contravention of the normal practice of cabinet ministers - to substantiate his position on the Bill. Standing Order No 157 clearly indicates that the minister has quoted from an official document, and that such documents should be tabled if requested by any member during or immediately after the conclusion of the remarks that include the quotation. Members have been asked to table official documents on many occasions. According to the position of the various Speakers in those instances, official documents are considered to be anything other than personal notes or notes of a personal nature. In this instance, we are talking about an official document. It is a typed document that has been used to make official cabinet decisions and has been used in this place to legitimise the debate on the Bill.

We can see no alternative other than to say that it is an official document and that, under Standing Order No 157, it must be tabled by the minister. If the Parliament were to say otherwise, it would indicate that the wishes of individual ministers and the Executive Council override the standing orders of this Parliament.

Mr PENDAL: I want to make my position clear. My understanding has always been that the House treats cabinet documents differently from other documents. That is not necessarily something I have enjoyed. However, we have determined that cabinet documents must remain confidential to the Cabinet. To take any other action in this regard would be contrary to what the House has decided in the past. My understanding of that moot point of Standing Order No 157 has always been that in the end it comes down to the advice given by the minister about whether it is a cabinet document. In the past, we have taken ministers at their word. If the minister said it was a cabinet document, the House might not have liked it, but accepted the inevitability of it. It might subsequently emerge that a document was not a cabinet document. If that were to emerge, the minister

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Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pental; Mr Tony Dean; Mr Jim McGinty; Mr  
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who took refuge in that path would face certain repercussions. I have not had a chance to look in *Hansard*, but I distinctly recall that some weeks ago the Minister for Planning and Infrastructure sought to deal with a document that belonged to the Cabinet of the previous Government.

Mr Barnett: I do not want to distract you, but maybe you should distinguish between cabinet documents and advice from the Crown Solicitor's Office. I cannot recall a situation in which this has applied.

Mr PENDAL: Members are relying on their memories. The Leader of the Opposition might be right, but I do not think that he is. It certainly has applied to the documents he described, other than cabinet documents. I return to the situation that occurred a few weeks ago. I was under the impression that during some part of the debate, the Minister for Planning and Infrastructure began quoting from what the Leader of the Opposition believed was a cabinet document of the previous Government. My understanding of the situation was that the minister was told to desist from quoting it. One cannot have it both ways. If the Minister for Planning and Infrastructure was told six weeks ago to treat a cabinet document from a previous Government as sacrosanct, that rule has to apply today.

Mr Barnett: I think you will find that the ruling was different.

Mr PENDAL: It seems to me that it is always a bit different depending on where members sit. Only a week ago I was at the receiving end of some dubious remarks made by the Leader of the House, who went to some pains to point out what my and the member for Churchlands' voting record on gag and guillotine motions was in 1993 and 1994. The Leader of the House failed to tell the Parliament, and I did not have a subsequent opportunity to speak on the matter, what my stance was in 1995, 1996, 1997, 1998, 1999, 2000 and 2001.

*Point of Order*

Mr DEAN: Standing Order No 94 states that a member's speech must be relevant. I fail to see the relevance of the member's remarks to the dissent from the Speaker's ruling.

The SPEAKER: I do not think it is anywhere near that point.

*Debate Resumed*

Mr PENDAL: I am trying to draw a comparison with the position that was improperly used a fortnight ago by the Leader of the House. Whether a member wants the standing orders or the conventions of this place enforced comes down to where a member sits in this House. The unwritten conventions of this place are sometimes just as important as the written conventions. Perhaps we should be bringing members up to date on those conventions. I am frequently appalled by the manner in which the unwritten conventions of this place are ignored or set aside, probably out of a sense of ignorance, indifference or contempt. I come back to my original remark that, for example, freedom of information laws exempt the disclosure or premature disclosure of cabinet documents. One of the reasons for that -

Mr House: How can you make that argument when he was quoting from the document?

Mr PENDAL: My clear recollection is that it was done by past Governments, including the one in which the member for Stirling was a minister.

Mr House: Give us an example.

Mr PENDAL: I have already told the House that, like everyone who has taken part in this debate so far, I am consulting my memory of past events. Unlike members who have quick access to advice, the best that private members can do is to go out and start hunting for precedents themselves. The member for Nedlands has no defence by saying that if it was wrong, it might have been wrong in the past. If there have been occasions in the past when we have treated cabinet documents differently from official documents, which I believe we have done, we cannot rewrite the conventions today, or at least we cannot do that in a comfortable sense. That document will invariably surface at one time or another and it will come down to a question of whether the minister went down the correct path in claiming that it belonged within the realm of the Cabinet. If we follow past practice of taking a minister at his or her word and accept that it is a cabinet document, it does not need to be tabled in the House. It seems to me to be a case of what is good for the goose is good for the gander. Therefore, the Speaker's ruling must be adhered to.

