

MEMBERS OF THE LEGISLATIVE ASSEMBLY, CODE OF CONDUCT

Motion, as Amended

Resumed from 26 August on the following motion, as amended, moved by Dr G.I. Gallop (Premier) -

That the House adopt the code of conduct for members recommended by the Procedure and Privileges Committee in its report tabled on 27 February 2003, as follows -

Code of Conduct

Preamble

Members of the Legislative Assembly recognise that they are in a unique position of being responsible to the electorate. The electorate is the final arbiter of the conduct of members of the Legislative Assembly and has the right to dismiss them from office at regular elections.

Members of the Legislative Assembly accordingly acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of Parliament, and using their influence to advance the common good of the people of Western Australia.

The Code

(1) Purpose of this Code

The purpose of the Code of Conduct is to assist members of the Legislative Assembly in the discharge of their obligations to the Legislative Assembly, their constituents and the public at large.

(2) Conduct

Members shall accept that their prime responsibilities are to -

- (a) Perform their public duty in an objective manner and without consideration of personal or financial interests, including a duty to declare any relevant private interests; and
- (b) Represent the interests of their own electorate and their constituents.

(3) Disclosure of conflict of interest -

- (a) A conflict of interest exists where a member participates in or makes a decision in the execution of their office knowing that it will improperly and dishonestly further the Member's private interest or another person's private interest directly or indirectly.
- (b) A conflict of interest also exists where the member executes, or fails to execute, any function or duty knowing that it will improperly and dishonestly benefit their or another person's private interests directly or indirectly.
- (c) Members are individually responsible for preventing conflicts of interest and must carry out their official functions and duties and arrange their private affairs to the best of their endeavours to prevent such conflicts of interest arising.
- (d) Members of the Legislative Assembly must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.
- (e) This may be done through declaring their interests under the *Members of Parliament (Financial Interests) Act 1992* or any rule or order of the House that may so require through declaring their interest when speaking on the matter in the Legislative Assembly or a Committee, or in any other public and appropriate manner.
- (f) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

(4) Bribery

Extract from *Hansard*

[ASSEMBLY - Wednesday, 27 August 2003]

p10571b-10587a

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

Members must not promote any matter, vote on any bill or resolution, or ask any question in the Legislative Assembly or its Committees, in return for payment or any other personal financial benefit.

(5) Gifts -

- (a) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.
- (b) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the member in the exercise of his or her duties.
- (c) Members may accept political contributions in accordance with Part VI of the *Electoral Act 1907*.

(6) Use of public resources

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

(7) Use of confidential information

Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

(8) Proper relations with Ministers and the public service -

- (a) Members should not approach Ministers, public servants or public bodies on a matter connected with a private interest without appropriate disclosure.
- (b) Members shall not use improperly their influence in order to obtain appointment, promotion, advancement, transfer or any other advantage within the public sector on behalf of themselves or another or to affect the proper outcome of any procedure established under the legislation for the management of the public sector.

(9) Freedom of Speech

Members must be mindful of the privileges conferred when speaking in the Legislative Assembly and should consciously avoid causing undeserved harm to any individual who does not enjoy the same privileges.

(10) Misleading the Parliament or the Public

Members must not knowingly mislead the Parliament or the public in statements they make and are obliged to correct the Parliamentary record as soon as possible when incorrect statements are made unintentionally.

(11) Participation in Political Parties

It is recognised that some members are non-aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of Members of Parliament.

Procedure for breaches of the Code

Alleged breaches of the Code of Conduct should, at the earliest opportunity be dealt with under the procedures prescribed for raising a matter of privilege under the Standing Orders.

MR M.F. BOARD (Murdoch) [12.20 pm]: I make a brief contribution to this debate on the motion moved by the Premier to introduce a code of conduct. I will not reiterate or dwell on the reason that a code of conduct is before the Parliament or some of the comments that have been made by members on this side of the House. I put on the record two matters which are of great concern to the community and which members of Parliament need to address and be cautious of.

The area in which there could be the greatest abuse of the code of conduct is parliamentary privilege. Parliamentary privilege is given to members of Parliament to protect the community. It allows members of Parliament to bring information into the Parliament and to use the protection of the Parliament without the fear

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

of finding themselves in court. It is for the benefit of the community, not for the benefit of political parties. It is not to be abused or misused to score cheap political points. Parliamentary privilege allows a member of Parliament to raise issues in a legitimate way so that they can be explored and brought into the open, using the opportunities presented in the Parliament. In the years that I have been a member of Parliament, the majority of members have used their parliamentary privilege wisely. However, there have been exceptions. I will not dwell on or speak about those exceptions. However, there have been examples in the Parliament of abuse and misuse of parliamentary privilege that have led to a tragedy in our community, as well as to people being offended greatly.

I refer now to the orientation of new members. It is important for us to consider a greater amount of advice to new members on the use of parliamentary privilege. I support the way in which in more recent years the officers of the Parliament have spent larger amounts of time and energy providing new members with orientation programs to bring them up to speed on the way in which the Parliament works and the manner in which they should go about their duties.

We need to concentrate more on parliamentary privilege. People can easily fall foul of parliamentary privilege, often unintentionally, by naming individuals, corporations, companies or government employees, whoever they may be, in the course of debate - often heated debate - and then find that they have caused great harm and concern, which often cannot be undone simply by giving an apology. I urge members of Parliament to consider wisely the use of parliamentary privilege - as the majority of members do. However, I also put on the record that I hope that the officers of the Parliament will consider providing more instruction and advice to new members than they have been given in the past. I do not believe that there has been a lack of effort in this regard, but I believe that a greater amount of advice on the use of parliamentary privilege would be of benefit to new members.

People who approach members of Parliament often want them to use parliamentary privilege even though those people have not wanted to pursue their issues through the courts. Very often people have approached me in my office and various other places to use this House to put forward their issues, make accusations and cause harm to individuals, knowing that they would be protected, as would I, but the persons being accused would not. We do not do those things and, generally speaking, such approaches are ignored. However, people may err from time to time, not appreciating the ramifications of the use of parliamentary privilege. As we are looking at the code of conduct, it would be an excellent outcome if more advice and support were provided, particularly to new members, on the use of parliamentary privilege. That would be a great advantage to Parliament and the community.

The other issue is the cut and thrust of parliamentary debate, in particular during question time. It has always been of some concern and amusement to me how we all put on different hats and become, to some degree, different players during question time. In the 11 years I have been in this Parliament I have seen question time deteriorate to the extent of the Opposition being unable to explore questions and get answers from ministers without the circus of the Parliament coming into play and question time degenerating into accusations across the Chamber. I know how important question time is, and that the asker of the question should have the opportunity to explore issues and pursue the minister of the day. However, there is no need for 20 or 30 other members to be involved. I know you warn us of this every day of the week, Mr Speaker. However, outside of this Chamber undue pressure seems to be put on members to perform during question time. We all fall for the three-card trick. We are all looking for media exposure, and there is pressure on the Opposition to look strong and forceful, and on the Government to appear that it is in control. We continue to conduct this circus believing that it is showing us to be a strong Government or Opposition. The perception in the community is quite the opposite. An issue that is raised with me consistently is the way in which we perform, speak to one another and conduct ourselves during question time. Why we continue to do this has been a puzzle to me. We do not impress the media or each other, and we very rarely score any political points at all. In fact, over the years it has become clear that the most effective use has been made of question time when really difficult questions have been asked of ministers, and there is perhaps the opportunity for a supplementary question, to expose a lack of information, or misinformation. That does not happen when the place degenerates into a rabble. That has given us less opportunity to use question time effectively, as it was designed to be used under our parliamentary system.

This code of conduct is not being brought forward by the Premier only because he believes that there needs to be one, although its provisions are covered by standing orders and various pieces of legislation. It is a matter of perception. The behaviour of members in the Parliament - which is where the majority of people get their impression of members of Parliament - is not actually covered in the code of conduct.

