

Hon Kim Chance; President; Hon Norman Moore; Hon George Cash; Hon Peter Foss; Hon Dr Chrissy Sharp;
Hon Murray Criddle; Hon Derrick Tomlinson; Hon Frank Hough; Hon Barry House; Hon Dee Margetts; Hon
Ray Halligan; Mr Tom Stephens; Hon Bill Stretch

SITTINGS OF THE HOUSE - EXTENDED BEYOND 5.00 PM

Thursday, 27 September 2001

HON KIM CHANCE (Agricultural - Leader of the House) [11.05 am]: I move without notice -

That the House sit beyond 5.00 pm.

I will move a further motion without notice that motion No 24 be made an order of the day for a later stage of this day's sitting. Of course, that is the motion referring the electoral amendment legislation to the Standing Committee on Legislation. These moves will also allow for those changes to the standing orders that were contained in notice of motion No 11 to be dealt with today, this being the last day of sitting prior to the Estimates Committee hearings.

The Government believes it is important for the Legislation Committee to take evidence in country areas and, indeed, in the city, on the public's view of the proposed amendments to the electoral Acts. If this matter is not concluded today, the Legislation Committee will have to wait three weeks before beginning that process of assessing public opinion. That is important, but I understand that some members have an alternative approach - they want to delay the legislation as long as possible. Without going into that debate, it is the Government's intention to have the public involved as much as possible in the formation of this legislation.

Hon Simon O'Brien: Then let's have a referendum.

Hon KIM CHANCE: Anyone supporting the concept of a referendum would logically support the motion I will move. I stray from the subject.

The PRESIDENT: Yes, indeed; that is the subject matter of another motion, not a motion about the House's sitting beyond 5.00 pm.

Hon KIM CHANCE: I was misled by the unruly interjection.

If the House is not permitted to sit beyond 5.00 pm, it is possible that we will not be able to conclude those two important debates, nor will we be able to give the House the appropriate time to debate what I concede are important and contentious issues.

HON N.F. MOORE (Mining and Pastoral - Leader of the Opposition) [11.07 am]: Some time ago, members made a decision that the standing orders would contain a time frame under which the House would operate. As a result, the standing orders now stipulate an adjournment time for each sitting day. In the past that was not the case, and the Leader of the House kept the sittings going until he or she decided they should stop. In those days, the House sat extraordinary hours.

Hon N.D. Griffiths: That happened when you were in control.

Hon N.F. MOORE: No, that is not true. If the minister were to undertake a little research, he would find that, over the past four or five years, the House had the least number of late sittings in its history. I do not propose to argue about that.

The House made a decision about closure times to provide certainty for members and to ensure, as best it could, that members did not sit here until 3.00 am or 4.00 am every day. A year or two ago, the various parties met and determined that the House would adjourn at 5.00 pm on Thursdays. That was done for a very good reason. At the same time, we decided to start sitting on Thursdays at 11.00 am. We also decided that Thursday sittings would include an hour for the consideration of committee reports, bearing in mind that committees meet on Wednesdays. Members decided that the House would adjourn at 5.00 pm to allow members who live out of the city to catch aircraft and travel home. That was a very good move. In recent years, it has been rare for the House to sit beyond the stipulated adjournment time, particularly on Thursdays. On the few occasions on which it has, it has been generally by agreement and to debate issues that were subject to a crucial time frame - for example, if, according to Treasury, a Bill were not passed that day, the world would end tomorrow! That is the reason usually given by members of the other House.

Generally, when we have sat beyond five o'clock, it has been by agreement. Rarely, in recent times, has it been foisted upon anybody, and then usually it was with some notice. Today the Leader of the House has asked us to sit beyond 5.00 pm. He is suggesting that somehow the Electoral Amendment Bill is urgent. I have not detected much urgency so far. We have sat here and worked our way through it; members have spoken on the Bill. We have not finished debate on the second reading. We are now told there is a serious urgency about dealing with this Bill. I would have thought the Government might have worked that out ahead of this time, and might have brought the Bill on earlier if there were some serious urgency.

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I am told the urgency relates somehow to the Electoral Distribution Act, which says that the Electoral Commission shall work on a redistribution as soon as practicable after the day that is one year after the polling day - that is, as near as is practicable to a day in February 2002. It is only September 2001, and we are being told by the Leader of the House that this urgency suddenly snuck up on us, because somehow or other the Electoral Amendment Bill must be completed so that the electoral commissioners can begin work as near as practicable to February. I would have thought that the Electoral Commission would start the redistribution when a new piece of legislation was passed, particularly as the Electoral Distribution Act specifies "as near as practicable". The Act does not say the redistribution must occur in February or that we have to rush this Bill through.

I am precluded from arguing about the second proposal in this motion; I will argue about that when that matter comes up for discussion. I will deal with the Bill in detail at that stage.

I want to make a point about sitting beyond five o'clock. The Parliamentary Liberal Party made a decision about three months ago that on this Thursday night it would have a dinner for those members who retired or were defeated at the last election. That decision was made because this was the end of a particular part of the sitting - just prior to a two-week break. We thought that this Thursday, when all the members are here, was a good time to have it. That arrangement has been in place for a long time; and the Assembly decided not to have an estimates hearing tonight to facilitate our requirement, which acknowledged that a set of arrangements had been put in place that would be difficult to change. It would give my colleagues and I a serious pain in the neck to sit in here tonight while retiring members of the Liberal Party attend a function in the dining room.

Hon Ljiljanna Ravlich: Is that all you are worried about? Where are your priorities?

The PRESIDENT: The parliamentary secretary will come to order; she does not have the call.

Hon N.F. MOORE: One of these days the parliamentary secretary will understand that certain niceties and courtesies exist in this place, which generally take place behind the President's Chair. No courtesy was shown to the Opposition today. I did not receive a call from the Leader of the House or the person who works for him. I was told that if I had collected a Council Business Program I would have read about a motion without notice by the Leader of the House to sit beyond 5.00 pm. That was the first I heard of this motion. I did not even receive the courtesy of a phone call. The Leader of the House came to see me yesterday to tell me he would give notice of a motion on the electoral reform Bills; and I appreciated that - even though it was five minutes before the House sat and we did not have time to talk about it at great length. At least I was told about it personally, and that is the courtesy I have come to expect from the Leader of the House, because he is a courteous person. However, for some reason today he slipped up. When I explained to him earlier that the Opposition had a function tonight, he said that he did not know about it. I can understand that, because we did not take out an advertisement in *The West Australian* to say that we intend to hold a function.

When I was Leader of the House, my attitude about sitting beyond five o'clock on Thursday was to ask first and then debate it afterwards, if necessary.

Hon N.D. Griffiths: When did you do that?

Hon N.F. MOORE: Every time.

Hon Tom Stephens interjected.

Hon N.F. MOORE: Hon Tom Stephens may say that is not the case, but his memory is selective.

If it is the intention of the Government and the House to sit beyond five o'clock, members of the Liberal Party will be here beyond five o'clock and will forgo the function that we had organised for tonight, because our first priority is to be in the House. That will cause many of our members, including me, a lot of grief at a personal level, but we will accept that. The point I am trying to make is that certain courtesies and niceties have always applied in the Parliament. As I said earlier, they were exercised in the other House by the decision not to proceed with the Estimates Committee hearings tonight to allow this function to go ahead.

Be that as it may, I cannot think of any reason to sit beyond five o'clock. The Leader of the House mentioned something about the Electoral Amendment Bill. However, he has not given us one skerrick of evidence to suggest that this House needs to sit beyond five o'clock. As I said earlier, the decision to stop at five o'clock on Thursdays was taken after long and laborious discussion by the various parties. We had earlier reached agreement that five o'clock on Thursday was a suitable time to finish. In the past we have gone beyond this closure time for urgent reasons. I see nothing urgent about the Electoral Amendment Bill. I presume that the wish to sit beyond five o'clock is to deal with motion No 24, which relates to the Electoral Amendment Bill. If that matter is urgent, why have we been wandering along since 30 August with a certain number of members

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speaking each day? We were not told, when the Electoral Amendment Bill was introduced in this place, that it was urgent.

Hon Kim Chance: There is a requirement in the standing orders to deal with certain matters of business first. The Address-in-Reply and the budget have priority.

Hon N.F. MOORE: That is right.

Hon Kim Chance: How many Address-in-Reply speeches have we had from the Opposition?

Hon N.F. MOORE: I am happy to respond to the Leader of the House. The Address-in-Reply debate saw all members on this -

Hon Kim Chance: You have been filibustering, so we could not get to this matter.

Hon N.F. MOORE: Now I have heard everything!

Several members interjected.

The PRESIDENT: Order! I think I heard a member interjecting from behind the Leader of the Opposition, but I am not sure.

Hon N.F. MOORE: I have heard lots of things in here, but now I have heard it all! The Address-in-Reply debate is still in progress; the Opposition has agreed to the Leader of the House putting it off for some time. He cannot say that we did not grant leave for that to occur, and we look forward to his response to that debate. We moved one amendment to the Address-in-Reply. I ask the Minister for Housing and Works how many times the Address-in-Reply was amended last time we had that debate in this place. The Leader of the House talked about filibustering, so now I have heard everything! From time to time we hear sheer, absolute, unadulterated hypocrisy. This Chamber had significant difficulty in dealing with any business of the Government during the last six or 12 months of our term in office.

The Opposition has been prepared to debate the Electoral Amendment Bill whenever it has been brought on. We have not sought to delay it, because it is a very important issue. It is an issue about which every member, I suspect, has something to say. Two issues get everybody in this place fired up. They are the Electoral Act and the Dog Act. On those two issues everybody has something to say, because everybody has an interest in them. Since 30 August the Opposition has been prepared to debate the Electoral Amendment Bill whenever it has been brought on.

The management of this House is no longer in the hands of the Liberal and National Parties. With the support of the Greens (WA), the Government has the numbers. It can manage the House however it likes. It should not suggest to anyone that members on this side of the House are delaying, filibustering or seeking to defer a decision on the Electoral Amendment Bill, because we cannot do that. The Opposition holds 16 seats in this Chamber. I often read in the *Hansard* that a division has been won by 17 to 16 members. Members opposite have the numbers to run the House however they like. Now they are trying to ride roughshod over the Opposition for reasons not explained to the House. For some reason members opposite are telling us that the electoral legislation is now urgent, even though it has been debated according to a timetable set by them. The delay is not our doing.

I do not think the Electoral Amendment Bill is urgent in any way, nor should it be. It is the most fundamental change to the electoral system I have seen since becoming a member of this House. If an arrangement I heard about over the radio this morning is correct, the electoral system will be changed even more significantly. Surely this electoral issue is not one that should attract any urgency. Every member should have the right and the time to put his or her view on it.

In the good old days, members spoke for unlimited time. The House took less time to make decisions then than it does now with a time limit on members' debating time. Apart from one or two members referred to in standing orders who can talk forever, members have 45 minutes or less to speak. Unlike the former Leader of the Opposition, who spoke for eight hours on one Bill, I have not done that. He then complained that some of his colleagues could not speak because of a guillotine. That was an extraordinary performance. Surely any Government introducing legislation of this magnitude should fall over backwards to ensure every member has the opportunity to speak on it.

Hon Kim Chance: And we are.

Hon N.F. MOORE: If I may be forgiven for digressing from this motion on a matter that concerns the next motion, I believe that, in the middle of the second reading debate on the Electoral Amendment Bill, the Government intends to send it to the Standing Committee on Legislation.

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Hon Kim Chance: No, the substance of the Bill will go to the committee; not the Bill itself.

Hon N.F. MOORE: Oh.

Hon Kim Chance: There is a difference.

Hon PETER FOSS: You must have got that from McGinty.

Several members interjected.

The PRESIDENT: Order! We will not stray onto a possible future debate.

Hon N.F. MOORE: That is extraordinary. We will send the substance of the debate to the committee; but that is different from sending the Bill itself to the committee.

Hon Kim Chance: Indeed, because the Bill can still be debated here.

Hon N.F. MOORE: Contrary to the practices applied in this House ever since committees have examined Bills, the Government wants the substance of this Bill to be examined by the Legislation Committee. Members opposite should not tell me there is a difference between the substance going to the committee and the Bill going to the committee. It is codswallop. The committee will presumably consider the substance of the Bill, which I suspect will involve the policy of the Bill, as it must do, while the House continues to debate the second reading stage of the Bill and its attendant policy!

A committee will take evidence from members of the community and listen to their views about the policy of this legislation while the House continues to debate policy in the Chamber. That is absurd; it does not make sense. What would happen if the second reading debate were voted on, as it will be because everybody will run out of time, and the committee was still taking evidence on the policy of the Bill and had not reported? What would happen if the committee were to report to the House after the House had voted on the second reading and indicated that it did not agree with the policy of the Bill? What would be the point of the exercise?

Hon Kim Chance: That can happen at any time with a vote against the Bill on the third reading; you know that.

Hon N.F. MOORE: With all due respect to the Leader of the House, he is trying to change the practices associated with the passing of legislation in this House and committee involvement in it, which have been built up over recent years and which have worked very well.

With your indulgence, Mr President, generally in the past Bills have been referred to committees with agreement of the House on either of two occasions. Firstly, Bills have been referred immediately following the minister's second reading speech. I do not recall disagreement on that, although there could have been. A couple of your Bills, Mr President, on constitutional matters were sent to a committee to consider the policy of the Bill ahead of the House debating it. In some cases, that is appropriate, but not in many cases. Secondly, Bills are also sent to a committee to investigate the detail of a Bill after the second reading has been voted on and the House has decided the policy of the Bill. That has been used to circumvent long debates in the Committee of the Whole. That process has traditionally worked very well in this House. However, the Leader of the House said that he wants the House to sit beyond five o'clock to consider a motion to send the substance of the Bill to the Legislation Committee while the House is still debating the policy of the Bill. That does not make sense. It is illogical. It is a terrible shame that the Attorney General in the other House, who seems to wield enormous power over government members in this House, can dictate to this Chamber what it will and will not do with its traditions, processes and procedures. When Mr McGinty opens his mouths and says, "Jump" members of this House ask how high.

Hon Peter Foss: He also says, "Stand on your head."

Hon N.F. MOORE: That is right. He runs the show with an iron fist and he thinks that by telling the Leader of the House what the Government wants, it will get it regardless of how this House operates.