Mr McGINTY: Standing Order No 157 essentially has two elements and states -

A Minister who has quoted from an official document will table that document . . .

Firstly, there is a requirement that it be an official document, and secondly, there is a requirement that it be quoted. I will explain to members who were not present what occurred during that debate. The member for

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Nedlands fired a number of questions at me as I sat at the Table. She basically asked for statistics of how many prisoners were held in prison at particular times and how many would be eligible for consideration under the provision we were debating. There was a fairly rapid exchange between us. I looked to this document to provide an answer to her by way of interjection. It is a comprehensive document and is headed "cabinet decision sheet". Over the page is the cabinet minute. In order to answer one of the questions posed by the member for Nedlands -

Several members interjected.

Mr McGINTY: Members opposite should listen to what I am saying. The Opposition has moved to dissent from the Speaker's ruling. That is a serious proposition. Members opposite should at least have the decency to listen to the argument that I am advancing to explain the transaction that occurred to all members who were not in the Chamber at the time of the debate. They should at least listen to what occurred, so that they can make up their own minds on this issue. In response to the question about a survey that was done 12 months ago on the prison population, the results of which had in part been incorporated in a cabinet minute, I referred to a footnote. I did not quote the footnote in full. I told the member for Nedlands that 1 300 prisoners -

Ms Sue Walker: You quoted from it.

Mr McGINTY: The member for Nedlands should listen to me. I told her that 1 300 prisoners had not been released on early release and had served a finite sentence. That was not the full footnote. I used part of the footnote to answer a question posed by the member for Nedlands. Unlike most members opposite when they were sitting on this side of the House, I try to answer questions. If someone has a question, I will try to give -

Mr Barnett: I gave you one yesterday.

Mr McGINTY: It was a good one, was it not? It was really clever!

Mr Barnett: Do you want full tosses?

Mr McGINTY: As I said yesterday, I have been waiting for four months for a question. I was the only minister on this side of the House who had not been given a question this year. When the Leader of the Opposition turned around and asked me a question, he asked one that was too hard for me to answer. I was very disappointed. I was feeling unloved; I was feeling isolated from my colleagues, all of whom were asked questions during question time. The question I was asked was too difficult for me to answer because it was about the nature of legislation that we intend to introduce as we review the provisions in approximately 100 pieces of legislation and what we are going to change the penalties from and to. No-one could have had any idea of what the answer to that question, asked without notice, might be without prior indication of the question. Once the member for Nedlands has been here a bit longer -

Ms Sue Walker: Don't be patronising.

Mr McGINTY: I will patronise the member as much as I like if she keeps asking silly questions, because she does not understand what she is doing.

Ms Sue Walker: I know exactly what I am doing.

The SPEAKER: Order, members!

Mr McGINTY: If the member is serious about wanting answers to questions she knows how she should go about it, and she did not do that. I am happy to join in the good humour of at long last being included in the questions being asked. I have noticed the reluctance of the member for Nedlands to ask questions until now. I am glad she is now joining in the ruckus with everyone else, and I am happy to answer her questions.

That is what occurred, Mr Speaker. There was a reference to a footnote by way of an interjection when the member for Nedlands was on her feet. The two lines were not quoted in full, but the two lines are all the footnote consists of in the cabinet minute. I referred to the footnote in an attempt to precisely answer the question.

The first question was whether what we are talking about is an official document. By way of analogy, I refer to Erskine May's *Parliamentary Practice*.

Mr Birney: Is that an official document?

Mr McGINTY: My word it is. The member can go to the library and have a look at it if he wants to. The Leader of the Opposition has conceded that legal advice given to government by the Crown Solicitor's Office or the Solicitor General does not have to be tabled because it is not an official document. I think that is right. The

Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House; Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pandal; Mr Tony Dean; Mr Jim McGinty; Mr Arthur Marshall; Mr John Hyde; Mr Rod Sweetman; Mr Max Trenorden

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interesting question is: why is it not an official document? I refer to page 389 of *Parliamentary Practice* under the heading of "Law officers' opinions", which states -

The opinions of the law officers of the Crown, being confidential, are not usually laid before Parliament

That is my argument in a nutshell: these are confidential documents. The issue is this: what is it about a Crown Law opinion or an opinion from the Crown Solicitor or the Solicitor General that enables it not to be tabled? It is the notion of confidentiality; it is private in nature. We all know -

Ms Sue Walker: That is not an opinion.