When we go to schools and public functions we find that 99 times out of 100 people have great respect for members of Parliament. They believe their conduct and the way in which they represent themselves in the community is first class. However, because this Chamber is perceived as an adversarial place, for some reason

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

as soon as we come into this Chamber we feel that we need to change the way in which we perform. The way in which the debate has now degenerated does not allow for incisive debate. It does not allow for what was the wit and charm of former members of Parliament 20 or 30 years ago. That seems to have been lost in a forum of overwhelming interjection. Hence the cut and thrust between two individuals in the Parliament no longer exists. We would do a great deal for ourselves if we stopped playing to the media and to a forum that does not respect what we do in this place. We have the opportunity to change that and show the community that question time, which is the publicised forum of this Parliament, is a time in which members are genuine in seeking answers to difficult questions. Yes, the cut and thrust needs to be there; and, yes, there needs to be interjection from the person asking the question to the minister. However, we need to control ourselves as members of Parliament, abide by the rulings of the Speaker and lift our game to a large degree.

What I have said is not about the Opposition appearing to be weaker and the Government appearing to be stronger. It is about all of us deciding that we need to conduct ourselves in this place not in a weaker way but in a smarter way and show the people that we can use the forum of this Parliament to genuinely get the answers that we want without necessarily making fools of ourselves.

MR A.D. MARSHALL (Dawesville) [12.32 pm]: I too support the proposed code of conduct that was introduced by the Premier yesterday. We need a set of guidelines to raise the image of politicians in our community. When most of us came into the Parliament as professionals in our field we won our seats because our constituents believed in us and respected us as individuals with something to give. However, upon becoming politicians we almost immediately drop to the lowest rung of the ladder of community respect. This should not happen, because politicians are good people. However, on radio and television, in the press and at community quiz nights, whenever the word “politician” is mentioned people talk in a degrading and negative manner and find us laughable. The people with whom I deal in this House are not clowns and are not laughable. They are serious individuals who know their subject and have expertise in various professional avenues, and when they speak they do it well. However, something has gone wrong. It seems to me that it is a matter of education and a change in standards from the early days. I have been told that in the old days, members of Parliament would meet in the bar and have a drink and a laugh and exchange ideas. They would also sit with each other in the dining room. Of course that does not happen any more. It is almost as though there is a them-and-us attitude in this House. We need to realise that we are all flesh and blood. People who play sport would know that when we walk onto the arena it is them and us, but our handshake after the game means that we played it tough and hard but we played it fair, and we all respect each other and can look each other in the eye and say, “That was a good game. Let’s have a beer after we have changed.” Unfortunately, at times in this House that philosophy does not exist. People know they are covered by parliamentary privilege, and they start to lose their dignity. The first time I had ever been in Parliament was when I was elected in 1993 and, in fact, when I was sworn in. I was battling to find the place.

Mr J.A. McGinty: That’s because I kept you out a couple of years earlier.

Mr R.N. Sweetman: Only just. What happened to the primary vote?

Mr A.D. MARSHALL: The member for Fremantle did not keep me out of Parliament. I will put on record again what happened. I was the first Liberal ever to win the primary vote in Fremantle.

Mr J.A. McGinty: That’s because you taught tennis to everyone there.

Mr A.D. MARSHALL: I actually won. If the member for Fremantle recalls that encounter, he will agree that we were able to look each other in the eye after and we have been good friends ever since.

Mr J.A. McGinty: Absolutely.

Mr A.D. MARSHALL: That is how it should be.

As a novice in those early days, I did not know that I was taking part in a handicap event. I had always played tennis on the principle that the best person won. I did not realise that the Greens would give to the member for Fremantle their - what was that extra thing that they gave to the next person who jumped the ladder - preferences. The member for Fremantle would not say preferences; he does not know how to say it. However, I recall that I went to Fremantle courthouse after the vote was over, shook him by the hand and said, “You bugger up this place, McGinty, and I’ll come back after you again.” Does the member for Fremantle recall that?

Mr J.A. McGinty: Yes; and I recall my parents said of you on that occasion, “What a nice young man that is.”

Mr A.D. MARSHALL: Would the member for Fremantle say that again; I do not think the Hansard reporter picked it up?

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

The point is that since that time I realised that politicians are in a position to do something good in the community. I therefore accepted a second chance to be elected, which came a little later in life, and here I am today.

I was completely surprised by my first experience of question time in Parliament, which took my breath away. Question time that day was delivered with such passion that at times I was not sure whether I was playing in a derby between South Fremantle and East Fremantle in which anything goes or one that we have seen, and will see again on Saturday, between the West Coast Eagles and the Fremantle Dockers. At that first question time, I got up, spat on my hands and rubbed them together and thought this place would do me. As a footballer, I learnt how to be tough, how to change my vocabulary when needed and how to drink in the front bar of a pub. However, Jekyll and Hyde arrived overnight in the summer season when I played tennis, which is a clean sport, and I had to put a plum in my mouth and talk a little more articulately. It was a different scene. I was fortunate in that those sports gave me a grounding for politics and encouraged me to mix with all people in life. In that regard, I think the younger generation has failed; some members of this place have not had that opportunity. They fall for the old one-two trick of hitting behind the ear and running, rather than standing and being counted.

I therefore believe in this code of conduct. I believe that members on both sides of the House are decent people, but I dislike intensely the name-calling by some members, especially during question time. To me, name-calling is kids' stuff; it is the kind of talk that bullies indulge in at primary school. It is the type of talk we hear from people who have not grown up. Members who call each other childish names know they are doing it under the protection of parliamentary privilege; they are simply cowards. The members in this place who do it know who they are. If they spoke in such a denigrating manner in public, such as on a football field or in the front bar of a pub, they would be dropped in their tracks immediately. I guess sometimes when members hear other members name-calling, the hairs on the back of their neck stand up and they start rubbing their hands, which means they want to smack those members in the gob if they say it again. Of course, they cannot do that; they must sit back and take it. However, when they meet those members later in the foyer or the dining room, their blood is still curdling because they have not had a chance to retaliate. That is what happens on a football field: players have a chance to get square and then it is all over, red rover, and they get on with life.

Members who contravene the code of ethics in this House by deciding that they will engage in cowardly hit-and-run attacks disrupt the harmony of this place, which I put on the highest pedestal. People who engage in name calling across the floor are simply squibs. At question time the gallery is full of primary and secondary schoolchildren. Sometimes I look up and see students wearing blazers from Hale School, Wesley College, St Hilda's Anglican School for Girls and Presbyterian Ladies' College. Those students know right from wrong. They look into the Chamber and see the larrikinism. I often wonder what the teachers think and what the students report to their parents about what they think. I have watched primary schoolchildren giggle and hit each other in the ribs, saying "Look at that! That bloke was a schoolteacher of mine. Look at him!" They think it is great. How can the teacher control the students once they leave and get on the school bus? The kids look down here, see the way the leaders of our community behave and think that anything goes and that people can say anything they like. That behaviour denigrates us all.

I am surprised that this code of conduct does not refer to the importance of time management. If the Leader of the House's daily agenda cannot be finished within the time scheduled for the day, the program should be adjourned rather than carried on into the late hours of the night simply through sheer stubbornness. Professionals are people who start and finish on time. Professionals diarise their day so that every second counts. Professionals are the successful people of our community. On a Thursday the House is meant to rise at five o'clock to enable country members to get back to their electorates and other members to make six o'clock appointments. It is incorrect for the sitting to be extended to all hours of the night - eight, nine, or 10 o'clock - and it shows that we are not professionals. On those occasions members naturally become a little irate at each other because they cannot make their appointments. They look like fools to their constituency because they do not turn up for their appointments. That is simply because time management is not being observed in this House. I can understand why members' compassion for each other becomes a bit testy when these things happen.

I have wanted to mention this story to the Leader of the House for some time. I have kept a newspaper article, containing an extract of handwriting, in my drawer while I decided whether I should show it to the House. Now is the time to show it, and members will understand why it has been in my drawer and why we need a code of conduct. I gave the extract to a handwriting expert I was at dinner with and asked him what he thought of the handwriting. I was always taught that people with imagination have big, bold handwriting and that accountants and mean and stingy people have small handwriting. Similarly, men who carry a purse instead of a roll of money are tight. I asked the handwriting expert to look at the article and summarise the writing. He said that the person to whom it belonged was probably stubborn, a bit selfish and fairly shallow and had no idea of time

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

management. I will not relate all the bullying-type words he used, which I am against. I then asked the expert whether he knew whose writing it was. He read the caption at the bottom of the extract, which states -

The note hastily written by John Kobelke in a bid to suspend standing orders to debate a Government motion opposing the Gulf war.