The Attorney General, the great powerbroker for the Labor Party, tells the lot opposite who now comprise the Government in this House what to do and when and how to do it regardless of this House's traditions. As I explained to the Leader of the House this morning and yesterday, when I was put in a similar situation by the coalition's Assembly ministers telling me to get this House organised so that legislation could be passed, as occurred regularly, I told them to get lost. This House will operate as it always has done: under its own standing orders and under the traditions and procedures that have developed over the years. They were told in no uncertain terms that this House would make its own judgments. If the Leader of the House wants good legislation to come out of this place, he should take my advice and not jump whenever Mr McGinty tells him to.

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Mr McGinty could not care less about the Parliament. He wants his Electoral Amendment Bill through yesterday!

I was told that he was very angry that this House had the audacity to debate the Liquor Licensing Amendment Bill when it should have been spending all its waking hours on the electoral Bill.

I wonder why we were debating the Liquor Licensing Amendment Bill when the Leader of the House has indicated there is urgency surrounding the Electoral Amendment Bill and that he wants the House to sit beyond five o'clock. The House spent a fair amount of time debating the liquor Bill the other night. Why did the Government not tell the Western Australian branch of the Australian Hotels Association that the Liquor Licensing Amendment Bill could not be debated because Mr McGinty says we must debate the electoral Bill first? Similarly, since this session of Parliament started, there have also been - at record pace, I add - amendments to the standing orders. Since this House resumed with the new leadership and the new Government, we have spent more time cogitating over the standing orders than we have in the past 10 years, because, for some reason, some members want to change the standing orders very quickly. Therefore, we have spent a large amount of time dealing with those matters. Even today, we are told that the Government wants to deal with order of the day No 99, which relates to further standing orders. If everything in respect of the Electoral Amendment Bill is so urgent, why have we been dealing with all these other matters? Why have we been dealing with the Liquor Licensing Amendment Bill?

Hon Kim Chance: This is the last day of sitting before the Estimates Committee hearings; that is why.

Hon N.F. MOORE: The Government is running the show, not the Opposition.

Hon Kim Chance: You kept asking me to put it off, so I put it off. This is the last day of sitting before the Estimates Committee hearings; I cannot put it off any more.

Hon N.F. MOORE: We gave the Leader of the House an assurance last week that if he explained to us what he was trying to do - we could not work out what he was trying to do, and we heard his speech yesterday - we would deal with the matter today because that is what he wanted. Therefore, we are happy to do that. However, the Leader of the House is now saying that we have all these urgent matters to deal with so we must sit beyond 5.00 pm, regardless of any prior arrangements anybody might have made.

Hon Kim Chance: We can still do it by 5.00 pm if you get on with it.

Hon N.F. MOORE: That raises another issue. The proposal contained in the next motion without notice - again I digress slightly, because it is hard to argue about not sitting beyond five o'clock without referring to this other issue - is that motion No 24 be made an order of the day for a later stage of this day's sitting. The reason for that is simple. The Government wants to have that matter dealt with today, and it wants the House to sit beyond five o'clock to deal with it.

Hon Kim Chance: If necessary.

Hon N.F. MOORE: If necessary? The Government wants the House to sit beyond five o'clock, regardless of who wants to talk on it, and regardless of who wants to do whatever. It is a serious issue. As I mentioned a moment ago, it is a question of how this place used to operate and how it will operate in the future. The Leader of the House is basically saying to us that the House will deal with this matter today. He has even flagged the idea of using the closure motion - the gag motion - which the former Leader of the Opposition said would not happen again in his time, or words to that effect. I dragged out some quotes last night just to remind him of what he said the last time he had a say on guillotines and gags, which I will save up for another time, if it happens.

Hon N.D. Griffiths: Your side gagged the Address-in-Reply debate in 1994.

Hon N.F. MOORE: It was an accident.

Hon N.D. Griffiths: You gagged the Address-in-Reply debate and it was an accident?

Hon N.F. MOORE: That is right. We are told that we must deal with motion No 24, without members being given a lot of time to prepare for it. We got notice of it yesterday. I will put this in its total context. This notice of motion was given yesterday. The Leader of the House proposes to put that motion today and gag it. That is not on. That has never happened before. If we had been debating this motion for 17 weeks straight, and opposition members were clearly filibustering, the use of the closure motion would avoid that happening further. The President knows, because he has looked at Standing Order No 110, that he has some discretion in this, because he must make sure that debate is not cut off improperly or unfairly. That is why the President has a role in this. So that members do not have any doubt about what it means, I will quickly read that standing order -

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The Chair, in its discretion, may decline to put the motion. A decision under this paragraph is final and not subject to dissent, debate or comment.

My recollection of the reason that was put in the standing orders -

The PRESIDENT: Order! I remind the Leader of the Opposition that he might be straying to debates hence, rather than keeping to the relevant discussion about sitting beyond five o'clock.

Hon N.F. MOORE: I apologise. It is extremely difficult to debate this matter, because it all relates to the same issue. We are told that the Leader of the House will gag the debate to get the matter through. He will probably say in a moment that the House will sit beyond five o'clock - it will sit straight through until pancake Tuesday - everybody can have their say, and then we will have a vote. However, if he wants this place to work well, and if he wants a cooperative House, he should do two things: first, he should not use the gag the day after giving notice of the motion; and, second, he should not require the House to sit beyond the time that it is set to sit, especially if there are circumstances that make it difficult for the House to sit beyond a particular time, without giving members an opportunity to have a say behind the Chair about whether that should happen.

The Opposition will oppose this motion vigorously, just as it will oppose the next one, for the reasons I will give when it is called on. In the event that the Government decides to use the gag, the Opposition will take certain action in respect of that. I have discussed that with the Leader of the House. This is a serious breach of the processes of this place that we are not prepared to accept. It is a sad day when we have reached this point. I had hoped that the Leader of the House would allow the Electoral Amendment Bill to proceed through the proper processes.

I will outline what the Opposition would like to happen. It wants the Bill to be debated through to the second reading vote. If the House then wants to send it to a committee, the Opposition will support that. Once the committee has reported, the Bill will then go through the committee stages and proceed to its third reading. That has always happened in the past, and it should happen now. If anybody is concerned about the February timetable, I indicate that it is not an absolute requirement that the electoral distribution commissioners start the redistribution process in February. That is a suggested time frame. It is not absolutely imperative. We should debate this matter properly in this Chamber. If the House then wants to go to the community by way of a committee, that is fine by the Opposition; but that should be after the House has made a decision on the policy of the Bill. If it were the Government's view that the policy of the Bill should be debated by a committee, it should have sent it to a committee after the second reading speech, not halfway through the debate, because that is ludicrous and does not make any sense.

The Opposition will not support this motion or the next one. It will take whatever action it can to ensure that the gag is never again used in the way it is proposed to be used today.

HON GEORGE CASH (North Metropolitan) [11.38 am]: My view is that the motion before us is no more than a motion of convenience. I say that because it was first raised with the Opposition yesterday, at about 3.50 pm, by the Leader of the House when he went to the Leader of the Opposition's office - I happened to be there at the time - and said he proposed to give notice of this motion today. We had a discussion for a number of minutes, and the Leader of the House indicated that perhaps the Opposition should spend some time last night, or certainly before this morning's sitting, talking to the Greens (WA). I told the Leader of the House that I had already had some discussions with the Greens about the motion that he proposes to move to send the Electoral Amendment Bill 2001 to the Standing Committee on Legislation, and pointed out that I, for one, and possibly another member, would not be available at certain times. I have had a number of discussions with members of the Greens (WA) on this issue. Two weeks ago a proposition was put forward that an extraordinary committee, similar to that used in the House of Commons, be established to consider the Electoral Amendment Bill. I said at the time that I thought that was a ridiculous proposition that should not see the light of day, based on the fact that it was nothing more than a contrivance to suit the political ends probably of a minister in the Legislative Assembly.

Hon Kim Chance: The Government would be more accurate.

Hon GEORGE CASH: If the minister wishes to implicate the whole Government, I accept the whole Government.

Hon Kim Chance: It is the Government's legislation.

Hon GEORGE CASH: I said at the time that it should not be considered, and within a short period I was told that it would not be considered and would not be raised again. It has not been raised again. I was then told that

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there was a possibility that the Greens would consider sending the Bill to the Standing Committee on Legislation while the second reading was continuing.

Hon Derrick Tomlinson: So, it was the Green's proposition?

Hon GEORGE CASH: No; I was dealing with the Greens. I do not know where it comes from, but we will deal with that later. I indicated at the time that, from an opposition point of view, that would not be acceptable and that we would insist that the second reading be completed in the normal course of debate in this House as per the conventions and traditions of this House, and that in due course, when the second reading was completed, it would go to the Legislation Committee. In fact, I was asked whether I would substitute for a current member of the Legislation Committee. Mr President, if you think I am digressing, I am not; I am explaining why the House should not sit beyond 5.00 pm. There are reasons, and they just happen, in part, to relate to the next motion. I was encouraged to substitute for that member on the Legislation Committee. I explained my commitments and I understood that that was understood by those who were made aware of it.

Yesterday, the Leader of the House decided that he would give the Leader of the Opposition advice that he intended to raise this issue. I said to the Leader of the House that that would be not convenient to the Opposition. We believed we had an agreed position on when the Bill would go to the committee and, indeed, would do our best to expedite the hearings to ensure that the committee moved from place to place and that people were given an opportunity to state their views. Today we find that the issue has been sprung on us. Not only has the second motion proposed been sprung on us, but also the idea of sitting beyond 5.00 pm has been sprung on us. For 100 years this House has relied on the cooperation of all members in the management of the House. The day we do not have the cooperation of the members is the day we have absolute turmoil. I refer to an incident many years ago in the Legislative Assembly. Merv Toms was the then member for Ascot and was Speaker of the House. The then Labor Government had a one seat majority. The pressure of the job, because of the turmoil caused in the Legislative Assembly in those days, is said to be one of the factors why Merv Toms died in office. When a House of Parliament turns itself into a House of turmoil, no-one wins. However, the biggest loser is the Government. There is no question about that whatsoever. If members do not have confidence in the standing orders, and if they believe that someone is manipulating the standing orders, they will immediately lose confidence in those standing orders, and that will lead to nothing more than turmoil. For a long period in this place, members have correctly adopted the view that the Presiding Officer has some knowledge of the standing orders. I am thinking in particular of my predecessor, Hon Clive Griffiths, who was President for 20 years. When he made rulings and decisions on various issues, there was a certain confidence in the House that there would be consistency. It did not matter from which party a member came, it would be a fair and reasonable decision. I believe that I continued that tradition, and I believe that the current President has adopted that position and continues that tradition.

One of the difficulties that arises when there is turmoil in the House is that every five, 10 or 15 minutes a member will rise and seek a point of order and clarification on a standing order. Whether or not we like it, from time to time members breach the standing orders - not intentionally - in what they say or do in this House. If the Presiding Officer literally enforced the standing orders, the place would come to a standstill. That is why Presiding Officers over the years have allowed some latitude, understanding that if they occasionally raise an issue with members and tell them to return to the substance of the Bill, they will do that. In fact, members appreciate the guidance, because they run off at a tangent and are then invited to return to the substance. They immediately do so and that matter is solved.

Hon Kim Chance: As Leader of the House, did you never move that the House sit beyond its appointed time?

Hon GEORGE CASH: Yes, I did; absolutely.

Hon N.D. Griffiths: On just about every day in 1993-94.

Hon GEORGE CASH: It was generally with agreement. When I was Leader of the House, I attempted to advise the Opposition of the needs of the Government and to have a cooperative approach. At the time, the Opposition had the right to say that it would not sit beyond 5.00 pm, or whatever the time was at that stage, and then divide. However, there were generally reasons for that. In fact, as Leader of the House in this current Government, Hon Kim Chance has moved to sit beyond the normally appointed termination time for the House. When the House recognises that the request is being made to finish off a few clauses of a Bill, and that it is convenient for the House, the Government and the administration of the Parliament to knock something off and clean it up, the House will agree - as long as there is a finishing time and it is not open. It is interesting that when that occurs, discussion on the last few clauses of a Bill often seems to speed up and we manage to finish relatively soon after the previously appointed finishing time of the House.

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When members destroy the conventions of the House and lose confidence in the standing orders, a situation develops in which, instead of a House of Parliament, we end up with a House of turmoil. We have procedural motion after procedural motion trying to solve the problem or to get to the bottom of the suspicions that arise in members' minds.

Hon Kim Chance: Is that like the procedural motion that was moved yesterday when the question was asked whether the House could resume its business because there had been a bomb scare? Is that the kind of deliberate -

Hon GEORGE CASH: I was not in the House at the time. I say that because the Leader of the Opposition raised the issue. I think he raised it under Standing Order No 63. He sought the advice of the President and, as I understand it, he did it in a cooperative way. I believe that we could have spent three hours talking about whether or not the standing orders should be taken literally.

That is, that 10 minutes after the first ringing of the bells, if a quorum is not present, the bells shall be rung again for a period of two minutes; and if no quorum exists, the House shall be suspended and shall not sit again until the next day.

Yesterday, when the Leader of the Opposition raised that issue, I understood that he posed a question to the President. The President might not have necessarily picked up the point that the Leader of Opposition was asking for a ruling on whether there had been a quorum; but I believe the President made a reasoned determination, and the Leader of the Opposition and the House accepted that ruling, because bomb scares are interesting. If we were to adopt a literal interpretation of the standing orders, we would find they do not make much provision for bomb scares. We then have to rely on the traditions and conventions of the House - the internal rules that have been developed over time. However, when those traditions and conventions begin to falter or fail because of a lack of confidence, we are left with nothing. Yesterday, every member of this House, had he or she desired, could have questioned whether Standing Order No 63 was being administered in a proper sense. I believe the President's ruling was right; namely, that an inherent discretion is available to the Chair in cases such as that, because the moment that inherent discretion disappears or is lost because of a lack of confidence, we go back to the literal meaning of our standing orders. However, the literal meaning of our standing orders would tie this place up in knots for weeks, because, as most members know, there is significant conflict within our standing orders. That conflict has occurred over a long period. However, notwithstanding the conflict between our standing orders, in the past members have always accepted the word of the President and have allowed that discretion to be carried forward.