Mr McGINTY: The member should listen; she will be better informed as a result. I have a document to which the law attaches a particular privilege. Cabinet confidentiality or immunity makes a cabinet document inadmissible. In the same way that legal advice given to the Government over the years by government law officers has attracted confidentiality, members cannot require the tabling of a cabinet document because of its private and confidential nature. As the Leader of the Opposition said, he cannot remember this House requiring a cabinet submission to be produced in this House - I cannot either - and for good reason. Although people may from time to time question the memory of the member for South Perth, I believe that he has the best collective memory of what this Parliament should do about its standing orders and what are the precedents. I back his judgment and views on this matter. A cabinet submission is a confidential document; it is not a public document. This House has never required a cabinet document to be produced in this place in the living memory of everyone here -

Mr Barnett: Everyone? In your memory?

Mr McGINTY: No, not only in mine, but also in the memory of the Leader of the Opposition and the member for South Perth. No-one can remember it ever being done before. Does that not suggest that there is an issue?

Mr Barnett: How long is your memory?

Mr McGINTY: Longer than that of the Leader of the Opposition. For those reasons, it is my view that this cabinet submission is confidential. It is recognised as such by the law and it has been recognised as such by this House because no-one can ever remember one being tabled.

The second issue to be considered under the standing orders is whether the document was quoted from. Was it quoted from? By way of interjection, a reference was made to the document; a figure was extracted from the document to answer the question asked by the member for Nedlands. She asked for a statistic to make sure the figure was right. Reference was made to that document; there was no reference to the length of the document.

As I said at the outset, this has been a very important working document for me. I wanted to make sure that when the proposition dealing with imprisonment rates in Western Australia was placed before Cabinet, Cabinet had all the information, including statistical information, prison operation figures and the reasons people are in prison to enable Cabinet to make an informed decision. I use that material on an ongoing basis as a reference document because it is a snapshot of prisons as they were 12 months ago. We have used it as a working document to devise a new approach to prisons in this State. I refer to the document at least once a week for statistical background information, justification for decisions and things of that nature. While the member for Nedlands was on her feet, she asked me a question to which she expected a reply by way of interjection. I referred to that document to specifically answer the question she asked. In my view, that does not constitute quoting from an official document. I referred to the document to ensure that the answer that I gave to the member was correct. Had I quoted from the text of the document, as distinct from the footnote, the argument would be different. It is improper for this House to require confidential documents to be tabled when the system of government under which we operate requires that they be confidential, and they are recognised in law as being confidential.

Mr Board: The minister should recognise that Standing Order No 157 exists so that a minister will not have an advantage over the members of the House by having access to that information.

Mr McGINTY: That is right.

Mr Board: The minister is saying he can quote from a cabinet document but he does not have to table it. He is denying the House that opportunity of seeking the document. He used it in his argument, he has used it to substantiate a position, but we are denied access to that information.



Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House;  
Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pental; Mr Tony Dean; Mr Jim McGinty; Mr  
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Mr McGINTY: I understand the point the member is making. However, I did not use the document to justify my position; I used it to satisfy the member for Nedlands who asked a question.

Mr Board: That is the debate.

Mr McGINTY: No, it is not. The question was of a technical nature about a particular statistic and I referred to the document to provide that information to the member for Nedlands. There was no lengthy quoting of a philosophical justification, other nice catchy phrases, or anything like that. A technical question was thrown across the Chamber and I quickly referred to the figures in the document. I did not do that to gain an advantage during the debate; I did it to make sure the information was before the House. I probably could have written a summary of this document beforehand for the purposes of the debate to avoid wasting the time of the House, as we are now doing. However, the argument is whether there should be no requirement to table cabinet documents, in the same way as there is no requirement to table Crown Law opinions.

Mr Birney: Has the document we are talking about been distributed in a cabinet meeting in totality? Has everybody received a complete copy?

Mr McGINTY: Yes, including the appendices, because it is a good working document.

Mr MARSHALL: It disturbs me to be speaking on a motion of dissent from a decision made by the Chair, particularly as it has not always been the theme of someone who follows constitutions closely but who has grown up to be a marketeer. I watched the minister's body language and I believe that we are currently debating the opinion of members of what is an official document and whether the minister read from a cabinet document. I saw the Minister for Justice and Legal Affairs raise that document in his hand and read from it. If body language is anything to go by, it suggested that he was getting the specific particulars that were needed to answer the question raised by the member for Nedlands. I have listened to him for the past 20 minutes and he is asking what is the definition of a quote versus a reference; that is another debate.