It is the Leader of the House's handwriting. It is not big and flowery, so he is not imaginative and does not chuck his money around. However, it was not small and insignificant, so he is not tight, but his handwriting is untidy.

The matter of untidiness brings me back to the need for professionals to be accurate and punctual. The code should contain a section about the accuracy of the times Parliament sits. We must have consideration for each other's feelings and professionalism. I go back to that little throwaway proverb: professionals start and finish on time. I have chaired many meetings at which people have arrived five minutes after the meeting started. I say to them, "I think you owe everybody \$50 or \$80. Collectively, our time is more important than yours, so who are you to hold up the rest of us?" It is important for members to put themselves in that situation. Members must ask themselves who are they to hold everybody else up. The Parliament House staff, including the Hansard reporters and the kitchen staff, must work back when Parliament sits later hours. It costs the taxpayers of Western Australia an enormous amount of money every time we do not stick to our agenda. What does this have to do with the code of conduct? When people start getting irritable in this House, they make mistakes for which they are sorry. Once members have thrown a few verbal punches, knowing they can hit and run, they should go away and reconsider what they said. A little while later they should meet in the corridor with the member whom they verbally attacked and apologise. Sorry is a very hard word for parliamentarians to say. If that happened, Parliament might run more smoothly and people would give us the respect that we deserve.

Members must have respect for each other. We should get to know each other a little better. The abortion debate was the only time in my 12 years as a parliamentarian when members were allowed a conscience vote. The Government and the Opposition were split into a huge circle with two halves. One half believed in the right to life and the other half believed in freedom of choice. That debate brought members of the House together for the first time. Opposition members gained respect for government members who had abused them in the past and government members gained respect for opposition members. Members from both sides worked together side by side and learnt that they were decent people.

The team-mates of the hit man in a football club think he is fantastic. He will go through packs, take out people and look after the little players. All the other teams dislike him. They cannot stand him. They go to the Press and denigrate him. However, he is a fantastic player to have on the team. The Minister for Planning and Infrastructure, Alannah MacTiernan, is sometimes seen as a pinch hitter. However, when she was with us during the abortion debate, I learnt to respect her. She is a good person, a good orator, a good thinker and a good politician. However, members will not hear that from many people in the outer arena because they do not know her. It is important that members occasionally sit side by side together in the members' dining room rather than have the Liberals sit on the left side and the Labor members sit on the right side while the middle is left for the National Party and Independents. If we were to split up occasionally, we might produce a better code of conduct in this place.

MR R.A. AINSWORTH (Roe) [12.48 pm]: I support this code of conduct. I would be surprised if any member in this House did not. However, I can find nothing new in it. I have been in this place for 14 and a half years. On my first day as a member of Parliament I was very well aware that what is encompassed in this code was the expected method of conduct for a newly elected member, or any other member of Parliament for that matter.

It is clear that this code of conduct changes nothing. The code refers to the already existing methods by which action could be taken if a member breached the code. For example, it mentions the Members of Parliament (Financial Interests) Act 1992, which concerns pecuniary interests and the like. At the very end of the code, under the procedure for breaches of the code, it refers to the procedures for raising a matter of privilege under the standing orders. The latest *Government Gazette*, which I read this morning because it was sitting on my desk, also refers to the method by which members of Parliament are expected to utilise their allowances and other entitlements allocated by the Salaries and Allowances Tribunal. I do not think any members of this place would be under any illusions about what they are required to do in a range of circumstances. Although all those matters have been put in one document for the first time - I acknowledge that that is an advantage - it misses the point that other parliamentary behaviour and other acts in which members of Parliament may indulge should be incorporated in the code of conduct, but they are not. I was not in the Chamber during last night's debate, but the previous couple of speakers touched on that issue.

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

The issue of parliamentary conduct has always caused me a great deal of concern. The most obnoxious behaviour in this place is generally concentrated around question time. Some of the worst abuses of what I consider to be the rules of the Parliament occur at question time. Generally speaking, at that time more than at any other in this Parliament the public gallery is full of young people as well as general members of the public. If ever there is a time when members should behave in this place, it is when the gallery is full and we are on public display, yet quite the contrary occurs. It gives a very poor impression and must contribute significantly to the poor opinion that many members of the general public have of our profession. It is a strange process and we have all been through it. We are members of the public one day, and on the day we are elected we become members of Parliament. As the previous speaker said, our standing in the general community drops instantly because we are now in this profession. I think that has been self-inflicted. I do not mean that on an individual basis; I mean the way in which members of Parliament collectively conduct themselves in this place. At times individual members say things in a devious way because they are not prepared to say yes or no when asked a direct question in an interview. Sometimes members will not admit the truth at public meetings. Even if the truth is unpalatable, they should admit it, but they do not. People see through that. That sort of behaviour brings the whole parliamentary profession into disrepute. That is detrimental in a sense but is not of great moment. However, taken to its logical conclusion, if there is a continuing decline in the respect felt for parliamentarians and therefore a continuing decline in the relevance and importance of the parliamentary process in the minds of the public, it can lead to the breakdown of the democratic system. I am probably drawing a very long bow at this stage, but we need only look around the world to see places in which that respect for law and order and the parliamentary process has diminished to a certain point and anarchy has taken over. That is a totally abominable and retrograde step.

In a country like ours we must do anything we can to prevent the deterioration of the respect felt for institutions such as the Parliament. One way to do that would be for all of us not only to put into the code of conduct other items to cover the sorts of matter about which I and other members have talked but which are not included, but also to adhere to them. I have looked at the matters contained in the code and there are examples, albeit scarce examples, of cases in the past in which members have transgressed. Once that becomes public knowledge and is open for general discussion in the community, again the attitude of the general community about Parliament and the parliamentarians within it will diminish, and that can only be a bad thing.

MR R.N. SWEETMAN (Ningaloo) [12.55 pm]: I wish to make a brief contribution to this debate. I am pleased that the Premier has introduced a code of conduct into the Parliament even though many speakers have pointed out that the code of conduct does not go far enough and does not cover a whole lot more than is currently contained in our standing orders.

I am a little disappointed that most of the code of conduct centres around the disclosure of conflicts of interest. There have certainly been times when members of Parliament have been caught up in conflict of interest issues. For me the most notable one that springs to mind is that relating to the previous member for Geraldton, Bob Bloffwitch. I do not know whether my sense of value is different to that of other people as it relates to pecuniary interest. However, I thought the former member for Geraldton's ownership of Kingstream shares was certainly not motivated by self-interest, greed or profit but by whatever he was doing to try to improve circumstances for people in the electorate of Geraldton as a result of the Kingstream development. I am sure that his advocacy of the project was not motivated by the 80 000-odd shares he held at the time.

Last night the member for Greenough made some poignant and kind remarks about the former member for Geraldton. I wish to place on record that I am not too comfortable with my response when shortly before the last election while campaigning in the Mt Magnet area I was interviewed by Liam Bartlett about preferences, how I might arrange my ticket for Ningaloo and such matters. The throwaway question at the end of the interview was what I thought about Bob Bloffwitch and his Kingstream shares. A bit like Peter when he denied Christ for the third time and heard the cock crow, without thinking I said that the electorate would decide whether it was improper. I was really disappointed with my response. Had I been given two seconds more, I would have got my wits about me and said something to the effect that I had learnt in life that one does not kick a person when he is down. I certainly felt that by saying what I said I did not improve the circumstances of Bob Bloffwitch who was in a really serious position at the time. I think the issue was blown up out of proportion. Certainly a mistake was made and there was some naivety in the way in which the ownership of the shares was recorded. It was certainly not done in accordance with disclosure rules. I accept that and Bob Bloffwitch, the member for Geraldton at the time, certainly accepted it. However, I believe he paid a disproportionate price for the oversight. It was not a deliberate or contrived attempt to profit from the shareholding he held at the time.