The Leader of the House raised the question of whether the gag would be applied. I have been in this House long enough to have heard the Australian Labor Party when in opposition say that it would never use the gag. If that convention were to be broken, then the very least we could expect - because we are all human - is that the Opposition would then need to consider its position in respect of some of the issues that it controls. Our party held a special meeting this morning to discuss anticipated action that might be taken, and we resolved to empower our leader and senior members to take that action. Again, all that will lead to is turmoil. I say that because at the moment, the Government is required to keep the House. However, in keeping the House, the Greens (WA) join with the Labor Party, as do members on this side of the House, in the pairing arrangement. Those members who sit to the right of the President are required to keep the House, and that means those members must have the numbers in place all the time. That is not always easy when ministers have affairs of state with which they need to deal. However, that is a situation the Leader of the House has to recognise. It is a situation that I had to recognise when I was Leader of the House; it is a situation that Hon Norman Moore had to recognise when he was Leader of the House; and I dare say it is a situation that other Leaders of the House have had to recognise also.

The Leader of the House has mentioned that the Liberal Party has organised a dinner for tonight. I heard Hon Ljiljanna Ravlich say, "Forgo your dinner and get on with the business of the House." The Leader of the Opposition has said, quite properly, that if the House were to sit tonight, we would be here, because our first priority is the House. However, I want members to know that it will inconvenience a considerable number of people, including former colleagues of us all in this House, and colleagues from the other place. It will not be the end of the world, but it will be another chink in or chunk out of the conventions of the House. When I was Leader of the House, on a number of occasions I was told that it would not be convenient for the House to sit beyond a particular time because members either had special functions organised or had particular commitments that they wanted to keep. I allowed members to honour those commitments without question, because in the end I said, "A House that operates with cooperation can operate reasonably efficiently and effectively; but without cooperation it is total turmoil."

Hon Kim Chance; President; Hon Norman Moore; Hon George Cash; Hon Peter Foss; Hon Dr Chrissy Sharp;
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In case any member opposite has any doubt about blood on the floor, I will say this: I used to be a member of the Legislative Assembly. That was in the days of Brian Burke, and I used to watch Brian Burke, because I thought he was the best political operator in the House; and I guess we need to take a bit of notice of a person who is very good on procedural matters. Someone once asked me what did I enjoy the most about the Legislative Assembly, and I said I enjoyed the fights and I enjoyed the fact that every night there was blood on the floor. However, I always qualified that by saying that most of the time, the blood was mine. I used to lick it up and say, "Just a little bit longer and I will be the one who spills someone else's blood on the floor." That was the way we operated in the Legislative Assembly, and that is the way it still is in the Legislative Assembly. This House has had a different tradition. When I came to this House in 1989, Hon Joe Berinson was Leader of the House, and one of the first things he said to me was, "I hope you have not brought your bad manners from the other place". That was an indication that this place relies on not just its standing orders, but also its conventions and other relevant matters.

I have heard it said on a number of occasions that one of the reasons that the Government now deems it urgent that the Electoral Amendment Bill be referred to the Legislation Committee is that the electoral commissioners are required to commence work on a redistribution. Section 2A(2) of the Electoral Distribution Act 1947 provides -

If the same division under this Act has applied in respect of 2 successive general elections for the Legislative Assembly the State shall be divided into districts and regions in accordance with this Act as soon as practicable -

That is the important word -

after the day that is one year after the polling day for the second of those general elections.

That would mean that the electoral commissioner would be required to commence work on the redistribution as soon as practicable after 10 February 2002. However, it is interesting that new section 16F of the Electoral Amendment Bill provides that the redistribution -

... shall occur as soon as practicable after the day that is 2 years after the polling day for the second of those general elections.

Therefore, if we are talking about urgency, the Government is proposing to extend the period after the election by one year; therefore, it will be a two-year period after that second general election rather than the current one year.

Hon Peter Foss: The electoral commissioners can do that so much faster these days because of computers.

Hon GEORGE CASH: Quite so, and that is an important point. Another reason that there is no need for this House to sit beyond 5.00 pm for the purpose of considering the matters raised by the Leader of the House is that computerisation means that the situation today is quite different from the situation in 1987. The commissioners can put in the parameters and press a button, and within a short time they can get various draft examples; and they can adjust the parameters to get whatever they want out of it. It is not like the old system, in which they had to go to the local authorities to find out how many people were in an area, and check the census figures. It can now all be done by computers. It is now done by computers.

Hon Peter Foss: You do not want to do it too soon because it would be inaccurate. You want to do it as close as possible to an election.

The PRESIDENT: Order! We should relate the debate to the particular motion and not the next one or the one after.

Hon GEORGE CASH: I agree, Mr President. One of the reasons this House should not sit beyond 5.00 pm is the assumed, presumed or alleged urgency does not exist; in fact, it is a furphy. It is being sold to some members of the House for the convenience of the Government. If we are to deal in the area of convenience only, the convenience of the House will be considered and not just the convenience of the Government, because we are all members of the House. I would expect members to stand up as individuals and raise issues that they believe suit their convenience; that may not suit individual parties but it will relate to the members' particular conveniences.

We are entering into a very, very difficult situation. I have been a member of this Parliament for a fair while - in fact, long enough to have gone grey and long enough to have nearly gone bald - but not long enough to not want a fight. One of the things the Government has assumed, wrongly, is that we on this side of the House will be gentlemanly or ladylike on various issues.

Hon N.D. Griffiths: We do have that view of you, yes.

Hon Kim Chance; President; Hon Norman Moore; Hon George Cash; Hon Peter Foss; Hon Dr Chrissy Sharp;
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Hon GEORGE CASH: I am pleased that the minister has that view of members on this side of the House, but he should ask Joe Berinson what used to happen between 1989 and 1993.

Hon N.D. Griffiths: Tell us again about the traditions of the House and how you always behaved with courtesy.

Hon GEORGE CASH: The minister should ask Joe Berinson, because at times this place turned itself into a House of turmoil to the very point at which - I was the Leader of the Opposition in those days - I was concerned for Mr Berinson's health. The minister should ask his former Whip, Fred McKenzie. Joe Berinson is a friend of mine. I thought that he was so severely affected by the comments being made that he was likely to suffer a serious illness. I said to Fred McKenzie at the time that I thought he should have a word with Joe because he was not looking very good at all at that stage. In my view Joe was a man of principle, and he listened to what was said and took seriously the issues that were raised. At that stage we were dealing with some pretty serious matters adverse to the then Government, which he clearly did not wish to be associated with and in fact took great exception to.

Hon W.N. Stretch: He was also under pressure from the same Mr McGinty.

Hon GEORGE CASH: I see. I was unaware, but I take the point.

There is no need for the House to sit beyond 5.00 pm. A timetable or schedule can be worked out that I hope would be acceptable to all members of this House. If we fail to work as a team and with a cooperative approach, believe me, all members in this House will suffer and this place, as a House of Parliament, will be the lesser for those actions. I leave my comments there, Mr President, because I certainly intend to make further comments should the Leader of the House move that the Electoral Amendment Bill 2001 be moved to the Legislation Committee prior to the completion of the second reading debate in this House.

HON PETER FOSS (East Metropolitan) [12.04 pm]: The two reasons given by the Leader of the House for sitting beyond five o'clock relate to two items of business. He said that one of those items of business is urgent because it needs to be dealt with prior to the Estimates Committee week. He knows, because the Leader of the Opposition has given him an undertaking, that we will deal with that matter, and it is amazing how it is possible to get business through this House with cooperation. He has an undertaking from the Leader of the Opposition that we will deal with that. We do not have any problems with the suggested change to standing orders, we see no reason for it engaging the time of the House for any length of time, but we believe it is possible for it to go through. That particular stated reason is without any basis whatsoever.

The other matter that the Leader of the House feels needs to be dealt with is this motion, of which notice was given only yesterday, referring the substance of the Bill to the Standing Committee on Legislation. He says that is urgent because he wishes the people of Western Australia to have their say on the Bill, which seems to assume that they must have their say on the Bill before some particular date. What is that date? We do not know what the date is. Nothing has been said in this House about that date, but we understand that the Greens at least were told it was critical to have this legislation through by February when the redistribution had to take place. Is that correct? As has been indicated by Hon George Cash, I do not think it is. I would go so far as to say it is undesirable; firstly, because the policy of the Bill itself is that it should stretch out to two years; and, secondly, because a redistribution can be done by computer almost instantaneously. In fact, there is good reason not to do it too soon. Once upon a time the whole process took so long we would be lucky to get the redistribution finished in time for the election. However, nowadays if the button is pressed on 1 February, not only will the redistribution be done by 2 February, but also the maps will be available and we will sit around for three years waiting to use them. The reality is that we would like that redistribution to be based on the most relevant information, and that most relevant information will be the information available closest to the time of the election. No doubt that is the very good reason for the Bill providing that it be no less than two years afterwards.

The whole idea that we have to deal with the Bill this year, or even next year, is irrelevant. We can deal with this Bill any time, and I think we should take the time to do it. Therefore, the second reason given by the Leader of the House is fatuous. The only reason for a time limit is that the Government has itself set one. What do members think will happen anyway? If we are to believe the Attorney General - I am not for one moment suggesting that we should - he will do a deal with the Greens. He will accept a change in the representation in this House, to allow six regions each represented by six members. If the Greens think they have that deal, they should be warned; the only way they will have that deal is if it is provided for in this Bill. Jim McGinty made promises about the finance brokers, and he promised that he would not take members from country seats. The Greens will find he will always have a very slight gloss on his statements, and later will say, "I didn't say that -

The PRESIDENT: Order! The member should relate his comments to this motion.

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Hon PETER FOSS: I will.

The PRESIDENT: We look forward to that.

Hon PETER FOSS: Inevitably, if what we hear today is correct, and if a deal is done with the Greens, this Bill will proceed no further until legislation has come from the other House putting into effect what has been agreed with the Greens. I am saying that in this place because it is what I have said to the Greens. They will have to decide whether this legislation is urgent.

Hon Paddy Embry: They have not even been listening.

Hon PETER FOSS: Hon Robin Chapple has definitely been listening to me. I hope that, as a result, he is having a confabulation with his colleagues.

I do not believe that this legislation will proceed: it will be either rejected by the Greens because it does not contain what they want, or delayed while amending legislation is processed in the other House. Based on past experience, if the Greens put their trust in the word of Hon Jim McGinty, by the time that legislation gets here something will have happened to it. There will be a twist in the tail that they do not like that will force them to reject it. They will not have what they want. Hon Jim McGinty will be able to say, "I introduced the legislation, but you rejected it." The Greens will be done like a dinner. They should be like Doubting Thomas, who said that unless he saw the wounds in Christ's hands and thrust a hand into his side, he would not believe. If the Greens agree before they have the legislation in their hands, they have rocks in their head.

There can be no urgency, because this legislation is not going anywhere. It will be rejected because the Greens will not get what they want or we will sit around waiting for further legislation to come from the other place. Although it is not my role to advise the Greens, I suggest that they choose the second option.

If that is the case, the Attorney's self-imposed urgency has no relevance. We must ask what is happening. Why were we given notice of this motion only yesterday? I asked the Greens some time ago whether they intended to refer this Bill to the Standing Committee on Legislation before the second reading. I was interested to know their views. This is the sort of Bill that should be referred twice. The principle is an important matter -

The PRESIDENT: The member is straying onto the anticipated motion.

Hon PETER FOSS: I am raising this because of the timing. This motion has been moved at a most peculiar time, and we have been told it is urgent. If this legislation needed to be referred to a committee prior to the second reading, why was it not moved at the earliest opportunity? Why is it being moved so long after it was introduced on 30 August? Surely, a motion to refer the legislation to the Standing Committee on Legislation should have been moved on 30 August. A month later, a very strange motion has been moved, and we have been told that we must deal with it immediately. What have we been doing in the meantime? We have debated the liquor licensing legislation and the standing orders. As the Leader of the Opposition said, we have never spent so much time debating the standing orders. We have spent an extraordinary amount of time debating other issues.

Hon Derrick Tomlinson: Once an upon a time those issues were discussed in a committee before they came into this place.

Hon PETER FOSS: The motion moved by the Leader of the House could have been agreed to -

Hon J.A. Scott: Are you talking about the motion to extend the sitting?

Hon PETER FOSS: We do not need an extension. The leader has brought this down on his own head. We could have dealt with both motions if he had been prepared to discuss what would be acceptable. This motion has been moved at a strange time. If the leader wanted the legislation to be referred before the second reading, why did he not move it when the second reading speech was given? If he wanted to refer it, why did he not follow the normal process? Why is he referring what he calls the substance of the Bill, instead of the Bill itself? He has done two things that mean he will not get it through quickly and with cooperation.

The leader has ignored the Electoral Distribution Repeal Bill. I do not know how he can consult the people without both pieces of legislation. I will deal with that issue when the relevant motion is moved. I am raising this point because it seems strange that no attempt was made to reach some form of agreement. As the leader knows, if he wants issues to be dealt with quickly and easily, he should first try to get cooperation. What did we get? Dale Carnegie would have been thrilled. We were initially told that the motion would be moved without notice. We were then told that it would not be what we wanted and, if we did not like it, the Government would gag the debate. Who could possibly resist such blandishments, tact and cooperation? What has happened to the notion that issues are addressed more effectively after consultation?

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I must confess that I always try to pretend I am not listening when I am getting a lecture from the Greens. However, on a number of occasions I have heard them tell us that, if we want to achieve anything in this House, we should at least start with cooperation. I do not know whether the Greens are party to what I see as an unbelievably high-handed action. I do not know whether they are simply being taken for granted; perhaps they have been treated equally high-handedly. I hope that they have not been party to the high-handedness that is implicit in this move. I do not think they subscribe to that behaviour, at least in theory. Perhaps in practice they are just as ruthless as everyone else.

Hon N.D. Griffiths: No-one is as ruthless as you are.

Hon PETER FOSS: At least I am not a hypocrite; I do not pretend to have a different set of values from those that I demonstrate. The Greens have lectured me on a number of occasions about what I should do. Either they have been party to this, or they have been taken for granted. I hope they are not being taken for granted.

The suggestion that we should sit beyond 5.00 pm could have been avoided had the Government been prepared to talk to us about the urgency of the situation. We have some real concerns about this motion. We will ensure that people hear them and hope that they listen, particularly the Greens. I hope they have concerns about the motion that we sit beyond our normal adjournment time to deal with this issue.

This confrontation is unnecessary. Perhaps I am less reluctant than my leader to refer legislation before the second reading speech. It can be appropriate in certain constitutional cases, but the referral should happen immediately. As I said, this legislation should be referred twice: first, to establish the principle so we know what we are doing and can be guided by the committee in the second reading debate; and, secondly, to establish whether the words in the legislation achieve the desired objectives. Until we establish the principles, it is not easy to deal with the wording. We should either refer the legislation before we have debated the principles, or after the principles have been established. We have ended up with a suggestion that we force the motion through today using the gag.