The Minister for Justice is in error. Members have debated and agreed that cabinet documents do not have to be tabled. At the very beginning, the minister should have said that he had a cabinet document that contained all the answers required by the member for Nedlands and that he would provide her with the answers from that document. However, he did not say that. He raised an official document. It is an official document because it is a survey from the Department of Justice about the number of prisoners who will be eligible to be released. That is what we are debating. Everything that was done on the floor of the House indicates that it is an official document. The member for South Perth said that cabinet documents have never been presented in this House before. That might be so.

Mr Bradshaw: Standing Order No 157 does not exempt any documents.

Mr MARSHALL: That is right. The minister should have said that he was going to quote from a cabinet document, which cannot be tabled in this House. The minister should have made everyone aware of that. However, he took it for granted that he could get away with it and read his answers from the document. Everyone who watched the minister's body language and the way he blushed would agree that the minister read from an official document. I believe it should be tabled.

Mr HYDE: I move -

That the question be now put.

Mr Barnett: There is evidence to be presented to Parliament on precedents, including the Speaker's own rulings. Mr Speaker, if you allow this to happen, you will compromise your position as the Speaker.

The SPEAKER: The Leader of the Opposition knows that this question needs to be put without debate. That type of comment casts aspersions on the Chair, and that will not occur.

Question put and a division taken with the following result -

**Extract from *Hansard***  
[ASSEMBLY - Wednesday, 10 April 2002]  
p9332b-9345a

Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House;  
Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pental; Mr Tony Dean; Mr Jim McGinty; Mr  
Arthur Marshall; Mr John Hyde; Mr Rod Sweetman; Mr Max Trenorden

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Ayes (26)

Mr Andrews	Mr Hill	Mr Marlborough	Mrs Roberts
Mr Bowler	Mr Hyde	Mrs Martin	Mr Templeman
Mr Dean	Mr Kobelke	Mr Murray	Mr Watson
Mr D'Orazio	Ms MacTiernan	Mr O'Gorman	Mr Whitely
Dr Edwards	Mr McGinty	Mr Quigley	Ms Quirk ( <i>Teller</i> )
Dr Gallop	Mr McGowan	Ms Radisich	
Ms Guise	Mr McRae	Mr Ripper	

Noes (20)

Mr Ainsworth	Mrs Edwardes	Mr Masters	Mr Trenorden
Mr Barnett	Mr Edwards	Mr Omodei	Mr Waldron
Mr Birney	Ms Hodson-Thomas	Mr Pental	Ms Sue Walker
Mr Board	Mr House	Mr Barron-Sullivan	Dr Woollard
Dr Constable	Mr Marshall	Mr Sweetman	Mr Bradshaw ( <i>Teller</i> )

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Pairs

Mr Kucera	Mr Day
Mr Carpenter	Mr Grylls

Question thus passed.

*As to Suspension of Standing Orders*

Mr BARNETT: I move -

That so much of the standing orders be suspended so that matters of precedent in relation to Standing Order No 157 may be considered forthwith.

There are two principal reasons I now move to suspend standing orders. The first is that we have seen an appalling use of the guillotine in this Chamber to prevent Parliament from discussing the issue of standing orders.

The SPEAKER: The motion that was just passed indicates that the House has determined that the question be now put immediately upon that question. The member can then raise the matter of the suspension of standing orders. The question before the House is that the Acting Speaker's ruling be dissented from.

*Motion (dissent from Speaker's ruling) Resumed*

Question put and a division taken with the following result -

**Extract from *Hansard***  
[ASSEMBLY - Wednesday, 10 April 2002]  
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Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House;  
Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pental; Mr Tony Dean; Mr Jim McGinty; Mr  
Arthur Marshall; Mr John Hyde; Mr Rod Sweetman; Mr Max Trenorden

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Ayes (18)

Mr Ainsworth	Mr Edwards	Mr Omodei	Ms Sue Walker
Mr Barnett	Ms Hodson-Thomas	Mr Barron-Sullivan	Dr Woollard
Mr Birney	Mr House	Mr Sweetman	Mr Bradshaw ( <i>Teller</i> )
Mr Board	Mr Marshall	Mr Trenorden	
Mrs Edwardes	Mr Masters	Mr Waldron	

Noes (29)

Mr Andrews	Mr Hill	Mr Marlborough	Mrs Roberts
Mr Bowler	Mr Hyde	Mrs Martin	Mr Templeman
Dr Constable	Mr Kobelke	Mr Murray	Mr Watson
Mr Dean	Mr Logan	Mr O’Gorman	Mr Whitely
Mr D’Orazio	Ms MacTiernan	Mr Pental	Ms Quirk ( <i>Teller</i> )
Dr Edwards	Mr McGinty	Mr Quigley	
Dr Gallop	Mr McGowan	Ms Radisich	
Ms Guise	Mr McRae	Mr Ripper	

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Pairs

Mr Grylls	Mr Carpenter
Mr Day	Mr Kucera

Question thus negatived.