As for the code of conduct, I have been involved in local government in which people are subject to the Local Government Act and local government standing orders, which are couched in a similar way to ours, using similar language and setting behavioural constraints on members of local government in the same way that we as

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

members of Parliament are expected to conduct our affairs. I have always made the point that the minute we start tampering with standing orders and the rules of the game, as it were, it is an indication that we are watching goodwill slip out of the window. When there is no goodwill, the only thing that keeps us together is a set of pretty good, tightly-prescribed rules. It is a bit sad that our fall back is those rules rather than our being united by a common theme of serving the community as best we can. I do not want to be seen to be inconsistent. At one moment I am saying that goodwill should overrule the letter of the law because it is very hard to set out in clear English everything we would want to achieve in an environment of goodwill.

Being a member of the Liberal Party is not dissimilar at times to being a member of the Labor Party with border skirmishes, infighting, factionalism and everything else. When it seems matters can get no worse, everyone refers to the party's rules and the constitution. Members can find they spend half their time at a state conference debating the adequacy of the state constitution and they propose changes to make members kinder to one another and to make the process function a lot better.

This code of conduct motion comes down to a clear understanding of the difference between right and wrong. The dictionary definition of morals is understanding the difference between right and wrong. A lot was said in the debate on the gay law reform Bill about people's differing sets of morals. Ultimately, different estimations and values can be placed on moral virtues, but there is an immovable reference point or datum to which we need to link ourselves to determine whether we are measuring up. We relate back to the set reference point of morals that we cling to dearly that have made us the people we are.

Members are called to order quite often in this Parliament. The Speaker can become infuriated on occasions, particularly during question time, and he calls people to order in an endeavour to maintain a reasonable atmosphere for the business of the Parliament to take place. Separate from that, members have been called to retract comments on occasions. I recall that one member was asked to retract a comment and to apologise. That person did so. In studying this Parliament and the federal Parliament, I have recounted circumstances in which members have apologised. I needed this matter clarified in my mind so I sought the clinical definition of apology in the dictionary: one, a regretful acknowledgment of an offence or failure; two, an assurance that no offence was intended; and three, an exclamation or defence. That provides some enlightenment about what is meant to be delivered through an apology. A young lass in the federal Parliament was very aggrieved by something that a male colleague on the opposite side of the Chamber said to her. He got up and apologised unreservedly. However, it was topical the next two days on talkback radio, and was the lead item on the news and other media all over Australia. I thought at the time: what is implied by an apology?

I recall a fairly obscure motion that was used only once in my eight years of local government - it was used by me - known as the previous question. If I interpreted the rules correctly, that motion completely obliterated the motion that was before the council chambers when it was moved. Somebody was trying to be a little too cute by half in positioning a lot of councillors so that the councillor in question could claim to the pastoral constituency that he was the only one who fought the good fight and that all the other council representatives were against the pastoralists. I thought this tactic was grossly unfair to the council, so I moved the motion of the previous question. This formal motion is moved by someone who has not participated in the debate in question. Somebody seconds the motion, and the previous question immediately goes to the vote. If it is passed, the motion before the council at that time the previous question was moved is not recorded or minuted. Therefore, proceedings are effectively backtracked to the previous question before the chamber; it leapfrogs the motion before the chamber at that time. That is a very good motion to have at one's fingertips to correct matters, rather than allow them to show up in the minutes when they are published. Ten or 15 years later, who knows what people could make of the appearance in the minutes of such a motion that was defeated? Certainly, the motion in question was going to be defeated. Nevertheless, without moving that previous question motion, the minutes would have recorded people's names voting in a certain way, which would have been grossly unfair on many people who participated in that debate. If we can have something like a motion of the previous question in local government, I would like to think that we could redefine an apology. In the event that someone has the good sense to reconsider and feels sufficiently contrite about something they did in the heat of the moment, an apology to the House should be an end to the matter. If that could be achieved, the House would hear more apologies for inappropriate conduct. We are all human and have idiosyncrasies and foibles. From time to time we make mistakes. We should be able to set the record straight by making an apology and move on.

I will not refer to the conduct of particular members. It is sufficient for me to conduct myself in accordance with the standards and values with which I was brought up. As did the member for Wagin yesterday, I appreciated the very pleasant remarks made by the member for Roleystone about us. I do not conduct myself in this House to please other members of Parliament. I made my first speech in this place as part of the Address-in-Reply in the seat now occupied by the member for Pilbara. I wanted to commit to the record things in which I believe, such as the Christian values I have observed all my life and what I would bring to the Parliament in order to

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

serve my constituents and, ultimately, the people of this State very well. If a member conducts himself in a controlled way in this place it can be particularly hurtful when no-one else shows equal regard and respect. I will make reference to something that I still find very disturbing and hurtful. It is not so much for myself because I can handle it. As the member for Murdoch said earlier, members of this House and the other place must realise that when they say certain things the ramifications and reverberations do not stay corralled with the member against whom the accusations were made. The people who feel it most of all are the member's family and friends. A disgusting issue was brought before the upper House prior to the last election. At that time, Hon Kim Chance and Hon Tom Stephens thought it would deliver them some advantage in winning the seat of Ningaloo. I make reference to it because yesterday I picked up a copy of the Procedure and Privileges Committee report and a copy of the Criminal Code Amendment Bill 2003. Prior to the last election an accusation was made against me in the upper House. Photographs and other material were laid on the Table. It was claimed that during the floods in Carnarvon in 2000 I did something that severely disadvantaged one of my neighbours. Nothing could have been further from the truth. If those two members had asked me, I would have set them right before they committed to the public record things about me that were totally inaccurate. It is all very well having a code of conduct for members, but to give it some teeth it must have greater scope. Apart from a member being disciplined or sanctioned by his peers for breaches committed, the House should have the ability to recommend that charges be laid under the Criminal Code or whatever. That would bring greater circumspection by members. Under those conditions, Hon Kim Chance and Hon Tom Stephens would not have said anything like what they did without checking the validity and the veracity of the claims. There is no question in my mind about that. There was a bit of a play going on. The neighbour behind me was affected severely and was financially devastated by the floods in 2000; he had severe problems. As the local member of Parliament, I did my best to address the issues with him. I did a lot of good things for him, but it was not everything that he wanted. He was responsible for relaying inaccurate information to members opposite, hoping that this would up the ante and that I would then work even harder to bend the rules if that was what was required to adequately compensate him for the damage to his property in Carnarvon. There is no question about that. Members can look through the explanatory memorandum to the Criminal Code Amendment Bill 2003 and the consequential amendments that that Bill will make to the code. I refer to the changes under clause 19 of the Bill, headed "Consequential amendments to the Code". Section 134 of the Criminal Code deals with a conspiracy to bring a false accusation. There is no question in my mind - it is not *prima facie* or anything else - that that was what it was; it is spelt out in graphic and sordid detail in *Hansard*. To my mind it was the result of a conspiracy to bring a false accusation to deliver a political advantage to themselves. Those members were not in it for financial gain or anything like that but to gain a political advantage.

Although I did not speak about this matter to Hon Tom Stephens, because sometimes a member can feel that he is wasting his breath trying to explain such things to Hon Tom Stephens, I took the time to speak about it in great detail to Hon Kim Chance. He got hold of the photos, which were either lying on the Table in the upper House or had been removed, and brought them to the Members Bar, where we went through them photo by photo. I explained to him the exact and true circumstances of what had happened. Hon Kim Chance was very quick to tell me that Mr Askeveld owned the blocks in the photographs. I told him that I could deliver title to all three of those blocks and that what he had said was not true. He said he was sorry about that. I asked him whether he would go back into the upper House and retract the comments he had made, and he smiled. Of course he was not going to. That is why it was grossly unfair. I have not entered into this debate today to indulge myself; I am citing an example of an incident that was grossly unfair and shows that decent people can sometimes succumb to the darker side, for want of a better word.