Members opposite know that the Liberal Party is having a special dinner tonight. It is a dinner for former members. I would have thought, out of respect for them, the Leader of the House at least would have thought about whether it would create unnecessary confrontation. Why did the Leader of the House start with confrontation when he knew that we had organised this dinner tonight? Liberal members will be in this Chamber for the debate, but I hope that the Leader of the House recognises that while we are in here our guests will be out there. Our guests will be sitting in the dining room being farewelled by our Legislative Assembly colleagues. Despite the fact it has been suggested our Legislative Assembly colleagues are uncouth, they at least recognise prior social obligations. We will be in here, and we will remind the Leader of the House about it.

I was interested to see the body language of the Leader of the House, because one can learn a lot from it. Some of us may be good poker players, but not the Leader of the House. I have had considerable respect for the Leader of the House. When I heard that Hon Kim Chance would be the Leader of the House rather than Hon Tom Stephens, who was previously the Leader of the Opposition in this Chamber, I thought that we could at least have a civilised and sensible House. I did not have the same confidence in Hon Tom Stephens. Hon Kim Chance has done well. He holds management committee meetings; he tries to get things done in an orderly fashion and he has tried to tell us what will occur through the Council Business Program. He has tried to live up to what he told us we should live up to. Hon Kim Chance has tried hard.

Hon Simon O'Brien: Do you think he was embarrassed?

Hon PETER FOSS: I was watching the body language of the Leader of the House, and two things gave him away. First, it was his eyes. The Leader of the House gets this funny look in his eyes when he is utterly embarrassed by what is happening. Secondly, he shifts his body about. The body language of the Leader of the House condemns him. We know that this motion has nothing to do with the business of this House; it is to do with Hon Jim McGinty - dear Jim, the man we all know we can trust! I do not know his reason for wanting us to deal with this today; however, the fact that Jim McGinty wants it is almost enough for most people to realise it is not a good idea. Although we do not know what the reason might be for this, the fact that Jim McGinty wants it today is an indication that some trickery is in the wind; some wonderful way in which words can be mixed, minced and moved around in the meantime. The reason given seems to be an entirely unworthy reason to wish to extend the sitting of the House beyond 5.00 pm. If the Leader of the House wants to get something done, so he can serve his masters in the other place, the easiest thing would be for him to ask the President to leave the Chair and to get together the Greens (WA), One Nation, the National Party, the person who is handling it for the Opposition, Hon George Cash - we should probably pick the various people who are involved in this - the Leader of the Opposition and the Leader of the House. They could go through the motion - notice of which was given yesterday - to arrive at an acceptable motion. If the Leader of the House genuinely wants the Legislation

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Committee to deal with this legislation, why did he not try to achieve that by some form of cooperation? The Leader of the House may be able to have the legislation referred to the standing committee, but the arrangement may not be exactly what he wants. It may not mean that debate will continue in this House while the committee consideration is occurring. I happen to think it is totally illogical. The Government may have to send the Electoral Amendment Bill and the Electoral Distribution Repeal Bill to the Legislation Committee.

If the Leader of the House had started the process in that way, he might have had agreement before he walked into the House today. Instead, he must have learnt a little from Hon Jim McGinty and decided he would threaten the Opposition with all sorts of things - he will use the gag! The Leader of the House can impose the gag, but he knows that he will pay for it. All members opposite will pay for it, and most particularly the Greens - if they support the Government. The Greens will pay with their standing, reputation and ability to hold to their principles.

As I said, the Leader of the Opposition has indicated that the Opposition has no problems with one motion; it will go through quickly. The Government needs to do some work on the other motion. If the Leader of the House wants both motions passed today, he should try talking to people to see whether he might be able to arrive at some form of agreement. If the Leader of the House does that, we will not have to sit beyond five o'clock and he can report to Hon Jim McGinty that he has done what he wanted - maybe with a little variation. However, the Leader of the House will have shown himself as a leader of this House, and he will be true to his character. We will all feel much happier for that, and we will not be involved in the unnecessary blood on the floor that the Government will otherwise get.

HON CHRISTINE SHARP (South West) [12.25 pm]: The Greens (WA) do not intend to speak at any length on the motion that the House should sit beyond five o'clock. We will speak on the motion of substance regarding the referral to the committee. I am concerned that if we have a prolonged debate about sitting beyond five o'clock, it will be a self-fulfilling prophecy.

HON M.J. CRIDDLE (Agricultural) [12.26 pm]: I make it clear right from the start, and I have made it clear before in this House, that I am not in favour of sitting beyond five o'clock on a Thursday at any time. The Leader of the House understands that. Once again we come down to the Government's view of country people, country representation and how country representatives serve country people. It is clear that arrangements have to be made for country members to get from Perth to their constituencies. It is a problem for members who live many kilometres out of the city - I have a five-and-a-half to six-hour drive - and must travel to their electorate offices the next day. When we work through the evening, we must drive long hours through the evening and into the next day to get to our electorates. The Government has given no consideration whatsoever to country representatives who want to serve their electorates. It is ironic that we are debating a Bill that will in some ways take away that representation. Like Hon Peter Foss, I point out to the Leader of the House that we can quickly debate the standing orders issue. The other matter, which was put forward yesterday, needs considerable debate. I did not get any indication of what was happening until I got hold of the Business Program 20 minutes before the start of today's proceedings.

A convention in this House is that we discuss issues in the second reading debate such as the principles, policy and the substance of the Bill, so that when Bills are referred to committees, committee members have some understanding of the intention of the Bill when they meet with the community. I hope that is the intention here. The community deserves some input into this legislation. I am concerned about the situation in recent weeks, because it has underlined the enormous divisions in the community. When I was in the country last week I became aware that the proposals in the Electoral Amendment Bill have caused enormous division. It is not right that the Bill should be implemented without a reasonable mechanism for consultation. We can finish debate on the second reading, and then the Legislation Committee can go out into the regions to consult with the community. There should be no pressure on us to get this debate over and done with quickly. The legislation clearly says that the redistribution can be considered "as soon as practicable"; that is reasonable. The move to create urgency and refer this legislation to the Standing Committee on Legislation appears to be a contrivance to have it passed hurriedly before anyone can make a reasonable contribution. It has become an enormous issue throughout my electorate. People have taken some time to understand the ramifications of this legislation. If the Greens (WA) want to maintain any confidence in the community, they should remember that this issue is very dear to their constituents' hearts and they need to be given the opportunity for input.

We are allowed two and a quarter hours after lunch on Thursdays to debate motions like this. The standing orders were changed to allow two hours to debate committee reports and motions on Thursday mornings, which is commendable. The House has two and a quarter hours in which to debate a very serious motion about whether we break with convention to have the substance and principles of a Bill debated before it is referred to the Legislation Committee. I hope commonsense will prevail on this issue.

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I also understood from the comments of the Leader of the House the other day that he would finalise the Address-in-Reply debate. I suppose that has gone out the window. Will the “urgent” motion override the budget debate? I understood that should take precedence over other debates in this House. Those issues should be addressed. Those matters would not take up time outside the ordinary time set aside for the two issues to which I referred earlier.

Tradition in this House is coming under enormous pressure. We have been led to understand that things would happen and we have been cooperative. I urge the Leader of the House to clearly indicate his intentions. It is no good members attending a meeting on the previous Thursday night, only to be told a week later that the Government wants to change its plan. We have known for some time that a two-week recess would commence next week. We have also known for some time that, in line with standing orders, the Estimates Committee hearings will be held in two weeks time. If it is so important for the Electoral Amendment Bill to be referred to a committee, it should not be subject to a motion to extend debate beyond five o'clock. Had a reasonable suggestion been made, it could have been dealt with, provided a clear process was in place to debate the following motion.

I am sure that no National Party members are in favour of this electoral reform. I will introduce a Bill today to support that. It may be worth the Legislation Committee considering my Bill also.

A motion to sit beyond five o'clock is not in the interests of either country members or members' constituents. Late sittings on a Thursday make it very difficult for members to get feedback from country constituents. Fridays and Mondays are available for members to deal with constituents' issues. On Mondays we must also travel to Perth to attend party meetings on Tuesday mornings. That does not leave much time for constituency matters. When the House sits beyond five o'clock on Thursdays, time in our constituencies is reduced considerably by the time we have recuperated after travelling home. I am not afraid of work. Everybody knows that I do my share. In fact, I would not mind being on contract in this job.

Hon J.A. Scott interjected.

Hon M.J. CRIDDLE: I have not been invited to a party. I am not a member of the Liberal Party, although I get on very well with my colleagues on this side of the House and I hope I get on well with the Greens. We must understand these issues. Hon Dee Margetts, whose electorate is in my region, will no doubt have received feedback on the Electoral Amendment Bill from people in her region about their wish to have input. That can be done only after members have gained a clear understanding from the second reading debate of what we need to discuss.

I have always understood that in debate in this House members should have a clear understanding of the policies, principles and substance of legislation so that they can be thoroughly discussed. I have been on many committees dealing with country people, who discuss issues in a reasonable and rational way. I hope the Legislation Committee's investigation of the Electoral Amendment Bill is clearly advertised so that people can express their view when the opportunity arises.

As I indicated the last time this issue was raised, I hope a motion to sit beyond 5.00 pm on a Thursday is not moved again. With good management of the business of the House, it should not happen.

HON DERRICK TOMLINSON (East Metropolitan) [12.35 pm]: The motion is that the House sit beyond five o'clock. Clearly, if it is the will of the House we will do so. The will of the House is 17 members. Regardless of the position of other members, the majority is the will of House. Members of this House are sworn to attend to the duty of the House. If it is the will of the House that we sit beyond five o'clock, we will do so. There is no question about that. Many is the time that the House has sat beyond five o'clock and whatever other arrangements members have made, whether they be of a political, social or private nature, are irrelevant, as they will be irrelevant on this occasion. There is in fact provision in the rules of Parliament that if the House sits beyond a specified time in the morning, breakfast is provided. Many is the time that we have had breakfast here, particularly during the time of the last Labor Government and at times during the coalition Government. I can recall occasions when, at the last moment, I had to cancel engagements. The motion to sit beyond five o'clock usually arises in the pre-Christmas session. As members who have been here for more than a few months know, that is a particularly busy time on the calendar of a member of Parliament. At that time schools invite their local members to attend their end of year functions. Local members go out of their way to attend as many school functions as possible. Many follow the convention of providing awards to students. We do our best to attend as many school functions as possible.

New members should know that they can attend up to 10 functions in a single day starting at nine o'clock in the morning and finishing at eight o'clock at night. Many is the time in the busy parliamentary session that the

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pressure on government to complete its legislative program has demanded that the House sit beyond five o'clock. If it is the will of the House to sit beyond five o'clock, all the other matters go by the board. I am sure Hon Nick Griffiths, the Minister for Racing and Gaming, has had to get a message to a school saying, "Sorry I can't make it today", as have I and others.

I can recall an occasion on which I had to cancel Christmas with my wife's family in Melbourne, not because the House sat beyond five o'clock, but because it extended the sitting for a week. Hence I had to cancel my travel arrangements. That was the will of the House. If it is the will of the House, we are obliged to be here - not elsewhere - regardless of the functions that we were to attend.

On one occasion when the House sat beyond five o'clock, I recall having breakfast in the dining room, ringing my wife and saying, "Please meet me at Guildford Primary School, where I will be opening the preprimary centre at 8.30 am. Will you please bring a clean shirt, a clean pair of underpants, a pair of socks and my toilet gear?" because I had to attend a function at East Fremantle at 10.30 am. I met my wife. She gave me a partial change of clothes - the "substance" of my clothing, I think is the word used.

Hon Kim Chance: The essence, in your case.

Hon DERRICK TOMLINSON: I came back to Parliament House with the substance of my clothing, had a shower in the bathroom upstairs, and then proceeded to my second function of the Friday morning at half past 10. It was the will of the House that we sit beyond 5.00 pm. If 17 members vote in favour of this motion, we will sit beyond 5.00 pm. If I am any judge of the behaviour and the conduct of this House, we will sit beyond five o'clock tonight. When Hon Christine Sharp said in her brief address that she would not talk about this, I think she really meant that the Greens (WA) would stick by their deal and vote with the Australian Labor Party. Together, they will have the 17 votes required, which means the House will sit beyond 5.00 pm. Whatever happens in the dining room, all I can say is that I will be sending to my colleagues who were defeated or who retired at the last election my very best wishes for their retirement and the advice that I will be joining them very soon.

Let us consider the consequences of sitting beyond 5.00 pm. The consequence is that we sit until the business of the House is finished. That means that the debate will be long - it will be a three-glass debate. It will be protracted. Every member on this side will speak.

Hon N.D. Griffiths: That will be fun.

Hon DERRICK TOMLINSON: It will be fun, particularly at three o'clock in the morning when it is the Government's responsibility to ensure that there is a quorum. Every member on this side will take every possible point of order, and call for a division at every possible opportunity. It will be a protracted debate, unless, of course, the Government applies the guillotine. I shall look forward to that, because I listened carefully to the answer to a question asked of the Leader of the House yesterday. The Leader of the House was asked whether he would give an undertaking that he would honour his previous position that the Labor Party would not apply the guillotine or move to close the debate. He said, "No, I will not give that undertaking."

Hon Kim Chance: That is an answer.

Hon DERRICK TOMLINSON: That is an answer: "No, I will not give that undertaking." All I can say is, go for it. One of the Leader of the House's predecessors did that, and then there was a retaliation. The Leader of the House knows what the retaliation is, and it will hurt him, with his responsibilities as a minister from now until Christmas, more than it will hurt this side of the House. Therefore, go for it; that is all I can say.

The PRESIDENT: Order! I do not think Hansard is having difficulty picking up the words, such that the volume needs to be increased. I am sure Hansard is satisfied with the appropriate volume.

Hon DERRICK TOMLINSON: Mr President, I thank you for your advice. The reason I was using my volume is that I did not want Hansard to pick up the interjections, because, as you know, Mr President, interjections are unparliamentary.

Hon Ljiljanna Ravlich: They are meant to pay you back.

Hon DERRICK TOMLINSON: Pay me back?

The PRESIDENT: Order! The member should not encourage interjections, having just deprecated that.