*Suspension of Standing Orders*

Mr BARNETT: I move -

That so much of the standing orders be suspended as is necessary to enable matters of precedent in relation to Standing Order No 157 to be considered forthwith.

There are three principal reasons why I have moved to suspend standing orders. The first is that we have been engaged in a debate about whether the Minister for Justice and Legal Affairs should be required to table a document from which he clearly quoted which was a cabinet paper. The debate about this had probably gone on for about 40 minutes or so. There are two or three speakers in this Chamber who wish to express their opinion on this matter, and they have been denied that opportunity because of the unprincipled use of the guillotine. As Leader of the House I used the guillotine. However, I never used it on matters that dealt with the operation of Parliament, particularly in a debate about standing orders and dissent from the Speaker’s ruling. The use of the gag in this instance was entirely inappropriate. During the limited time the debate had been running, at least one member who did not get an opportunity to speak took the trouble of doing some research. Mr Speaker, that member looked at precedents established by previous Speakers, including a precedent established as a result of one of your rulings. You as the Speaker should have the benefit of those precedents brought to your attention. That is what parliamentary debate must be about. However, the Labor Party in this Chamber used the guillotine, thereby denying not only other members the opportunity to speak on this issue, but also you, Mr Speaker, the opportunity to hear the argument, and, if necessary, seek counsel on the state of precedents. What has just taken place is an absolute affront to this Parliament and to the position of Speaker. If ever an occasion exists in which debate should be allowed to run, it is when the debate revolves around the standing orders and the ruling of the Speaker. That is what this Parliament is about. I note that there were several speakers, but they did not talk for any length of time. I probably spoke for between four and five minutes, and most of the contributions were of that order. Nobody gave long-winded speeches; they merely wanted to make a contribution. In reality, the debate on the dissent from the Speaker’s ruling would have finished after 15 or 20 minutes - that would have been the end of it. However, the Leader of the House arrogantly used the puppet member for Perth to gag parliamentary debate.

Mr Speaker, I sympathise with you and your position. You are put in an invidious and difficult position because the Labor Government has guillotined debate about the role and rulings of the Speaker. That places you in a dreadful position. You must be in a position to hear arguments on an issue as important as this one. I am sure you understand that the rulings that are made today become a part of the precedents and history of this Parliament, and will be used by future Speakers. Mr Speaker, I am sure you and all other Speakers understand the importance of an issue such as this being properly considered.

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Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pandal; Mr Tony Dean; Mr Jim McGinty; Mr  
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The earlier debate would not have gone on for a long time; it would have finished comfortably before 2.00 pm. However, the Government had the arrogance to guillotine the debate and deny members the opportunity to express their views. I will not delay this motion, and we will not debate the suspension of standing orders all day. However, it was arrogant and inappropriate to use the guillotine in these circumstances. Two or three members have been denied an opportunity to make a five or 10-minute contribution to this debate. Most of all, Mr Speaker, the Government has denied you the opportunity to hear and assess arguments about precedents in this Chamber. We can all stand up in this Chamber, play politics and throw insults across the Chamber. However, the substantive issues in this debate are precedents, previous rulings, and the circumstances in which they arise. Mr Speaker, we must suspend standing orders and allow members the opportunity to express their point of view.

Mr SWEETMAN :I support the motion. The member for Perth's gagging the previous debate was a disgraceful act. As the Leader of the Opposition has already stated, the debate was drawing to a conclusion.

Mr Birney interjected.

Mr SWEETMAN: I guess he has gone to enjoy a fine lunch while we debate matters of procedure and precedents in this House. I draw the attention of the House to a question that was asked of the Minister for Planning and Infrastructure on 23 October 2001 by the member for Carine. The minister's response and the following debate reads as follows -

... I have a copy of a cabinet decision sheet that sets out clearly that the previous Government made a decision that the railcars were not to be purchased by way of a private -

Ms Hodson-Thomas: Will you table the document?

Ms MacTIERNAN: Absolutely. I have no problem with that whatsoever. I will send members opposite a photocopy.

That is an interesting scenario, particularly if we refer to the principle -

Ms MacTiernan: Do you see the difference between those two documents?