All candidates who believe that they have a chance of winning an election get candidate's disease; they are in it for real. I get anxious about having a National Party candidate helping me with preferences in an election, because after two weeks the National Party candidate and I are fighting like cat and dog and the Labor Party gets a free run.

Members of Parliament need to look to themselves and, if required, should to some extent turn back the clock. We can assume that to be in this House most members have had a good upbringing; they would have had a good family environment that included a mum and a dad, or at least one of those, who would have instilled in them good values, qualities and manners. We have to start to rely more on good conscience in the way in which we deal with one another in this House. We would then have a lot fewer problems. When a member does err and strays from those principles of conscience, he or she should have the good grace, if not immediately then shortly after, to set the matter right with the person against whom he or she said or did something. I do not mean that the member should just set things right in the corridor by saying that he or she was a bit over the top in the Chamber; things need to be put right in this Chamber. We need to have some reverence for this institution to which we were privileged to be elected to serve. We need to look to ourselves, because it does not take much to corrupt good manners.

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

Members should watch those who enter and leave the Chamber. This is something that you, Mr Acting Speaker, or anyone else in the Chair would notice. It is becoming a diminishing requirement or art for members to acknowledge the Chair as they leave the Chamber. The requirement may slip their memory because they may be racing off to answer a phone call or to get information from their office; however, fewer and fewer members are acknowledging the Chair when leaving this Chamber. Our Whip keeps encouraging us by saying that one of the traditions of this Parliament and the epitome of good manners is to be here when Parliament starts, with one's coat on. We are picking up on those things. They are not necessarily prescribed or enshrined in statutes; however, they are part of the expectations, tradition and heritage of this place and are what members should be subject to when serving in this Chamber.

[Leave granted for the member's time to be extended.]

Mr R.N. SWEETMAN: I will peruse some of the thoughts I have written down in my conclusion. This will definitely be my conclusion, now that I have been given an extension of time. Some of my colleagues made the point in this debate that members who fall into line and who do not necessarily get involved in the argy-bargy, hurly-burly, constant interjections and strongarm stuff that occur within this Parliament are often typecast as being weak. I am anxious about that, because I guess I apply a set of standards and constraints to myself in this Chamber that I still apply to myself in my electorate, yet I am a different person in my electorate. Ask my electors! In my electorate I see myself as having the power of attorney, but when I come into this place I accept that I am part of Her Majesty's Opposition. I accept that I am outranked by the Government. I accept that the Government - the Executive - outranks its back bench, so I understand the order in this place.

I am encouraged by the scriptures, which I do not spend as much time reading these days, first, that I should pray for Governments - sometimes that is hard, as the Leader of the House knows; secondly, I am supposed to have respect for those who rule over me - that is, the Government in its entirety, but particularly the Executive; and, finally, I should not speak evil of dignitaries. They are three different scriptures, but they clearly contain a common theme. One should be very careful how one speaks to, speaks about or deals with those with the authority over oneself. While I am on this side of the House, those members on the government benches have authority over me, yet in my electorate I have that power of attorney. I guess I share that with my upper House colleagues, but I am sure some government members have read some of the letters and articles that I have put in the newspaper to some of my constituents over time and they will know that I do not mince my words.

I can recall the Premier reporting to our party room just after the 2000 floods in Carnarvon. The Premier came up to survey first-hand what had happened and to see the extent of the devastation. I knew I would have a job on my hands controlling the emotions and expectations of a lot of my people. I knew them very well, so I guess to some extent I knew what I could get away with, but a member of Parliament cannot afford to hoodwink people. Members cannot flirt with people's expectations. When a Premier visits an area, the expectations of people are very high and very demanding. I can recall the Premier reporting back to the party room: "Go to Rod's electorate and listen to him go crook at his electors!" I was just being very definite and setting the mood to make sure the Premier got a very fair hearing and that everything was in balance, particularly their expectations of what the Premier could deliver to them in their circumstances. That was my job. On another occasion I was really disappointed with the attitude of some Onslow people regarding some very good work I thought I, as the local member, had done with the help of my colleagues when we were in government back then. This was not far out from an election either, so the local community had upped the ante a bit and its expectations were getting above what was achievable at that time. I sent a letter to the local newspaper and gave them a page of brutal honesty. I can still recall Hon Mark Nevill, who at that time was running as an Independent, coming up to me and saying that that was one of the most stupid political acts he had ever seen. He basically dismissed me from having any chance and as a political knave. He said that I would not get away with it. Hon Mark Nevill did not get elected and my vote went from 30 per cent to 50 per cent in Onslow! We just cannot tell. Sometimes brutal honesty works.

Again, I do not flirt with my form; I do not say anything that is unreasonable. I try to provoke thought and put ideas out there so that people can look at them, dismiss them and challenge them, because people in my electorate must know that we can have a disagreement or an argument, but I do not hate or dismiss a person I disagree with. That is fundamental: and most of us in this House are of this mind. We can disagree with each other and then be friends later, but this Chamber is the showpiece; it is the front for the Parliament. Whether the Press is listening to proceedings on a monitor in their rooms or from the gallery, they do not necessarily report things as they happen. If they reported the ambience in this Chamber day in and day out, I think we would present as being fairly boring. They do not want to do that because it does not warrant headlines or a front-page story in the newspapers. They want to grasp at an occasional indiscretion or a moment of animation so that they have a story for the media that will sell a paper or provide lead items on the television news, such as "Member for Warren-Blackwood, thrown out again on Thursday is going home"! Those incidents appeal to the media

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

because they are newsworthy, although they might not be fair to the institution as a whole. I would have liked the thrust of the code to be stronger. However, it has prompted people in the Chamber to focus their hearts and minds on their own conduct; therefore, it is serving a good purpose. With those few words, thank you, Mr Acting Speaker (Mr A.P. O’Gorman). I support the motion.

MS S.E. WALKER (Nedlands) [1.20 pm]: I realise I have a relatively short time in which to speak. Firstly, I am “shrilled” to be here as a member of Parliament! I was not going to speak on this motion to adopt a code of conduct because I realised yesterday that I had not done any research on it. I sat and listened to the member for Hillarys, who made some valid points about how many of the principles are already enshrined in statutes such as the Criminal Code or in the standing orders. I was prompted to talk today because when I was sitting in my room last night I heard the member for Rockingham speak. The conduct in this place of some members has an impact on other members. I could give a list of good examples, one of which of course is my being fit and making three male members run from my office in Nedlands to the top of Jacobs Ladder. Nobody else could have done that, but it was as a result of something I did. I do not have a lot of time for the member for Rockingham because of the way he conducted himself during debate on the Animal Welfare Bill. I thought he had changed his approach. I will come back to the member for Rockingham.

The other reason I am standing to speak today is that I wanted to talk not about the behaviour of members but about why a code of conduct should be adopted by members of Parliament. Do we need one? What options are available for regulating our behaviour? Who should be involved in creating a code? Who should it include? What is its purpose? Are codes of conduct effective? I found those questions last night when I entered “code of conduct” into the Internet on my computer. Those questions had already been answered in a research paper prepared in 1998 by Dr Andrew Brien, a consultant of the Politics and Public Administration Group to the federal Parliament. It can be found on the Internet. I did not realise that the federal Parliament had adopted a code of conduct until I read the document on the web site. Obviously the Wilson Tuckey issue springs to mind.

I was prompted to speak today after reading the ministerial code of conduct for ministers and parliamentary secretaries in federal Parliament and the article in *The West Australian* today.

I will talk about some of the issues on behaviour. Prior to coming into Parliament I was a prosecutor in the Office of the Director of Public Prosecutions. One of the most satisfying things about that, besides helping victims, was looking for the truth and the search for justice intellectually. I wear the statistics cited by the member for Rockingham like a badge of honour. If members refer to the interjections that I have made in this place, they will not find the reason for those statistics; nonetheless, my interjections are often about issues, although I accept that they are not always. In my past life I always looked beyond the face value of people’s behaviour. The best example of that is when two people - A and B - walk in on a boardroom meeting. Person B will come out and say he thought that X was happening, and person A, who is awake and not so naive, will work out what is really happening. He can determine what motivations are involved.