Hon DERRICK TOMLINSON: I am flabbergasted that Hon Ljiljanna Ravlich does interject, because I saw the Whip go around and say, "Cease interjecting." She cannot even take orders from her own Whip, let alone be encouraged by me, Mr President.

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I now turn to why we will sit beyond five o'clock. The reason is that the Leader of the House wants us to deal with the standing orders. Members on this side, who are much more senior than I am, have said that we can deal with them in short order. From conversations I have had outside this Chamber, I believe that is the case. If a senior member on this side, particularly the Leader of the Opposition, says that we can deal with them in short order, we will deal with them in short order. If there is an agreement between the Leader of the Opposition and the Leader of the Government that we will deal with them in short order, that agreement will be honoured, just as the agreement between the Greens and the Labor Party to sit beyond five o'clock will be honoured. However, I was interested in the interjection of the Leader of the House, when he said that the substance of the Electoral Amendment Bill 2001 is to be referred to the committee - not the Bill, but the substance of the Bill.

The PRESIDENT: I remind the member that the Bill, or the substance of it, is not the subject of this debate.

Hon DERRICK TOMLINSON: Exactly.

The PRESIDENT: That can be referred to incidentally, but this cannot be turned into a debate on that.

Hon DERRICK TOMLINSON: Yes. I want to respond to the reason given by the Leader of the House for our sitting beyond five o'clock. As I have already mentioned, the Leader of the House said that he wants the House to deal with order of the day No 99. He also wishes the House to deal with motion No 24, which states that the Electoral Amendment Bill, with certain parts deleted, will be referred to the Standing Committee on Legislation.

Hon Kim Chance: It does not, actually. It refers to "subject matter".

Hon DERRICK TOMLINSON: The Leader of the House has corrected me. I will accept his correction and go back to the motion, so that we have on the record what motion 24 requires. It states -

- (1) Subject to this order, the Legislation Committee is to inquire into and report on the matters that are the subject of Part IIA of the Electoral Act 1907 as proposed to be inserted by the Electoral Amendment Bill 2001.
- (2) The following provisions of proposed Part IIA and their subject matter are excluded from the Committee's inquiry -
 - (a) Division 1 - ss 16A, 16B;

Division 1 section 16A and 16 B could be excluded.

The PRESIDENT: I remind the member that we are not dealing with a motion pertaining to that.

Hon DERRICK TOMLINSON: Thank you, Mr President, I will obey your direction. The motion also states -

- (b) Division 2 - s 16C,
- (c) Division 3 - s 16I.

Apart from the transgression that the President directed me on, I sincerely hope that that is the matter, and that it is a correct reading of the matter that we are going to debate, if necessary, after five o'clock. I know I cannot ask a question of the Leader of the House - therefore, I will have to interpret what the Leader of the House said in his interjection. The Leader of the House said that the substance of the Electoral Amendment Bill would be referred to the Legislation Committee.

Hon Kim Chance: That is correct. It is the substance of the Bill, rather than the Bill itself.

Hon DERRICK TOMLINSON: I thank the member for interjecting. It is not the Bill but the substance of the Bill. Mr President, I have a funny feeling that you are going to call me to order again; however, I will test the wind.

The substance of the Electoral Amendment Bill is the policy that there shall be equal electoral districts in the Legislative Assembly. If that is the policy of the Bill, that is the substance of the Bill. However, that policy will not be referred to the Legislation Committee. The issues that will be referred to the committee relate to the other aspects of the Bill.

The PRESIDENT: The member is quite correct; he is straying onto another matter.

Hon DERRICK TOMLINSON: I think it is necessary, however -

The PRESIDENT: I think the member made his point in passing.

Hon DERRICK TOMLINSON: Yes! And there are a couple of other points I want to make in passing, because time is not passing rapidly enough.

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Hon Ljiljanna Ravlich: He is filibustering!

Hon DERRICK TOMLINSON: I have just been accused of filibustering.

The PRESIDENT: Order! The member will not pay attention to interjections.

Hon DERRICK TOMLINSON: The interjection that I did not pay attention to came from the greatest filibusterer this House has known. She is without peer as a filibusterer.

The PRESIDENT: Order! This is not the question before the House.

Hon DERRICK TOMLINSON: I now return to the substance of what we will debate after five o'clock. When we debate the motion after five o'clock, I will use every opportunity to expand upon the things that I am now referring to in passing. However, I put this to members: one of the issues that could be referred to the Legislation Committee, as a consequence of a debate after five o'clock, is the nature and the form of election, and the size and number of regions in the Legislative Council. That would be a matter we can debate after five o'clock. Unfortunately, we cannot debate it now because we are not debating that issue; we are debating whether we should sit beyond five o'clock. However, if we were debating that now, in passing we would observe that one of the things that could be considered is that there be six regions returning an equal number of members.

The PRESIDENT: As the member knows, we are not considering that now; therefore, he will not debate that now.

Hon DERRICK TOMLINSON: I will not debate that then, Mr President. Where is the Whip? Perhaps the Whip could bring me on at about five o'clock tomorrow morning. Stay tuned until five o'clock tomorrow morning, because that is what I will debate after five o'clock.

I now return to the question of the conventions of this House. I will not rehash the very eloquent presentation of Hon George Cash. I would not even attempt to discuss the conventions of this House with the same understanding of Hon George Cash - without doubt. I do not assume to have the same knowledge or perceptive and analytical mind of Hon George Cash. Therefore, I listen carefully when I am sitting at the feet of a master, and I learn.

Hon Ken Travers: The things you do for preselection!

Hon DERRICK TOMLINSON: I must say two things. Hon George Cash has never supported my preselection. He has never been a member of the preselection committee.

The PRESIDENT: Order! Does the member require protection from interjections?

Hon DERRICK TOMLINSON: No, why would I want that Mr President?

The assumption is that I am going to seek preselection. Let me put it on the record: I will not be seeking re-election to this place.

Hon Ken Travers: No!

Hon DERRICK TOMLINSON: I have changed my mind! The plea from the Opposition to stay gets to me. I have changed my mind! They are marvellous!

One of the consequences of the change in the composition of this House in the past eight years has been a subtle change in the conventions - not merely of this House - but of the Parliament, particularly in the period of the previous Government, because the Opposition did not have the numbers in the Legislative Assembly.

Hon N.D. Griffiths: It could be argued that they never do.

Hon DERRICK TOMLINSON: Precisely. That is very perceptive. That will probably appear in next weeks "InsideCover".

However, it could also be argued that the Government had an unhealthy majority. The consequence of an unhealthy majority - when we know that the Opposition can never, by any contrivance whatsoever, get a majority - is that a Government is able to pass its legislation through the other Chamber virtually unhindered. It is fair to say that that happened on many occasions in the previous two Parliaments. However, in the previous two Parliaments the Opposition had the numbers in this place with the combined votes of the Australian Labor Party and Greens (WA). In the second of the two Parliaments, the combined vote of the ALP, Greens (WA) and the Democrats meant that the Opposition had the numbers in this House.

Hon Ken Travers: You are rewriting history.

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Hon DERRICK TOMLINSON: It was obvious that the Opposition became ineffectual in the Legislative Assembly. However, the Opposition was very effective in this House because it used the standing orders, the conventions, and the form, procedure and process of this House to proper and good effect. It delayed legislation. It frustrated the Government's legislative program.

Hon N.D. Griffiths: That is not so.

Hon DERRICK TOMLINSON: Not so! Please put that interjection in *Hansard*!

Sitting suspended from 1.00 to 2.00 pm

Hon DERRICK TOMLINSON: Before the luncheon suspension, I was responding to the motion that the House sit beyond 5.00 pm. I made the point that if it is the will of the House, we will sit beyond 5.00 pm, and if it is the will of the House, we will sit until such time as the business before the House is finished. That is the nature of this place. Immediately before we rose for lunch, I was making the point that Hon George Cash had given us a very eloquent explanation of the consequences of exploiting the standing orders and conventions of the House. Indeed, the standing orders and conventions of the House can be exploited. Just as they exist for the good management of the business of the House, like all rules they can be used for the bad management of the business of the House. That is an argument that I need not pursue; it is a self-evident truth.

When I was also making a point about the period of the previous Government, somebody corrected me and said that the coalition did not have a majority in the second term of government. In its first term of government it relied upon the Independent, Hon Reg Davies, for a majority in this House. As a consequence of the shift of the balance of power in the second term of the Court Government, there was also a shift in the balance of power between the two Houses. I was making the point that the Opposition could not frustrate the Government's electoral program in the Assembly. I then made the tautological statement that the Opposition did not have a majority; it was never able to muster a majority, because an Opposition can muster a majority only if, first, there is a minority Government or, secondly, some members of the Government cross the floor and vote with the Opposition. The Opposition in the other place in the previous Parliament was never able to muster a majority in that way. Because the Opposition had a majority in this House, I observed that the Opposition learnt to exploit its numbers, the standing orders and the conventions of the House to frustrate the legislative program of the Government; and I believe it did so very effectively.

I remember the sort of frustration that was expressed by members on the government benches at that time. I do not like the term "filibustering" so I will not use it, but I remember the lengthy and repetitive debates and presentations by members on the opposition side, particularly those who sat in this vicinity. I remember also the amendments and the amendments to amendments that were debated, which allowed every member of the Opposition to make not one speech, but two and sometimes three speeches on a motion. I recall the frustration that the members of the government benches felt at that time. I also recall vividly the absolute frustration of the then Leader of the House, who had not only the pressure of managing the business of the House and seeing the business of the House quite cleverly taken from him by the intelligent use of standing orders and conventions, but also the pressure of his cabinet colleagues insisting that particular legislation be enacted by a particular time. The Opposition, and in the Opposition I include Labor major and Labor minor, as we now have Labor major and Labor minor in the Government - no bite?

The PRESIDENT: The member should not invite interjections.

Hon DERRICK TOMLINSON: I remember the pressure Hon Norman Moore, as Leader of the House -

The PRESIDENT: I am sure the member will relate these comments to the question.

Hon DERRICK TOMLINSON: Yes, Mr President, I certainly will. I am talking about the conventions and the use of the standing orders of the House. What we have here is the use of a quite proper authority of the Leader of the House to move that the House sit beyond the time designated, and the consequences of the exercise of that use and the absolute frustration that members may or may not feel when standing orders are used for, as Hon George Cash said, convenience. That is the point to which I am directing my remarks. I agree with my colleagues who have spoken earlier in this debate: this is a motion of convenience. It is a critical time for the Government. There is a two-week break, followed by estimates debates in this House. In effect, there will be the equivalent of nine sitting days during which the business of the House cannot progress. Given the Government's commitment to some aspects of its legislative program, in particular the Electoral Amendment Bill, I can understand its desire to hasten the passage of that legislation. I can understand also why at this critical time the Government may want to use the standing orders in the way it is proposing to use them now. However, the argument has been presented clearly that other than the desire of the Government to complete its legislative program according to its own timetable, there is no urgency to enact the electoral legislation, because the

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redistribution that must inevitably follow from the enactment of the Electoral Amendment Bill is not required to be done until two years after that enactment. The only urgency is that the redistribution must occur some time after February 2002 if that legislation is not enacted.

I am sure the Electoral Commissioner is working on a timetable in the knowledge that, according to law, he is required to hold a redistribution as soon as possible after the passage of 12 months after the general election; that is, as soon as possible after February 2002. However, if that legislation is repealed and new legislation is enacted some time after that process has been commenced, the process will have to start again.

Hon George Cash: The word is as soon as “practicable”.

Hon DERRICK TOMLINSON: Yes. I stand corrected once again. The Electoral Commissioner will be working on a timetable taking into account that, under the Electoral Amendment Act, he must commence the redistribution as soon as practicable after February 2002. However, that is not a reason to hasten the passage of the legislation in this way. It is even less a reason to hasten the motion to refer the substance of the Bill to the Legislation Committee. The Legislation Committee will be directed, according to the motion that we will debate some time after 5.00 pm, to report by 26 November. However, if the Legislation Committee cannot meet that deadline, it can seek the approval of the House to extend the date until 26 December or 26 January, or whatever other time the House may agree to.

It is also within the power of this House to direct the Legislation Committee to return the Bill to the House. Mr President, you will recall that that is what the Legislation Committee was directed to do at the time that you and I served on that august committee; or it certainly was an august committee when you and I served on it.

Hon J.A. Scott: Did you say August?

Hon DERRICK TOMLINSON: Yes. I know the member is in the September of his years, but those of us who are in the August of our years always prefer the pronunciation august when we are talking about august; and indeed the committee was august, not August.

The argument has been presented that there is no need for haste with regard to this legislation. In fact, given the gravity of this legislation, there is a need for the reverse - to hasten slowly - because the matters upon which we are deliberating will affect not only the numbers of members in this Parliament, how they will be elected and from where they will be elected, but also the nature of this Parliament.

The people who wrote the Constitution provided that there shall be careful consideration of amendments, and that the entrenchment provisions shall be referred to a referendum. Hon Christine Sharp has said this matter is too difficult to be referred to a referendum; we should not let the people decide, because it is much too complex for them. The question in that referendum would be, “Do you agree with a law to change the Electoral Distribution Act to establish equal numbers of electors in Assembly districts; yes or no?” There is nothing profound in that question. However, that is the position that Labor minor has taken on this matter.

My plea to the Government is to learn from the mistakes of the past. I have made the point that when the standing orders, conventions and practices of this House have been used legitimately to frustrate the intentions and legislative program of government, it has engendered frustration and stress in the members; and I can recall those expressions of frustration and stress. However, being in the August of my years, I have sat back and said, “Remember that we will be in opposition one day.” We are in opposition a day sooner than I would have preferred; however, that was an inevitable consequence of the will of the people. Those people who frustrated the program of government by exercising the proper standing orders, conventions and practices of this House have now become the Government. Those people will now suffer the frustration that we suffered, because I predicted at that time when our members were so frustrated, angry and stressed that when we returned to the opposition bench and when members of the then Opposition returned to the Treasury bench, the same practices would continue, because a new set of conventions and practices in this House had become entrenched.