Mr SWEETMAN: No, I do not see much difference between the two documents.

The debate continued with a point of order that was raised by the Leader of the Opposition, and the debate reads as follows -

Mr BARNETT: Mr Speaker, I seek your guidance. The minister is referring to a cabinet decision sheet. I ask whether that is a cabinet decision of this Government or the previous Government. If it is a decision of the previous Government, the minister should now or later explain how it has come into her possession.

The SPEAKER: The minister stated it was from the previous Government, and what the member asks maybe appropriate at some later stage. The document is to be tabled, as I understand it.

The debate continues -

Ms MacTIERNAN: We find an extraordinary resistance on the part of the Leader of the Opposition for any of the decisions of his Administration to be a matter of public record. It was absolutely essential for this Government to have access to the cabinet decision sheet to understand the process, its contractual obligation, the basis of the tender documents and the reason they were drafted in that way. I do not have access to the cabinet submission, but it is important that the Government have access to the cabinet decision sheet.

Mr Barnett: Not without approval.

Ms MacTIERNAN: I am happy to take this up at another time. If the Leader of the Opposition is so ashamed of the decision made by his Government -

During the debate on a point of order, the Leader of the House stated that -

The Leader of the Opposition is trying to make a travesty of question time. The minister is answering an important question, and, because the answer may reflect negatively on the Leader of the Opposition, he is seeking to thwart the minister's providing a proper response to the House. If he continues in this way, it may be up to the Speaker to not recognise him when he seeks to make a point of order.

The SPEAKER: It is my understanding that the document is to be tabled at the conclusion of the answer, and that is what the point of order is about.

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Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pental; Mr Tony Dean; Mr Jim McGinty; Mr  
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Here we have a precedent, and it is not that far removed from the question that was previously before the House.

I turn to the debate in *Hansard* on 23 June 1998 and a supplementary question asked by Mr McGinty to Mr Kevin Prince, the then Minister for Health. It reads as follows -

I ask a supplementary question. The question was, what is the Minister's strategy. Do I gather from what the Minister is saying that his strategy is simply to get more money from the Commonwealth and that he has no plans to address separately the question in Western Australia if the Commonwealth does not come to the party? While I am on my feet, I ask -

The SPEAKER: Order! The member for Fremantle may ask one question.

Mr McGINTY: I ask that the document the Minister quoted from be tabled.

The SPEAKER: That is a separate matter.

**Mr PRINCE replied:**

I have tabled the detailed document that gives the information breakdown by type. I have made notes on this document, which is much the same thing anyway.

Mr McGinty: Can you table that?

The SPEAKER: If the Minister is quoting from an official document, and that is not easy to determine, he is required to table it. If it is the Minister's copious notes, he does not have to table it. It is up to the Minister.

Mr PRINCE: I have tabled the detailed information.

I have not had the time to get detailed subsequent information from *Hansard* but if my recollection serves me well, I recall that some further objection was made behind the Chair directly to the Clerk of the House, or to the Speaker, that resulted in the Minister having to table that specific piece of information, including personal notations he or his staff had made on that document. He was not given immunity. It was not good enough for the minister to provide and table the generic document that did not have his personal notations all over it. He was made to table that document at a later stage because the Opposition insisted on it at the time.

Ms MacTiernan: Was it a cabinet submission?

Mr SWEETMAN: No, it was a public document, which is what we are talking about. The Minister for Planning and Infrastructure's reference was to a cabinet decision -

Ms MacTiernan: You are arguing that a cabinet submission is an official document on the basis of precedent when you are not even talking about a cabinet submission.

Mr SWEETMAN: The Leader of the Opposition said that the document was an attachment to a cabinet submission, so it probably makes it irrelevant. Either way, Standing Order No 157 does not say that if it is a cabinet submission, a document or whatever, it has immunity. It simply states -

A Minister who has quoted from an official document . . .

We are talking about quoting from an official document. That document may be a report that has gone to a minister of the Crown who acts impartially and represents the interest of all people in the State in Cabinet and therefore it is part of the decision-making process. Earlier today the member for Nedlands requested the Attorney General to table information; that is, a survey that had been compiled by the Department of Justice that underpins some of the justification for the legislation. That matter has a huge amount of public interest attached to it and the community has a right to access and view that information. The minister should have been willing to table that information when he was requested to do so.

Mr Birney: You do not get more official than a cabinet document, do you?

Mr SWEETMAN: I would not have thought so. We did not call on the minister to table the verbatim discussions that took place around the table, which would be interesting if we could obtain that information. We are referring to a part of the machinery and the mechanics of government and Parliament. The people of Western Australia should have access to those documents. Those documents should be tabled and we should be able to view them for the remainder of this day's sitting and get copies of them if we see fit to do so.