I want to look at the conduct of the Premier and his parliamentary secretary in bringing forward the code of conduct. I also want to consider its effectiveness given that there appears to be no sanctions. Yesterday and last week the Minister for Justice misled the Parliament and Western Australia over an issue. I also want to determine whether the code will affect the behaviour of some of the men on the government backbench. Last night when I was in my office I heard the member for Kingsley talking about the behaviour of backbenchers with the member for Alfred Cove.

I will refer to something that happened yesterday - I could talk about other issues, but I do not know whether I will get the extra time that I have in the past - because I noticed that members were doing that last night. Last night when I was listening to the member for Rockingham, I thought, “This fellow will win back my respect.” Not that that would mean much to him. I refer to yesterday’s daily *Hansard*, in which the member for Rockingham is recorded as saying -

It is also very unfortunate that this debate has not been conducted in the spirit it deserves. The Premier, in his speech, avoided partisan politics completely.

The ACTING SPEAKER (Mr A.P. O’Gorman): I remind the member for Nedlands that she cannot quote from an uncorrected *Hansard*.

Ms S.E. WALKER: I will state my recollection of what was said. The member for Rockingham went on to say that he had been named only once - I think - since he had been a member of Parliament. He also said that members on this side of the House had been called to order a lot. I have been wondering why I have been called to order a lot - that is no reflection on the Chair. I wonder whether some of the Labor Party’s power figures have applied pressure on the Acting Speakers. Last night, the Minister for Police and Emergency Services jumped up

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

when the member for Southern River was in the Chair. She stamped her foot and demanded that he call me to order.

Mr A.J. Dean: Did he call you to order?

Ms S.E. WALKER: He did not. I will refer to the member for Southern River because I happen to have a lot of respect for him. He is one of the few of the 15 men to my left on the government backbench for whom I have any time. A couple of weeks ago the member for Riverton demanded that the Acting Speaker call me to order. Is something going on? I will keep interjecting on issues that I think are important to my electorate. I will keep searching for the truth and I will try to make the Government accountable.

In his speech last night, the member for Rockingham - I refer to the notes that I have made on my copy of the daily *Hansard*, not the daily *Hansard* - mentioned the analysis and research that had been done on members on this side of the House just in case we happened to say something. An analysis of the member for Rockingham's speech reveals that it was all about propping up the Premier and his code of conduct. That is ridiculous given that in his handling of the Jean Thornton issue the Premier breached section (7) of the code of conduct. Section (7) refers to use of confidential information and states -

Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

Given that he destroyed the confidentiality of Jean Thornton, what sanction will be imposed on the Premier? Does that come under the code of conduct? No. Will the Premier do something about himself?

Section (10) of the code of conduct refers to misleading the Parliament or the public. Last week I asked the Minister for Justice whether a bench warrant had been issued for a parolee. She dissembled and basically said no. She led this Parliament and the people of Western Australia to believe that no bench warrant had been issued, because she said that no bench warrant had been issued by the Ministry of Justice. However, she knew that the police issued a bench warrant. I asked the right question. Members should go back and read *Hansard*. I am very careful with my questions and I know what I asked. How effective is this code? What will happen to the Minister for Police, who is also the Minister for Justice? Nothing! This code is worthless. It is supposed to give the public some sort of confidence that members will behave with integrity and that they will tell the truth and be accountable and responsible. However, we have already seen that this code is a joke by the way in which it has been presented. The member for Rockingham is the parliamentary secretary to everyone in the world because when he appears on the parliamentary closed circuit television, we can only just see his eyes above his list of his positions. He has so many official positions now. However, we should look behind the speech he gave on this motion. It was all about speaking glowingly about the Premier. No wonder the member has now gone bright red; he is embarrassed. He has come into this Parliament too early. He has not seen enough of life and he has shown his inexperience in the way in which he has behaved since becoming a member. Frankly, I doubt his sincerity. Last night when I listened to the beginning of his speech, I truly thought that he might be sincere. However, he was not sincere. The speech he gave was set up for the Premier and the member assisted him like a good parliamentary secretary should.

Mr R.F. Johnson: A job done by the spin doctors.

Ms S.E. WALKER: That is right. That is my analysis of his speech. Members opposite know it. The member for Nollamara is smiling. I quite like the member for Nollamara. He is a lot better than many of the people sitting either side of him. When he says he will look into a matter he does, unlike the member for Fremantle, the former Minister for Justice who left the portfolio in a total shambles.

Mr R.F. Johnson: That may have been done on purpose. He may have shifted it to somebody else who is the head of the other major faction.

Ms S.E. WALKER: I did not realise that. I am sorry, member for Hillarys. In considering the member for Rockingham I refer to today's article in *The West Australian*. I presume he put out a press statement. How long did it take him to write it up and where did he get the information from? Did he ask the Speaker for it? I notice that the Speaker ticks off something whenever he calls a member to order. Did the member for Rockingham ask him for the details? Did he work out how many times I have been called to order since I have been in Parliament and the dates on which it has happened? Did he look at how many times I have been called to order during this session and the last, and if it has been increasing recently? Did he consider those statistics? They are the questions he ought to be asking himself. Has he analysed how many times the member for Kalgoorlie has been ordered to be quiet recently? That is what the member must consider when collecting statistics. He must also consider how many people are stamping their feet in this Parliament and asking for me to be called to order. I get to the issues. I want members opposite to be held accountable and I make no apology for that.

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

Mr A.J. Dean: Your modesty is overwhelming.

Ms S.E. WALKER: Thank you.

Mr M. McGowan: You are a legend in your own mind.

Ms S.E. WALKER: I do my job, and that brings me to another issue. The conduct of the male backbenchers to my left is the result of complete and utter boredom. They have no real role to play in this Parliament -

Mr M.J. Birney: And no intellect.

Ms S.E. WALKER: Yes. I will talk about the conduct of members, spin doctors and how things are arranged in this Parliament. On the Chamber seating plan there are 18 seats to my immediate left. Three are held by women - the members for Wanneroo, Midland and Thornlie - but the rest are held by men and include the members for Joondalup, Geraldton, Pilbara, Southern River, Roleystone, Eyre, Albany, Innaloo, Perth, Riverton, Ballajura, Mandurah, Cockburn, Peel and Willagee. What is my point? Standing here sometimes is like being in a marriage with 15 people - no, it is fewer than that, because I do not attribute this to the member for Southern River or the member for Pilbara. I do not believe I have ever heard either of those members make a comment to me. However, it is like being in a marriage with 13 emotionally abusive men, standing in this place next to them all the time.

I will point out to the House the way in which things are styled, even in moments of crisis, by the spin doctors in this Government. When the Hyde issue was ongoing and the member for Perth gave an apology, did any members notice the way in which the 15 male backbenchers had been removed? The member for Perth suddenly had a woman sitting next to him; namely, the then Minister for the Environment and Heritage. She is now the Minister for the Environment. She has been demoted; she no longer has the heritage portfolio. The Minister for Health had also been moved so that he was next to the member for Perth; and, lo and behold, the member for Willagee, the Minister for Education and Training, had been moved to the back of the Chamber. Where were all the men? The Government knows that all the blokes on the other side give the women a hard time. That is the truth. Yesterday I was in my office listening to the parliamentary proceedings, and the member for Alfred Cove got to her feet again. The behaviour of the male members opposite was disgraceful. However, what will this code of conduct do about the behaviour of the male backbenchers, who have nothing to do - they are bored to sobs - so they behave very poorly, particularly towards the women in this Chamber? This code of conduct will do nothing about them.

Mr M. McGowan interjected.

Ms S.E. WALKER: The member for Rockingham has not been an inspiration in this place. He got the job as Parliamentary Secretary to the Premier because he is prepared to bolster the Premier on an issue like this. Where is the member for Rockingham's integrity? In this place, we never hear him talk about his electorate.

Mr R.F. Johnson: Ask him whether he has done the statistics for the period in which Labor was in opposition and how many times the Premier, when he was Leader of the Opposition, was formally called to order. I suggest it would have been quite a few times. The member for Nedlands should ask the member for Rockingham whether the Premier's spin doctors will do the statistics for him. They are the ones who supplied him with the information.