I do not like to use the word “abuse”; or “abuse” in the sense of the verb. I do not like to abuse the standing orders, and I do not like to use the term “abuse of standing orders”, because it is not an abuse of standing orders. It is a proper application or exercise of standing orders. It is a proper exercise of practice to do what the Opposition has a mandate to do; namely, oppose. I do not like that, because all this does is bring discredit on each of us as members of this place. In bringing discredit upon us, we denigrate the standing of Parliament and erode the confidence of the people who put us here on trust to make laws for the good order and government of Western Australia. We have betrayed that trust. We have betrayed and eroded the confidence of the people in the parliamentary system. Why? Not because of a legitimate reason for hastening the legislation but, as I said before, a legitimate reason for hastening slowly; not for reasons that are justified other than by the commitment

Extract from *Hansard*
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of the Government to its own political program; and not by the commitment of government for the good order and management of the affairs of the State.

As to Adjournment

Hon DERRICK TOMLINSON: Mr President, I do not believe we should proceed with this motion at this time. I therefore move -

That the debate be adjourned until the next sitting of the House.

Question put and a division taken with the following result -

Ayes (14)

Hon Alan Cadby	Hon John Fischer	Hon Robyn McSweeney	Hon Derrick Tomlinson
Hon George Cash	Hon Ray Halligan	Hon N F Moore	Hon Bruce Donaldson (<i>Teller</i>)
Hon Murray Criddle	Hon Frank Hough	Hon Simon O'Brien	
Hon Paddy Embry	Hon Barry House	Hon W N Stretch	

Noes (15)

Hon Kim Chance	Hon Adele Farina	Hon Ljiljana Ravlich	Hon Ken Travers
Hon Robin Chapple	Hon Graham Giffard	Hon Jim Scott	Hon Giz Watson
Hon Kate Doust	Hon Nick Griffiths	Hon Christine Sharp	Hon Ed Dermer (<i>Teller</i>)
Hon Sue Ellery	Hon Dee Margetts	Hon Tom Stephens	

Pairs

Hon Peter Foss	Hon Louise Pratt
Hon Barbara Scott	Hon Jon Ford

Question thus negatived.

Debate (on motion) Resumed

HON FRANK HOUGH (Agricultural Region) [2.25 pm]: Following Hon Derrick Tomlinson is a bit like Jimmy Durante following Frank Sinatra. However, I will do my best, and I ask members to help me through as I am fairly new to this business. I am still getting to know what a motion or a Bill is. When I grew up, motions were something to do with the kids and bills were something we received. I must say, the kids' motions were similar to the one that we are debating now.

I am disappointed that One Nation was not informed until 11.03 this morning about what was happening with this Bill. As a matter of courtesy, One Nation should at least have been consulted or spoken to by both sides. We should have been given the courtesy of being told what is going on. I came in here at 11 o'clock prepared for the day. I have been in business all my life and I have been to board meetings at which at least the agendas were set down and the only way to vary an agenda was if there was a financial problem with the business or something very urgent needed to be attended to. I do not think this Bill is urgent. We still have another three years and nine months to push it through the Parliament, if it ever does go through.

Hon Kim Chance: That is not actually correct, Mr Hough, because the redistribution is required to be done well before that.

Several members interjected.

The PRESIDENT: Order! Members are departing from the motion before us.

Hon FRANK HOUGH: We still have plenty of time to pass this Bill. I do not see the reason for the urgency. Obviously members of the Labor Party have done a deal with someone, knowing it will get it through. Not one member of the Labor Party tapped on my door this morning or last night. I have not spoken to Hon M.J. Criddle, but I did listen to his speech and I do not think his door was tapped on either. Therefore, like the song *The Finger of Suspicion*, I do not know where it points. I look across the floor and see five smiling faces and I suspect that someone is assisting the Labor Party.

I do not think we should sit beyond five o'clock anyway. The Labor Party has not taken into consideration what I was going to do after five o'clock this afternoon. Members of the Labor Party were not aware that I was going

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to speak at a function at 7.30 this evening. It is rather rude and inconsiderate that they did not take my personal life after politics into consideration.

Hon Simon O'Brien: It certainly is.

Hon FRANK HOUGH: I thank the member.

Hon Kim Chance: Let us get on with it so we can all get out then.

Hon FRANK HOUGH: To be informed today at the start of play that we will have to discuss this legislation and that we are going to work through this evening is very undemocratic. It is also inconsiderate to a person like me who has to leave very early tomorrow morning to go to the country for another function in Narrogin. These things have been planned weeks ahead. This ploy may have been planned weeks ahead, I do not know. It appeared last night or this morning, and that is unfair. I listened to the contributions of Hon George Cash and Hon Norman Moore, who said that they had planned to attend a dinner function this evening. I know that those functions do not take precedence over parliamentary sittings, but I cannot understand the urgency of this debate. One Nation members should have been afforded due care and consideration. Had we been told what the Government intended, we could have prepared to speak for 40 minutes. Obviously I cannot do that, because I am repeating myself already.

Hon Derrick Tomlinson: What did you say?

Hon FRANK HOUGH: I said it will be very difficult to speak on this motion for -

Hon Kim Chance: Stop it Mr Tomlinson; stop it now!

Hon FRANK HOUGH: I am hamstrung by a lack of preparation. I do not know whether I should repeat that.

Hon Derrick Tomlinson: We will assist you along the way.

Hon FRANK HOUGH: I know this is important and that we all have other plans for tonight. It is difficult as a new member to speak after orators such as Hon Norman Moore, Hon George Cash, Hon Murray Criddle and, finally and, in particular, Hon Derrick Tomlinson. One feels rather minuscule - that means small.

The PRESIDENT: I was about to compliment the member on his feet for speaking to the motion before us, unlike other members.

Hon FRANK HOUGH: I thank you, Mr President. I will continue speaking on the motion.

As members know, I have a function to attend this evening. It is most unfair that I will be forced to deprive the 200 people who usually turn up at One Nation functions of my appearance as the guest speaker. It would be a night to remember.

Hon Derrick Tomlinson: Where is the function being held? Perhaps you can get there.

Hon FRANK HOUGH: I will not be able to attend because it is being held at Bassendean. The organisers expect me to arrive before the function so that I can mingle with the crowd. They also expect me to talk about Parliament - how democratic it is and how we are given notice of debate on motions. They do not expect to hear about motions being dropped on us without sufficient time to prepare and when the House is required to adjourn at 5.00 pm. This could go on all night, and that is unfair. Have I mentioned that I am due to travel to Narrogin tomorrow morning?

Hon Derrick Tomlinson: What will you do there?

Hon FRANK HOUGH: I will attend a council meeting.

Hon Paddy Embry: He probably won't be able to go.

Hon FRANK HOUGH: If I am compelled to stay here this evening, there will be a group of very disappointed people. Tomorrow's meeting at Narrogin could be cancelled, and that would be disastrous.

Hon Derrick Tomlinson: Do you consider attendance at that meeting to be a proper part of your parliamentary functions?

Hon FRANK HOUGH: It is. I would be totally disregarding my parliamentary duties if I failed to attend.

Hon Paddy Embry: Members of the Labor Party do not understand representation of country areas.

Hon FRANK HOUGH: The point is that this motion will deprive me of the ability to do that. Only one member opposite comes from the country. That could be extended to two if I were to include the Greens. I suppose I

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should, because it appears that they will support the motion. Hon Kim Chance should understand this. Ironically, he moved the motion.

Hon Sue Ellery: Are you referring to that country area known as Victoria Park? It takes only 10 minutes to get there.

Hon FRANK HOUGH: I come from Ledge Point.

I am surprised that the Leader of the House has moved this motion, given that he is responsible for the agriculture portfolio. He will deprive many people of his presence. It is very unprofessional and unbusiness-like to present members with a motion at 11.00 am to have the House sit beyond 5.00 pm. It would have been courteous to discuss this with the relevant parties.

Anyone in this Chamber who disregards One Nation is very foolish. We have something to contribute. I would like to be a part of the policy-making process over the next four years. It is disappointing that we have been totally disregarded - I do not care by whom. I have made that point 15 times.

Hon J.A. Scott: You should have been told, but I agreed with you the first time you said it.

Hon FRANK HOUGH: What about the second and third times?

Hon Derrick Tomlinson: Why didn't you tell him when you made the deal?

Hon J.A. Scott: It is not my job.

Hon FRANK HOUGH: I must admit that I do not understand fully the procedures of Parliament. However, I do understand business, and the Government has not taken a business-like approach to what I thought was a parliamentary matter. One Nation members are very disappointed.

HON BARRY HOUSE (South West) [2.36 pm]: The Australian Football League grand final will be held on Saturday. I ask members to imagine the scenario of James Hird, the captain of the Essendon team, tossing the coin with Michael Voss, the captain of the Brisbane team. James Hird might say to Michael Voss, "By the way, if we are not in front at the end of the game, we will go on playing until we are in front." That analogy highlights what is being perpetrated on this House.

Hon N.D. Griffiths: We will knock off before Saturday.

Hon BARRY HOUSE: We will stay here until Saturday if we must. Members will not be able to watch the grand final.

Hon Kim Chance: The way we are going, we will be here next week.

Hon BARRY HOUSE: That is terrific! Members on this side will be here.

Hon Kim Chance: The sessional adjournment will not get up.

Hon BARRY HOUSE: If we are compelled to be here, so be it.

Several members interjected.

The PRESIDENT: Order! We are having difficulty hearing the member who has the call.

Hon BARRY HOUSE: The interjections produced a further threat to the series of threats that have been made.

Hon Kim Chance: It is not a threat; it is a natural consequence.

Hon BARRY HOUSE: It is the Labor Party's modus operandi to govern by threat. That is the way it interprets its mandate. Members opposite have a taste of power, and they are exercising it ruthlessly. The Australian Labor Party is into punishment and retribution. It has used those words frequently in this Chamber. The electoral reform legislation is at the core of all this; it is about punishment, as I said in my remarks last night. A core of the Australian Labor Party has seen a window of opportunity to punish a sector of the Western Australian community that traditionally does not support the ALP. It is a deliberate attempt to sideline country Western Australians in the electoral process. What country Western Australians think and how they vote will not matter, because the whole box and dice will be decided in the metropolitan area. That will suit the Labor Party, which could not give a squirt about country Western Australia.

The PRESIDENT: I remind the member that he needs to relate his comments to the first motion.

Hon BARRY HOUSE: I was drawing a parallel with Labor Party thinking and the reasoning behind the motion to extend the sitting hours today so that we can deal with that legislation. That legislation will have a direct impact on country Western Australia, as will this motion.

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A couple of other speakers have told us about the effect this motion will have on members who represent country electorates. I will give members an idea of my week. On Monday I spent a full day in my electorate office in Margaret River. I attended a meeting in Bunbury on Monday night and then drove to Perth. I arrived in Perth about 1.15 on Tuesday morning.

Hon N.D. Griffiths: That does not surprise me; you drive at 40 kilometres an hour - you told us last night.

Hon BARRY HOUSE: The Minister for Racing and Gaming belittles what I have said already without even listening to the rest of my week. During the week I prepared speeches, attended to electorate matters, attended committee meetings and did a series of other things - like every other member in this Chamber. However, because I am a country member I started my week with only five hours sleep on Monday night, which is probably why I was asleep yesterday. In addition to that I have a commitment in Margaret River tomorrow morning at 9.30. That means I must leave Perth at 6.30 tomorrow morning at the latest to get there on time. That might not be of any consequence to members who represent city electorates. However, it is significant to those members who have to get up after a couple of hours sleep, or if the House is still sitting, and drive straight from this place to their electorates. I have to drive to Margaret River to meet my commitment on Friday morning.

Hon Kim Chance: We all did that dozens of time while you were in government, because you kept on extending the sitting time.

Hon BARRY HOUSE: Is the Leader of the House into retribution?

Hon Kim Chance: We have sought to do it once, and you have decided to waste time. This could have been all over by six o'clock. It is pointless and silly.

Hon BARRY HOUSE: The Leader of the House is saying that this could be all over by six o'clock this evening - that is, as long as it goes completely his way!

Hon Kim Chance: It is up to the will of the House.

Hon BARRY HOUSE: Absolutely.

Hon Kim Chance: You are frightened of the will of the House. Why don't you admit that? You are frightened to let democracy exercise itself.

Hon BARRY HOUSE: The will of the House will prevail at the end of the day. Let us see some logic in the Government's reasoning and subject this legislation on electoral change to the will of the people in a referendum. The Government is not prepared to do that.

Hon Kim Chance: I remind the member of 10 February 2001.

Hon BARRY HOUSE: I will come to that in a minute.

Some members opposite have dismissed the Liberal Party function tonight as a party.

Hon N.D. Griffiths: You are contriving your argument.

Hon BARRY HOUSE: The minister has trivialised the event.

Hon N.D. Griffiths interjected.

Hon BARRY HOUSE: If it was not the minister, it was his colleagues.

Hon N.D. Griffiths: Last night you were making things up and you are making things up now. Just stick to the debate.

Hon BARRY HOUSE: It was called a party several times by several members opposite. It will be a sober, reflective function to pay homage to our former colleagues. Members opposite are laughing. Members opposite think it is a helluva joke that those people are out of Parliament; they think that is terrific. We thought it was terrific when some Labor members were knocked out in past elections too. However, certain niceties and common courtesies exist in life in general.

Hon Kim Chance: Your Government prevented us from attending our functions. For example, our electorate officers' Christmas function last year, when you did exactly this.

Hon BARRY HOUSE: Was that because we called the election?

Hon Kim Chance: No, because you sat over time, and I am sure you had very good reasons for it.

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Hon BARRY HOUSE: I do not recall that. However, if that is the case it proves my point that members opposite are looking for retribution. Members opposite take the view that they can get back at members on this side now they have the power to punish us. This is their big chance! If members opposite abuse these common courtesies and privileges, it will come back to bite them on the backside. Members opposite all know that. I am sure that members who think about these things for more than a couple of seconds will acknowledge that.

The other point, and it has been mentioned before but is important to elaborate, is the lack of urgency. What is the urgency? Anybody would think the world will end if we do not sit beyond 5.00 pm today and this legislation is not referred to the Legislation Committee. Let us have a good look at that. We have not finished the second reading debate. Referrals to committee traditionally have only two opportunities at which to occur. One is after the second reading speech by the minister and before the second reading debate in this Chamber - although generally that has been frowned upon, and rightly so. The most common time for referral to a committee is after debate on the second reading is finished and the vote has been taken. That is so that the standing committee's deliberations on the Bill are an extension of the House's consideration in committee. We have heard some nonsense today about the fact that the substance of the Bill is to be referred, not the Bill itself. That is completely foreign to me and I cannot understand it. However, there is certainly no urgency for the Bill to be referred to the Legislation Committee.