There is an inconsistency in this issue. It has been said before in this Parliament that it is a long way from one side of the Chamber to the other, and it is interesting to remember how pedantic and aggressive this Government was in opposition when requiring a minister of the Crown to table an official paper giving an answer to a question during question time that had personal notations on it. I would have thought that the minister might

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have had some immunity; however that was not good enough for the then Opposition. Here we are calling on the minister to table information that underpins legislation that the Parliament is currently discussing and he is hesitant to do so. It is disgraceful that we were unable to adequately address this matter through the debate on the motion of dissent from the Acting Speaker's ruling because it was curtailed by the application of the gag. The display by the Government in this Chamber today has been disgraceful. Sometimes I wonder why I come here. I have said before that this is one of the most unproductive workplaces in Western Australia. If reform must take place, perhaps it should start here. The member for South Perth has said repeatedly that the Opposition will have its say but ultimately the Government will have its way; however, that must be in the fullness of time. I support what he said about that previously in this Parliament. This was a matter of precedence and I admit it was a delicate matter. We are not criticising the member for Southern River who has done a fine job and has our respect and admiration as an Acting Speaker. The fact that we believe he made an inconsistent ruling is not a reflection on him as a member of Parliament or on the job he does in the Chair. We are simply saying that we disagree with the position taken by the minister, which the Speaker then felt duty bound to accept. I speak in favour of the motion.

The SPEAKER: I allowed members a fair bit of licence to debate the last point of order, but could other members confine their comments to the motion before the House; that is, the motion to suspend standing orders.

Mr TRENORDEN: Mr Speaker, you can indicate if you feel that I am doing the wrong thing, but I am standing here in defence of Standing Order No 157.

The SPEAKER: Yes, the motion is to suspend standing orders so we can debate that motion; however, it is not the actual debate.

Mr TRENORDEN: I will not speak for long. I will make a point in the defence of Standing Order No 157. One thing that gets lost in all of this debate, but which is very important for us to take note of from time to time, is that at the end of the day this debate will be lost. In the future, this debate will mean little except that it changed the precedents of this House. Many members have spoken in this place about the way the Executive is continuing to take control of government away from the Parliament. The purpose of Standing Order No 157 is to provide some balance between this Chamber and the Executive. There was a lot of debate earlier about the status of cabinet documents. I agree with the member for South Perth and others who said that we do not seek the tabling of those documents in this House and generally they have not been supplied. However, for the information of the member for South Perth, this occasion conflicts with that view; that is, if a document is quoted from in a debate it is the right of the House to see that document. That is the fine difference in this debate. It is a difficult position for you to be in, Mr Speaker, because when the minister spoke in his defence he said that the document is a working document, he referred to it weekly, and it is a report. The purpose of Standing Order No 157 is to ensure that members of the House have the same information as that referred to by a minister so that members are able to debate the issue. That is its purpose. The issue which the House was debating may be material today, but by tomorrow it will have blown over. We are then left with the question of how this Chamber functions.

Mrs Edwards: In all the precedents, cabinet documents are not excluded from being tabled if you quote them in the debate.

Mr TRENORDEN: That is the point I am making. A member cannot ask the minister to bring a cabinet document into the Chamber and table it. However, if a document is used in a debate, that is a different matter, particularly when the minister describes the report as a working document, a document he uses weekly and a report. If reports and working documents are not going to be available to members of this House and if documents ministers use to conduct their ministry on a weekly basis are not matters for this House to consider, where does the House stand? I agree with the Leader of the Opposition. Mr Speaker, you are in a difficult position and it is not a position I would like to have argued. I thought it was a poor tactical decision by the Government to gag the previous debate that would have already been dealt with by now. However, that aside, we must think about tomorrow. We all love the arguments about politics and the winner of today, but that is not the point. This action today could change the procedures of this House. Members must ask themselves, whether they are sitting on the government or the opposition side of this House, if they want the proceedings of this House to change in the future. There are two issues at stake here. The first is winning the point on the day, but the second and far more important question is about the procedures and operation of the House. Members cannot be asked to bring in legal opinions and cabinet documents and put them on the Table. That has never happened in the time I have been here. Quoting from working documents is a different matter altogether. I hope and pray that, from today, the situation will not exist in which members of the current Government or any future Government can say to the Speaker that a document he or she uses is a working document and the House will not be allowed to see it.