Ms S.E. WALKER: I can tell the member for Hillarys that in the notes that I have with me -

The ACTING SPEAKER (Mr A.P. O'Gorman): I remind the member for Nedlands that she cannot quote from the blue *Hansard*.

Ms S.E. WALKER: They are my notes, Mr Acting Speaker. I am happy to table the blue *Hansard* with my notes in it. My friend the member for Rockingham would not table his notes last night. He accused me of being a spy. Hey, mental telepathy! He said that the Leader of the Opposition, who was sitting in his place, had summoned me from my office to spy on his notes.

Mr R.F. Johnson: We don't need to spy on him. We can read him like a book.

[Leave granted for the member's time to be extended.]

Ms S.E. WALKER: The member for Rockingham said that I had somehow been drawn into the Chamber by the Leader of the Opposition, who I admit is a wonderful leader, to look at his notes. All those notes were typed, and I saw that he had all that stuff organised and already prepared for him yesterday; yet he would not table them. Why? It was because we would know that he did not do the research.

I will tell members something else that was mentioned last night by the member for Alfred Cove, I think, who I believe often makes sensible contributions. She said that not enough women speak in this House. That is

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

because they are government backbenchers and are not allowed to speak. I heard some taunts last night to the effect that we are just envious because we are in opposition. I have never known government. However, I believe that I am very privileged to have come into this House and been given the opportunity by my colleagues on this side to speak. I may get under the skin of a lot of people on the government side. That pleases me. However, I can stand, have my say, and expose untruths and dishonesty in this House. I enjoy doing it. However, it is worth noting that the major women speakers in this House are the members for Kingsley, Alfred Cove and Armadale, and me. That is because members on this side of the House operate differently. I know that if a member on this side felt strongly about an issue in his or her electorate, he or she would cross the floor. I know that. We are allowed to do that, but members on the other side are not. It is a shame. I am sure that some members opposite would have something to contribute, because the ministers do not have anything to contribute.

Dr J.M. Woollard: I hear that, in England, the Labour Party members actually do cross the floor.

Ms S.E. WALKER: Do they? If they cross the floor in England I am surprised that has not been pursued here.

The conduct of male members towards women in the Assembly is being recorded by different people at universities, I have discovered. They will go down in history. I am sure the member for Rockingham will go down in history as being one of the most insincere members we have ever come across in this House. No effect can be given to this code of conduct, because no sanctions are attached. The Premier will not do anything about himself leaking Ms Jean Thornton's document. I have not spoken on that, but the women of Western Australia cannot have any trust in the Premier after that.

Mr R.F. Johnson: What has he done about the minister who bullied her?

Ms S.E. WALKER: Absolutely. I feel for Ms Thornton. An issue like this is one of the reasons I am in this House, and interject. The Government brings in whistleblowers legislation, and Mr Silver-tongue - the Attorney General - comes out with all these statements about law and order and protecting whistleblowers. Since I have been a member of this House, three men - the Minister for Small Business, the Premier and the Attorney General - have been involved in three critical issues. We have seen how the Lewandowski affidavit was handled. What will the Premier do about that? The Attorney General, when he made that document public, did not tell the public that he had already handed it over on the weekend before. That came out after questioning in this Parliament, and that is the job of members on this side of the House - to question the Government and make it accountable. It came out a week later that that document had been handed over. He would have breached the code of conduct. I believe Ms Thornton about the bullying and intimidation. Why would she tell a lie? Nothing has been done about that. What will the Premier do about that? He will do nothing at all.

Mr J.L. Bradshaw: She is a Labor supporter, but she will probably not vote Labor again.

Ms S.E. WALKER: A lot of people will not vote Labor again.

I had intended to concentrate entirely on this issue before I had a look at the draft code of conduct and the ministerial code of conduct of the federal Parliament. The member for Hillarys raised this yesterday, and I did not understand why he was raising it then, but I do now. The member for Hillarys asked why this draft code of conduct applies only to the members of the Legislative Assembly and not to the ministers and parliamentary secretaries. I do not understand that. I am not even sure who prepared this code of conduct.

Mr R.F. Johnson: The code of conduct before the House today began life in the time of the previous Government. It was taken up by the Procedure and Privileges Committee, and now the Premier has taken it as his own.

Ms S.E. WALKER: Therefore, it must have had some input from members. The issue is that there is no effective sanction. I will refer to Dr Andrew Brien's 42-page research paper. On page 3, under "Major Findings", he writes -

A code of conduct for Commonwealth parliamentarians should be adopted. It would form an important element in any program designed to foster public trust in, and improve public perception of, Parliament and its members.

...

The code must be communicated to the community and be seen to be subscribed to and enforced by Parliament

How is this code being enforced? My very quick reading of the section entitled "Options for addressing the conduct of parliamentarians" shows that Dr Brien concluded that a code of conduct would be the best way to go. On page 9, he writes -

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

Misconduct matters in a democracy because all democratic systems rely upon the probity of their leaders to engender trust in the system by citizens, in order that the system endure.

The issue that faces Australia, and all the liberal democracies is to adopt measures that will in fact reduce the amount of actual and perceived misconduct.

He then looks at the options and states -

... the *status quo* does not provide an effective answer. Parliamentarians are unwilling to find formally that their colleagues, of whatever ilk, have acted improperly.

We know that. He continues -

They are unwilling to impose sanctions when clear examples of misconduct present themselves. Executives withhold documents and ministers refuse to appear before committees . . .

This week the Minister for Justice failed to tell me, this Parliament, and the people of Western Australia, the chronological history of the parolee who was apprehended last week, in my view because that would be embarrassing for the minister and the Government. He states also -

Further, the misconduct that occurred in Queensland and Western Australia was perpetrated by people who undermined the intricate system of checks and balances that must be sustained if parliamentary democracy is to exist.

I will interject whenever I believe this Government is trying to undermine the checks and balances that exist in this State. I will feel proud and very privileged to do that on behalf of my electorate.

Dr Brien looked also at the purposes of a code of conduct. He states -

Codes of conduct will not by themselves create honesty or integrity, or stop members from betraying their public trust, if they have a mind to do so . . .

That is true. I have already outlined examples of that. He continues -

However, proponents of codes of conduct have not claimed that this is a code's chief virtue. The chief virtues of codes of conduct are that they specify certain sorts of behaviour and proscribe others . . . To do this codes must be implemented. Codes of conduct are then an essential element in a program the aim of which is to raise the standards and perceived standards of conduct of elected officials, by proscribing and prescribing behaviour as well as setting goals to aspire towards. Codes are not merely cudgels.

He then refers by way of example to a former Labor parliamentarian and states -

An example of a lack of awareness of relevant norms and the way relationships outside the Houses of Parliament may affect the public perception of propriety are the myriad of relationships that former Senator Graham Richardson enjoyed. This case is interesting also because for Richardson the end was more important than the means.

I have seen that happen in this place. He continues -

As a result, he effectively operated in a realm where, in his view, there were few accepted norms of behaviour. Richardson's lack of clear and unambiguous moral guideposts has been detailed not only by Richardson himself . . ., but also by Marian Wilkinson, who made this assessment:

Dr Brien also asks the question: why is actual and perceived misconduct an issue in a democratic society? I recall some of the things that have happened in this State, such as, interestingly, the Lewandowski affidavit. He states -

... nothing is more dangerous to the wellbeing of the body-politic than a public official who is technically competent or strategically astute but ethically illiterate or unfit . . .

[The member's time expired.]

MR D.F. BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [1.48 pm]: Before the last election the Labor Party made some very firm commitments about a code of conduct for members of Parliament. The Labor Party policy headed "accountability" states -

Labor remains committed to establishing Codes of Conduct for MPs.

It then states that under Labor a code of conduct will require members of Parliament to do a number of things, including properly using public resources, not abusing the benefits of public office, and maintaining proper relations with the public service. It goes on to state -

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

Labor's aim is to have a Code of Conduct for members of Parliament developed in the first year of a Gallop Labor Government.