The other point to support the lack of urgency is that we have seen no evidence of haste in the past couple of months. We have dawdled through debate on the Electoral Amendment Bill with only one or two speakers a day, so that members' contributions to the second reading are nowhere near finished. If there is this great rush and urgency to finalise debate on the Bill by five o'clock this afternoon, we have seen no sign of it prior to today. That makes one wonder whether the signs have come from elsewhere, and influence is being exerted from outside this Chamber. We have already heard about the Attorney General's role in this.

The legislation compelling the Electoral Commissioner to review the electoral boundaries and make the significant changes involved is worded in such a way that it is not definitive. The Electoral Commissioner does not have to do that by February 2002. He has a degree of latitude about when he must conduct a redistribution. We all know that a redistribution must be done regardless of whether there will be changes to the Electoral Act after debate on the Electoral Amendment Bill.

The minister laughs and holds up a sign. Perhaps he would like to share it with everybody, so that we can know what he wants to say?

We have no need to rush the Bill through in the Government's time frame. We have heard inconclusive speeches from some of the Greens (WA) members in this House about which way they will vote, what they will support and in what form. The issue is fluid to the extent that *The West Australian* carried a small article this morning and ABC radio reported this morning the Green's attitude to the latest round of negotiations with the Minister for Electoral Affairs and the undertaking the Greens think they have extracted from him. I emphasise the word "think". I can assure the Greens that, given half an opportunity, the Minister for Electoral Affairs will shaft them, along with everybody else, as people caught up in the finance brokers situation found to their horror.

During that debate - I should not repeat it - I likened certain behaviour to that of a paedophile. However, I was not accusing anyone of being a paedophile. A paedophile woos his victims, wins their confidence, feeds them with lollies, abuses them and throws them in the gutter. That is exactly the behaviour the Greens need to be careful of.

Point of Order

Hon DEE MARGETTS: Even in illustration, I object to any reference to sexual defilement. It is not a reasonable way to describe in this Chamber the behaviour of one party to another.

The PRESIDENT: Order! I do not think there is a point of order, but I will listen carefully to the member's speech concerning its relevance to the motion.

Debate Resumed

Hon BARRY HOUSE: The legislation is still being compiled. We do not know what the final form of this Bill will be. It is a very fluid, flexible situation. I am suggesting that if the Greens think they have an undertaking, they should get it in black and white and in this legislation before the House during this debate. If they do not do that, they will be ditched and thrown in the gutter as quickly as anyone else.

It is worth drawing a parallel with an incident in history. The last significant change to the Electoral Act was made in an amending Bill passed about September 1987. It was a major change to the Electoral Act. New boundaries had to be drawn, particularly for the Legislative Council. The election prior to that was in February

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1986. The time between the 1986 election and the passing of that electoral legislation was about 18 months. We should also remember that the electoral term for a Parliament was then three years, not four years. The election after that was due in February 1989. The Electoral Commission had probably only six months to draw up the boundaries and advertise the submissions and the final determination issue. The election in 1989 was fought on those new boundaries. That took far less time than the Opposition is seeking for this Bill.

The legislation before us repeals the previous legislation, so we are not bound by any time frame within the previous legislation, if that is the will of the Government. It can create another timetable. We should ignore the nonsense about the Bill being urgent. In 1987-88 when the new boundaries were drawn, the technology available to the Electoral Commissioner was nowhere near as sophisticated and superior as it is these days. Boundaries can be drawn with a great deal more accuracy and far more quickly than they could be 13 years ago. As a lesson in history, that refutes the need for urgency.

Hon Kim Chance: It does not explain why you are so determined that the people of Western Australia should not be given a chance to discuss this Bill. What is your purpose?

Hon BARRY HOUSE: I cannot believe the Leader of the House can sit there with a straight face and say that.

Hon Kim Chance: We want the committee doing the work out in the community, and you are blocking it.

Hon BARRY HOUSE: We want the Government to put the whole question to the committee.

Hon Derrick Tomlinson: Send out the whole Bill - take it to the country. Test country people. Let us have a real referendum.

Hon Kim Chance: The Government is doing more than that; it is sending out the whole Act, which is broader than the Bill. I do not think you understand what the motion says.

Hon Derrick Tomlinson: Test the support for the substance.

The PRESIDENT: Order! Hon Derrick Tomlinson has already given his speech on this motion, even though it was not particularly relevant.

Point of Order

Hon DERRICK TOMLINSON: You made some comment, Mr President, that my speech was not relevant. Had it not been relevant, surely, Mr President, you would have called me to order.

The PRESIDENT: I believe it was sufficiently, if not totally, relevant.

Debate Resumed

Hon BARRY HOUSE: I cannot believe the Leader of the House made that interjection with anything like a straight face. He knows very well that we have been asking the Government to hold a referendum on this proposed change. If a referendum were to prove the community wanted it, so be it. At second best, the Leader of the House should allow the entire legislation to go before the Legislation Committee, not selective substance extracted from the Bill, as the Government is advocating.

Hon Kim Chance: It is not the Bill that is going to a committee; it is the Act - read the motion - which is much broader than the Bill.

Hon BARRY HOUSE: The Government wants to delete clauses from the Bill.

Hon Kim Chance: We will include them, if you like. Will you support it then?

PRESIDENT: Order! This matter is subject to a subsequent debate.

Hon BARRY HOUSE: The Opposition will remind the Leader of the House that he said, "We will put them in if you like."

Hon Kim Chance: Good. Get on with the debate and finish this nonsense.

Hon BARRY HOUSE: The Bill should be referred to the committee under the usual conditions after the second reading debate.

Hon Kim Chance: It will not be finished by Christmas.

Hon BARRY HOUSE: Rubbish. About six members from this side of the House have yet to speak. I doubt whether any members from the government side will speak.

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Hon Kim Chance: There will be a three-week wastage. Two weeks recess and a week of estimates will mean that three weeks of the committee's time will be wasted.

Hon BARRY HOUSE: The time frame to complete it before Christmas is in the mind of the Minister for Electoral Affairs.

Hon Kim Chance: It is the Government's view.

Hon BARRY HOUSE: There is no reason for that whatsoever.

This motion is to sit beyond 5.00 pm today to consider a motion concerning standing orders. This motion has been moved because the estimates are to be held in a couple of weeks, and the proposed changes to standing orders relate to the Estimate Committee hearings.

Hon Kim Chance: And because I gave an undertaking to the House management committee.

Hon N.F. Moore: We gave an undertaking that we would not deal with it. You have not brought it on; you have wasted time on this motion.

Hon BARRY HOUSE: I presume that is still to be dealt with after 5.00 pm.

Hon Kim Chance: Yes.

Hon BARRY HOUSE: I appreciate the reasoning behind that. We have been waiting for several weeks for it to be brought on. The Leader of the House has mucked around with everything else, it seems, except something that he has identified as the most important matter.

Hon Kim Chance: No. I have had persistent requests from your side not to deal with the matter until later.

Hon N.F. Moore: You have received consistent requests from us to tell us what you are doing with it. Now we know, which is a great help.

Hon BARRY HOUSE: Normally, those proposed changes to standing orders would go through this House in two or three minutes, having been considered thoroughly, previous to that, by a committee, with all parties involved in the preparation of a consensus report, and with the proposed changes to standing orders coming out of the recommendations in that report. Because that has not been done this time, a lengthy debate on that can also be expected. That is sad, because it reflects on the way the Leader of the House has elected to run the House. It is not a constructive way to run the business of the House. It does not achieve outcomes by a reasonable consensus. It seems as though the Leader of the House is hell-bent on there being an adversarial approach to, and debate on and conflict about, every piece of legislation, every motion and every Bill that comes before the House.

We were also told a couple of days ago that the Liquor Licensing Amendment Bill, in which I, as the opposition spokesman on those matters, have been involved, was important and had to be dealt with this week. A number of members spoke during the second reading debate on Tuesday. We were told that the response from the minister would be today, Thursday, and that the Bill would go straight into the committee stage. I think there is general agreement on one proposed amendment that has been reworked a couple of times.

Hon Kim Chance: We would have to get on to orders of the day to do that. You have not allowed us to get on to orders of the day.

Hon N.F. Moore: That is because you came up with this silly motion at the start of the day. You moved the first motion.

Hon BARRY HOUSE: That is right. The Leader of the House is hoist with his own petard.

Hon Kim Chance: So it is all our fault.

Hon N.F. Moore: It is.

Hon BARRY HOUSE: That is right.

With the Liquor Licensing Amendment Bill, another wild card has been thrown in. I know I am not allowed to talk about that, Mr President. I am not even allowed to ask a question on it. I have no idea why a proposal has emerged out of nowhere to split that Bill in two, which will complicate matters even further.

The PRESIDENT: The member is quite correct in his surmise.

Hon BARRY HOUSE: Yes, I thought I was. I have mentioned the support of the Greens (WA) for this motion. One of the nice things that has resulted from minor parties, such as the Greens, the Australian Democrats and,

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previous to that, Independent Reg Davies, holding some degree of influence and control in this House is that the sitting times have become far more civilised. In my first five years in this place, they were pretty horrendous. Sitting times were all over the place. We had many late nights. We had quite a few breakfasts here, having sat all night. In my early days in this place, I recall wondering why the hell I had inflicted that upon myself, coming into a workplace where I had such an irregular existence. There was no routine. I guess the best and most accurate advice I ever got was from our leader at the time, Barry MacKinnon, who said that the only certainty about this place was the uncertainty. I quickly realised that he knew what he was talking about. However, that does not help when one is trying to organise one's personal life, nor does it help when we, as members of Parliament, are trying to organise our business. We have many roles in the community as well as in the Parliament. I know that our parliamentary role is paramount; however, members know what I am talking about. It certainly does not help our reputation and credibility in the wider community. The community thinks we are mad. It thinks we are the most incompetent individuals in the world. If we have a set agenda and a set time frame to deal with matters, and they are thrown out the window at the whim of somebody who decides that his personal or political agenda is far more important than the orderly management of the business of this State, that reflects poorly on all of us, as legislators. The buck stops somewhere. The responsibility comes back to the Leader of the House, because he drives these matters.

Hon Kim Chance: Incidentally, I am the first Leader of the House to supply a set agenda. I thank you for that compliment.

Hon BARRY HOUSE: I would thank the Leader of the House if it meant anything.

Hon Kim Chance: It has.

Hon BARRY HOUSE: Let us see. We are about one-third of the way through the first page of today's agenda.

Hon Kim Chance: In that case, I will have a word to government members about their contribution to the time wasting.

Hon BARRY HOUSE: The Leader of the House knows what we are doing, as does the Opposition.

Hon Ken Travers: What are you doing?

Hon BARRY HOUSE: We are trying to convince the Government that it is not necessary to sit beyond 5.00 pm, for the reasons it has outlined. The urgency the Government is trying to attach to the Electoral Amendment Bill does not exist. It is only a personal and political motivation of the Minister for Electoral Affairs, who wants to rush through this legislation, and get it all signed, sealed and delivered by Christmas. He wants it off the agenda by Christmas.

Hon Kim Chance: It is the Government's view, not simply the Minister for Electoral Affairs' view.

Hon BARRY HOUSE: I am pleased the Leader of the House takes some responsibility for it.

Hon Kim Chance: I do.

Hon BARRY HOUSE: Good. We can blame the Leader of the House as well. It is not necessary to rush through the legislation. The Labor Party is dead scared that the Greens will not honour their undertaking. It is trying to rush them to the barrier as quickly as possible and confuse them with as much background information and misinformation as it possibly can. If the Greens are totally naive, they are in danger of swallowing some of that. Therefore, they will end up with nothing, and the State of Western Australia will end up with legislation that badly disjoins the electoral representation in this State. The result in this place will not in any way be fair and equitable representation of all the interests in this State. The House should not sit beyond 5.00 pm for a number of reasons. I have tried to outline a few of them. It is unnecessary to sit beyond 5.00 pm. It is for the wrong motives and discredits all of us.

HON RAY HALLIGAN (North Metropolitan) [3.08 pm]: In this Chamber we look for some form of leadership from Hon Kim Chance. We need him to show us the Government's intent on legislation. That should not be just on an hourly basis or, as we found this morning, within minutes of Parliament sitting. It should be more long term, so that we can, as Hon Barry House said, identify the times we will have available to undertake the tasks that, as members of Parliament, we must all undertake. Being in this Chamber is but one of those tasks. We have heard mention of the will of the House. It is true that if it is the will of the House that we sit beyond the times that we had decided previously, that will be the case. However, the standing orders reflect the will of the House. They were written some time ago, and I do not deny that they have been amended, as necessary, to reflect the will of the House. When we decide what we will do on a day-to-day basis, we take into consideration the times that are included in the standing orders. Members have mentioned certain situations that occurred some time ago, and Hon Nick Griffiths referred to something that happened in 1994. Many members of the

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House were not around in those days; therefore, they were not party to the events that occurred and have no knowledge of them. It is important that we always remember that we cannot change the past, we can only learn from it, but we can certainly change the future. A number of speakers to this motion have suggested that certain members on the other side of the Chamber are out for retribution and I sincerely hope that is not case. However, it is good that the Minister for Local Government and Regional Development is here, because -

Points of Order

Hon TOM STEPHENS: I know that I have only just come into the Chamber, but I thought we were dealing with the motion that the House sit beyond five o'clock. However, the debate that I have heard since I arrived in this Chamber has had nothing to do with that motion.

Hon GEORGE CASH: Clearly Hon Tom Stephens has no comprehension whatsoever of what has been said. If he had been present in the Chamber he would understand that Hon Ray Halligan's comments are completely relevant to the motion before the House. One of the problems that Hon Tom Stephens has is that he forgets what he has done in this place in the past. He should know that there are many people who do not forget, in particular, how he organises his charter arrangements.

The PRESIDENT: Members have made their points, and there is no point of order.

Debate Resumed

Hon RAY HALLIGAN: Thank you, Mr President. I am pleased the minister has taken his seat, because just prior to the point of order I mentioned the word "retribution" and when a member spoke previously in the debate Hon Tom Stephens mouthed the words - I sincerely hope they were picked up by Hansard - "It was your turn, this one is ours", or words to that effect. If that is not retribution, I do not know what is. While we look to the Leader of the House to provide direction to the House and to give members the opportunity to agree or disagree by way of debating and voting on issues, it is most important that the traditions and conventions of this place be remembered. If we had to detail everything that must be done in this place, our standing orders would be much larger. I have not been in this Chamber very long, but I have heard other members who are far more experienced and more eloquent than I, express those sentiments, and they are sentiments with which I concur easily. The traditions and conventions of this place are particularly important. We should not ride roughshod over them, and they should be considered at all times. If we ignore them, and do not have standing orders to take their place, there is no doubt that anarchy would quickly prevail.