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The SPEAKER: It has been brought to my attention that, during the putting of the question, I made an error in relation to the call for a point of order by the member for Murray-Wellington. I should have taken that point of order. It was a mistake I made in the heat of the moment. I apologise to the member for Murray-Wellington for that error. He can rest assured that if he rises for a point of order in future, I will take it. I apologise to the House for that mistake.

Mr BOARD: The House is debating a suspension of standing orders, because this is an urgent matter. The members of this House must understand the rules by which the Legislative Assembly operates. Up until today, members thought that Standing Order No 157 was quite clear. If this is not debated as a matter of urgency, members will be unclear what they are entitled to receive in the way of tabled papers. If this ruling is accepted and the House cannot clarify Standing Order No 157, any minister will be able to come into this place at any time, with as many documents as he likes, and say that they were taken to Cabinet and were part of a cabinet decision, and therefore access to that information is denied to the Parliament and to the people of Western Australia. If I were a cabinet minister and I wanted to use this House unfairly to push my position, I would make sure that every piece of information I had at my disposal found its way to Cabinet as an attachment to a submission. I could then quote from that submission or from any attached papers and have an unfair advantage over members who did not have access to that information, because I would be able to say that I had taken the papers to Cabinet, and they were part of a cabinet submission. If that is to be the case, the House is setting an incredible precedent today. It is saying to the Cabinet and to the Executive that, from now on, the people of Western Australia and other members of this Parliament will be denied access to information if it was taken to Cabinet, notwithstanding that that information was used to push a position in a debate.

Standing Order No 157 exists to prevent this kind of thing. A freedom of information application is very different from what is brought into this House. Members should reflect on the fact that they have parliamentary privilege to speak freely in the House. They have that privilege because information needs to be provided to the people of Western Australia in a way that protects members from influences outside this Parliament, particularly legal considerations, that may prevent them from doing their job. This is a very different situation from a freedom of information application, under which people may wish to access a confidential document that could be used in Parliament. Once a document is brought into the House to help win the argument, or to justify a member's position on proposed legislation, it becomes a tool used by the minister in the debate. It surely must be considered an official document, and therefore the property of the Parliament.

We are discussing this suspension of standing orders today because we need to know what the rules of debate are and what the accepted practice is in this House. It appears from the ruling that, from this point onwards, unless Standing Order No 157 can be clarified, any document that a minister brings into this place, as long as it has been utilised by the Cabinet in decision making, cannot be tabled in the House. If that is the case, it will put opposition members at an incredible disadvantage, because they will have no access to that information. They must believe what is being quoted or said by the minister, with no way of testing it. It puts members, and the people they represent, at a disadvantage. It makes a mockery of the Parliament and of the Opposition. In a cumulative sense, members of this House represent every single person in Western Australia, and are here to debate the rules by which Western Australians will live. The minister was putting forward some new rules for the people of Western Australia. As is its duty and responsibility, the Opposition was scrutinising the proposal. The minister chose to use a document that embellished and justified his position, to quell the arguments being made by the member for Nedlands. The minister said he was answering questions, and that is so, but in effect he was justifying his position and trying to win the argument. In doing so, the minister used a cabinet document. If the House is to be denied access to that document, the minister is saying to the Parliament and to the people of Western Australia that for the Executive, anything it wishes to bring before the Cabinet is sacrosanct in debate. He is saying that ministers can bring anything into this House to support their case, and that any documents that went to Cabinet do not have to be tabled to provide other members with access to them. That puts the Opposition at an unfair disadvantage.

Standing Order No 157 clearly does not mention any papers other than official papers, so that opposition members, the people of Western Australia and government members themselves are not at a disadvantage. Members of the Government back bench are not privy to cabinet documents, so they also are to be denied this evidence. Are government members being taken for a ride? Do they get the opportunity to vote, or are they just told what they must do? That is why Standing Order No 157 is so specific, and why it needs to be debated through the suspension of standing orders, otherwise members will not know the rules by which they play the game. Another minister or the Premier may quote from anything they like. During questions without notice the minister may answer a question and be asked to table a document from which he is quoting, but he might say, "Sorry, I took this to Cabinet six months ago; therefore it cannot be tabled."

**Extract from *Hansard***  
[ASSEMBLY - Wednesday, 10 April 2002]  
p9332b-9345a

Ms Margaret Quirk; Ms Sue Walker; Acting Speaker; Mr John Bradshaw; Mr Colin Barnett; Mr House;  
Speaker; Mr John Kobelke; Ms Dianne Guise; Mr Mike Board; Mr Pandal; Mr Tony Dean; Mr Jim McGinty; Mr  
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Debate interrupted, pursuant to standing orders.

[Continued on page 9353.]