Whoops! That is the first broken promise. The Labor Government did not do this in its first year. It continues -

To achieve this, Labor will:

- prepare a draft Code of Conduct for Members of Parliament to be put before Parliament in the first session as a matter of priority;

Obviously this is now not the matter of priority for the Gallop Labor Government that it was before the last election. The promise went as follows -

- ensure that the . . . Code will lie on the Table for 6 months to allow for Parliamentary and public consideration and consultation;

I am not aware of much effort by the Government in the past five months that this code of conduct has been lying on the Table of this Parliament to ascertain the views of the public or to entertain any proper overall consultation process. The Labor promise went on to say -

- after 6 months, the Code (including any amendments arising out of the Parliamentary scrutiny and public consultation) will be put to each House of Parliament for a vote.

Why would the vote be put to each House of Parliament? The code was supposed to apply to all members of the Western Australian Parliament. This code, of course, deals with only members of the Legislative Assembly. The Gallop Labor Government, therefore, has at best abused a policy commitment made before the last election and, quite frankly and quite accurately, has not lived up to that policy commitment. It has had to rely instead on work undertaken by the Procedure and Privileges Committee of the former coalition Government under the chairmanship of the former member for Scarborough, Hon George Strickland, who started to prepare a draft code of conduct for members of this House. That code was stolen subsequently by the Premier, brought back into the House with some minor amendments and claimed as his own in a vain and vague attempt to live up to the election promise that was made clearly and succinctly before the 2001 state poll. The intention of the Labor Party's promise to the community of Western Australia, weighed up with the performance of the ministers and members of this Chamber, indicates a wide chasm between reality and the promise and commitment made by the then Leader of the Opposition, Geoff Gallop, the now Premier.

I turn to a super example concerning the member for Scarborough. This matter has been raised previously. All members are aware that the member for Scarborough asked the Deputy Commissioner of Police, Bruce Brennan, to review his 18-year-old son Jack's disorderly conduct charge.

Mr P.B. Watson interjected.

Mr D.F. BARRON-SULLIVAN: Does the member for Albany agree with what the member for Scarborough did? Is that the sort of conduct the member for Albany would agree with?

Mr P.B. Watson: There isn't a member for Scarborough in the House.

Mr D.F. BARRON-SULLIVAN: Let the record show that the member for Albany is silent. The member for Albany is not prepared to stand for proper standards of behaviour in this Parliament. The important thing is that the action by the Labor member for Scarborough -

Mr P.B. Watson interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): I call to order the member for Albany.

Point of Order

Mr P.B. WATSON: There is no member for Scarborough in this House. I wish the member would get his facts straight and call members by their proper electorate.

The ACTING SPEAKER: There is no point of order.

Debate Resumed

Mr D.F. BARRON-SULLIVAN: Although there is no point of order, I acknowledge that I am referring to the member for Innaloo. I was distracted by Hon George Strickland's good work when he was the member for the area.

The point I am trying to make is that Labor backbenchers and ministers alone cannot condone that sort of action. Indeed, the Government's policy commitment to the people of this State states -

Labor remains committed to establishing Codes of Conduct for MPs.

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

Under Labor, a Code of Conduct will require MPs to:

...

- properly use public resources and not abuse the benefits of public office; and
- maintain proper relations with the public service.

Any member who believes that a member of Parliament's ringing the Deputy Commissioner of Police to review his 18-year-old son's disorderly conduct charge fits in with that Labor Party promise believes in fairies at the end of the garden.

Members are aware that Hon Tom Stephens used his ministerial facsimile machine and his ministerial letterhead to urge a facsimile and telephone campaign against *The West Australian* reporting the minister's somewhat unimpressed response to the play *Dimboola*, which involved a pregnant nun. That was a simple example of the use of public resources by a member of Parliament in blatant contravention of the Labor Party's own conduct.

Several members interjected.

Mr D.F. BARRON-SULLIVAN: The interjections that I am getting today indicate a lack of sincerity by government members to implement any form of decent standards in this Parliament. Government members are harping away while I am relaying very genuine cases in which the processes of this Parliament have been abused, thereby throwing out the window the premise of a code of conduct and the promise made by the Labor Party at the last election. I quote the words of a very eminent person in my local community. He raised two very important issues in a letter he wrote to the *South Western Times*, which reads as follows -

CURRENTLY there is a parliamentary attack by the Government -

That is the Labor Government -

on the dignity of the human person, as well as on the family as well as other values.

They are very strong words. That prominent person is someone who normally would not enter into a political debate. The Catholic Bishop of Bunbury, Gerard Holohan, made those comments in his effort to not only address the Labor Government's reversal of the values held by the community as a whole, but also raise an important point about the need for individual members of Parliament to stand first and foremost on behalf of the local communities they represent. I read from the open letter by the Bishop of Bunbury, as published in the *South Western Times* on 8 May 2003.

Mr A.D. McRae: Would you circulate a copy of that?

Mr D.F. BARRON-SULLIVAN: I will be delighted to give a copy to every member of Parliament. I am sure the member for Bunbury will join me in doing so. The introduction states -

Catholic Bishop Gerard Holohan called on more than 1000 parishioners at a gathering in Busselton at the weekend to fight against the State Government social reforms.

The text of the letter states -

CURRENTLY there is a parliamentary attack by the Government on the dignity of the human person, as well as on the family as well as other values.

Some may ask: "Should the Church be speaking about politics?" Certainly, the Church should never favour one political party over another.

Point of Order

Ms M.M. QUIRK: I refer to relevance. I believe the member is straying from the motion. We are talking about a code of conduct, standards and integrity for members of Parliament. We are not talking about imposed morals or values that the church may seek to articulate. I do not believe that is relevant to the current debate.

Mr R.F. JOHNSON: This is not a point of order. It is the point of view of the member for Girrawheen. Every member in this House has the absolute right to have input to the very important motion moved by the Premier. The Deputy Leader of the Opposition is relaying the standards of members of this House. To do so, he must give an illustration of what is happening in Bunbury, which is a very important area. There is no point of order.

The ACTING SPEAKER (Mr A.P. O'Gorman): There is no point of order, but I urge the member for Mitchell to return to the motion at hand.

Debate Resumed

Mr D.F. BARRON-SULLIVAN: The letter continues -

Mr Mike Board; Mr Arthur Marshall; Mr Ross Ainsworth; Mr Rod Sweetman; Ms Sue Walker; Acting Speaker;
Mr Dan Barron-Sullivan; Mr Peter Watson; Ms Margaret Quirk; Mr Rob Johnson

However, when governments attack moral values, the Church must be among the first to the forefront of their defence.

The battle we are facing is not of the Church's choosing.

It has been initiated by the Government.

The next part is interesting. The open letter from the Bishop of Bunbury not only raises issues about the Gallop Labor Government's attack on the values that the community holds so strongly, but also implores Labor members particularly to stand up for the interests of the communities they were elected to represent. The bishop's letter states -

I have been advised that the Government is hoping its current attack on moral values will be forgotten by election time.

If the current initiatives pass into law, another strategy will have to come into play to prevent the Government's hopes being achieved in this regard.

We need to recognise that Labor members of parliament are compelled by party rules to vote as party power brokers decide.

I reiterate that this letter is from the Bishop of Bunbury. People understand that Labor members of Parliament are manacled to their party. Members of the Labor Party cannot think for themselves. They must toe the party line. I repeat, the Bishop of Bunbury said -

We need to recognise that Labor members of parliament are compelled by party rules to vote as party power brokers decide.

Never a truer word was spoken. He continues -

There can be no doubt that the current attacks by the Government on moral values would not pass both Houses of Parliament, particularly the Upper House, if Government members were free to vote as they thought best.

The Gallop Labor Government does not allow its members to have a free vote, whereas the Liberal, National and One Nation Parties and the Independents do. However, members of the Labor Party are confined to do what the Labor Party hierarchy - who sit on the frontbench - determine.

Mr A.D. McRae interjected.

Mr D.F. BARRON-SULLIVAN: When has the member for Riverton crossed the floor?

Debate interrupted, pursuant to standing orders.

[Continued on page 10595.]