The Leader of the House has moved that the House sit beyond 5.00 pm. My difficulty, probably not so much with the motion, but with the explanation behind the motion, is that the Leader of the House has yet to convince the House that it should sit beyond 5.00 pm, "convince" being the operative word. We can all mouth reasons and excuses, but we need to be convinced. The explanation we have been given is that the time lines are short for establishing the borders for the electoral redistribution. This is exactly the same as any number of arguments; that is, the Government believes one thing and the Opposition believes another. It would have been a little easier if the Government had come forward with a letter from the commissioner which stated that he must have the information or must be placed in a certain position by a certain date. If that had taken place there would be no argument. At the moment we either take the Government's word for it, or it takes ours.

Hon Ken Travers interjected.

Hon RAY HALLIGAN: The Act is there, but it still comes down to interpretation.

Hon Kim Chance: The Electoral Commissioner is required to do things at certain times; it is a reasonable argument that he can do them later, and I accept that argument. However, the Government has determined that it fits in with its legislative program, and it fits in with the commissioner's requirement, to conclude the debate this year.

Hon N.F. Moore: And it is tough for the Parliament. The legislative program is a decision of the House.

Hon Kim Chance: How many times have you told me the importance of time frames?

The PRESIDENT: Order!

Hon RAY HALLIGAN: We have just heard a reasonable argument from the Leader of the House, and that is the reason for this debate: the Government believes one thing, and the Opposition believes another. We are trying to convince the Government that, for a variety of reasons, which I will go into shortly, there is no need to sit beyond 5.00 pm. Hon George Cash mentioned that this House is somewhat different from the other place. It has been termed a bear pit on occasions, and certainly people that sit up in the -

Hon Ken Travers interjected.

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Hon RAY HALLIGAN: I am not talking about the Labor Party Caucus room; I am talking about the Legislative Assembly. There is no doubt we have better décor in this place - the ceilings and the glass are better. However, the decorum, demeanour, dress and delivery of speeches in this place, with some unfortunate exceptions, is invariably much better.

Hon Ken Travers interjected.

Hon RAY HALLIGAN: That is a good interjection, because I have a note which asks, “Are things dropping?” and unfortunately they certainly are.

Hon Ken Travers interjected.

Hon RAY HALLIGAN: It is marvellous that Hon Ken Travers was able to choose a name. It is not necessarily the name that I would have chosen, but he chose it for me when I mentioned that things were dropping in this House. Hon Derrick Tomlinson quite rightly said that when we deal with a piece of legislation that is as important as that which will be before us as soon as the Leader of the House places it before us, we must hasten slowly, because haste will create enormous difficulties in the near future. We also have a situation in which people have been saying, quite rightly, “Let it be the will of the House”. That is correct; whatever happens in the next few hours will most definitely be the will of the House. The will of the House includes both the major and minor parties in this place, but, more importantly, it includes those who have what is termed the balance of power. They have an onerous task. With that balance of power, they are the arbiters and they will make the final decision. However, they must consider the will of the people - what do the people want, not what does the party want. Nor should they concern themselves with any self-interest. Their concern must definitely be the will of the people. Unfortunately, we have found that on one issue - the urgency motion - they were unaware that the will of the people was not in accord with their wishes. I sincerely hope that members give serious consideration to the will of the people before they vote on this issue and the many issues associated with the Bill.

Hon Dee Margetts interjected.

Hon RAY HALLIGAN: The numbers did not agree with the Greens; 53 per cent of Australian Democrats wanted those people sent back from whence they came. Yet, one of its number said that only the minor parties were bringing forward this issue and suggesting that something should be done to bring those people to Australia. That was not correct. The will of the people was completely different from that which one of the Greens was espousing at the time.

Hon Dee Margetts interjected.

Hon RAY HALLIGAN: Is that the way the member will debate this issue as well - by explaining how many were for it and how many were against it?

Hon Dee Margetts interjected.

Hon RAY HALLIGAN: The member took me down that particular path. People have been in this situation in the past. Senator Harradine had virtual control in the federal Senate with one seat and very few votes Australia-wide. He was able to gain considerable benefits for his State. I applaud him for being able to do that, but I do not think our forebears ever envisaged a situation such as that. More recently, the Australian Democrats have control in the federal Senate and we know of the current mishmash with the goods and services tax because of their interference and control with only eight members.

Everyone in this House would agree that what we are after at some point is relatively easy passage of legislation through this place, whether it be a result of debate in this House or discussions behind the President’s Chair.

Hon Louise Pratt: A gerrymander does not count!

The PRESIDENT: Order!

Hon RAY HALLIGAN: I am afraid that I did not get the relevance of that; it is probably much better that I did not.

We are after easy passage of legislation, whether in its original form or in an amended form. We certainly do not want to see one will pitted against another. I sincerely hope that we may see in this debate the easy and reasonable passage of the legislation without one will being up against another.

We have talked about the substance of the Bill. The Leader of the House mentioned the substance of the Bill as well as those provisions that would be excluded from the matter that is to go to the Standing Committee on Legislation.

Hon Ken Travers: Are these speech notes?

Hon Kim Chance; President; Hon Norman Moore; Hon George Cash; Hon Peter Foss; Hon Dr Chrissy Sharp;
Hon Murray Criddle; Hon Derrick Tomlinson; Hon Frank Hough; Hon Barry House; Hon Dee Margetts; Hon
Ray Halligan; Mr Tom Stephens; Hon Bill Stretch

Hon RAY HALLIGAN: The Leader of the House said that it was from the Act.

Hon Kim Chance: That is correct.

The PRESIDENT: Order! Whether it is from the Act or from the Bill is not necessarily related to this debate.

Hon RAY HALLIGAN: No, it is not related to the debate. However, I will explain to the Leader of the House that he needs to re-read the motion, because he is incorrect; it talks about the proposed part, not about the Act itself.

Hon Kim Chance: It talks about the matters that are the subject of the Act which are proposed to be inserted.

Hon RAY HALLIGAN: Again, we will agree to disagree, and that is the whole purpose of this debate.

Hon Ken Travers interjected.

Hon RAY HALLIGAN: Will Hon Ken Travers speak on this motion? No? Then he should let me finish my speech.

We have heard that a number of people wished to do certain things this evening. I am certainly one of those people. As many members in this Chamber would understand, as a member of Parliament I do not get to see my family all that often - nowhere near as often as I would like. Tonight was one of those nights when I was going to see my wife and sit down and enjoy a meal with her. If that is not to be, that is not to be. I would be very interested to know whether any Labor or Greens members have had to cancel engagements this evening, and when they may have done so.

Hon Louise Pratt: About half an hour ago.

Hon Derrick Tomlinson: They knew in advance.

Hon RAY HALLIGAN: That is right. That is exactly what I am getting at.

Hon Sue Ellery: We did not know.

Hon Derrick Tomlinson: You did not know! He did not even discuss it with you! Good grief!

The PRESIDENT: Order!

Hon RAY HALLIGAN: We can be trivial about things that may need to be forgone this evening, and levity is all important periodically. However, some serious matters should be taken into consideration, and I will mention just one. I am not suggesting for one moment that there are not many hundreds of others. I received a call late yesterday afternoon asking me to go to the blood bank. Yes, the blood bank is open on Thursday evenings. As it happened, I went there at eight o'clock this morning and I gave two bags of platelets, which are for leukaemia sufferers. However, that may well have been at 5.30 or six o'clock tonight.

Hon Kim Chance: We would have paired you.

Hon RAY HALLIGAN: There is always a simple answer. I am suggesting that that is only one of certain serious things that may have been occurring. They were all in place because we looked at the standing orders, which say that we will finish at five o'clock. Members do these things in advance.

Hon Tom Stephens: We will give you a pair; we will give you all pairs!

Hon RAY HALLIGAN: No; I think I will pass on that offer from the minister. Unfortunately, what we have at the moment is not a pass, but an impasse, because members opposite have a belief in one thing and we have a belief in something else. Members opposite believe that there is an urgent need for this to matter to go forward. It is not so much a matter of urgency anymore; it is part of the Government's legislative program. It is the Government's timing.

Hon Kim Chance: At the requirement of the commissioner.

Hon RAY HALLIGAN: We have agreed now that it is not urgent. It is not urgent as far as the commissioner is concerned. The Leader of the House has rightly said that it is part of the Government's legislative program, and that is his prerogative.

Hon Kim Chance: The commissioner needs to start on this in February.

Hon RAY HALLIGAN: He does not, and this is where we agree to disagree. That is why I said to the Leader of the House that if he tabled a letter in this House saying that the commissioner must have the legislation by a certain date, obviously we would look at it. Otherwise, he is asking me to listen to his words and be convinced. I am not convinced.

Hon Kim Chance; President; Hon Norman Moore; Hon George Cash; Hon Peter Foss; Hon Dr Chrissy Sharp;
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Hon Barry House: The fact is that the commissioner is already modelling several scenarios, and you know that.

Hon Kim Chance: He can start early. Presumably, he is doing that because he needs to get on with it by February.

Hon RAY HALLIGAN: No, not by February. The Leader of the House is using February as a finish date; that is, that the matter must be concluded by that date. That is not the case. This is part and parcel of our problem. In fact, from members' interjections and certain comments that have been made, it appears to be the core of the problem. We do not see the urgency. We understand where the Leader of the House is coming from; the legislation is part of the Government's legislative program. We do not see the urgency that the Leader of the House sees. For that reason, we do not believe that it is necessary to sit beyond five o'clock.

HON W.N. STRETCH (South West) [3.30 pm]: I cannot support the motion moved by the Leader of the House. It is a disgusting, devious and most discourteous motion.

Hon Kim Chance: What? To sit late? Was every time you sat late disgusting, devious and discourteous?

Hon W.N. STRETCH: The Leader of the House should be quiet. This is not a union meeting. This is not a bullyboy forum.

The PRESIDENT: Order! The member has the right to be heard in silence.

Hon W.N. STRETCH: Thank you, Mr President. The Leader of the House might acknowledge that at some stage. This motion is most unnecessary at this time. This is not the time to bring in these sorts of tactics. It is time we called a spade a spade. We know why the Government wants to get this motion and this legislation through urgently: it is because it knows that this legislation will not withstand public scrutiny. The Government wants to bully this legislation through as quickly as it can. I will give the Leader of the House credit and will at least pay him the compliment of thinking that he must have been snowed by the Minister for Electoral Affairs, who is handling this Bill in the other place. The Leader of the House has said that he takes ministerial responsibility. That is noble and proper. However, I bet he is sorry -

Hon Kim Chance: No.

Hon Barry House: It is even worse if you do not give a damn about it.

Hon Kim Chance: I am not sorry, but I do care about democracy.

The PRESIDENT: Order!

Hon W.N. STRETCH: I do not know how the Leader of the House, as a country-based person who represents a country region, and who represents the agriculture and regional development portfolios that he does, can sit here and be deaf to the opinions of rural people.

Hon Ken Travers: Because he is not unprincipled like your mob.

The PRESIDENT: Order!

Hon W.N. STRETCH: I wanted to hear that. What was that?

The PRESIDENT: Order!

Hon W.N. STRETCH: Members opposite cannot bully me. This is not a union meeting. They do not necessarily have the loudest voice here.

Hon N.D. Griffiths: Go and talk to Noel Crichton-Browne!

The PRESIDENT: Order! The interjections will cease.

Hon W.N. STRETCH: Members opposite really are desperate. They are throwing in every red herring they can think of -

Hon Kim Chance: That is good coming from you after what you have just said!

Hon W.N. STRETCH: - to divert attention from what they know is flawed, unpopular and narrowly secular legislation that will wither -

Hon G.T. Giffard: That you campaigned against, and lost.

The PRESIDENT: Order! The member would be aware that he needs to relate his comments to the motion for an extension beyond 5.00 pm.

Hon Kim Chance; President; Hon Norman Moore; Hon George Cash; Hon Peter Foss; Hon Dr Chrissy Sharp;
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Hon W.N. STRETCH: Mr President, I thought you would have had the perception to understand the connection between this motion and the obvious disagreement from members on this side of the House. We do not regard this matter as urgent. We know that this mishmash will not withstand public scrutiny. That is the reason that the Government wants to rush it through this House by 5.00 pm and wants the consideration by the Legislation Committee to be concluded by 26 November; it is so that the legislation can then be buried away quietly. I have to give the Labor Party credit: it is probably the best planner in Australia. It has provided some of the shrewdest political activists -

Hon Barry House: Tacticians.

Hon W.N. STRETCH: Yes; "tacticians" is probably a better word than "activists"; I do not quite know where to draw the distinction here. This has been planned for many years. This is probably what the Labor Party would regard as a final step in ensuring that Western Australia will have a Labor Government for ever. That is okay for the Labor Party if it cares more about its party than it cares about its country and its State. However, that is no justification for trying to rush this legislation through on this basis. The device that the Labor Party is trying to promote is the rushed referral of this legislation to the Legislation Committee; and although that motion is not exactly relevant to the motion for an extension beyond 5.00 pm, it is the reason for that motion, because if that agenda was not driving the Labor Party, we would not have this motion. Therefore, the two matters are related and must be touched on. It is evident that the powers that be - and I do not believe they are in this House; the agenda is driven from the other House - are keen for this legislation to go through the Legislation Committee virtually untouched; therefore, the gutsy part of the legislation will be excised from the legislation that that committee will examine. From the point of view of the Legislation Committee, that is quite unsatisfactory. It would be better if the Government were to refer all of the legislation to that committee, so that the committee can decide what it will examine. I say that because in the past, when legislation has been referred to the Legislation Committee on a partial basis, the committee has inevitably found further down the track that there is a relationship between the subject matter that has been referred to the committee and the subject matter that has been exempted from referral. Therefore, it would be better in the long run to put the whole lot before the committee and see what comes out of it.

It has been stated very clearly that from the point of view of the job of the Electoral Commissioner, there is no great urgency to get this legislation through. It has been pointed out that the process of effecting a redistribution has become more streamlined and we have come a long way from the sorts of questions that were asked in earlier redistributions. For example, when one of the commissioners was asked whether a particular town should be included in a redistribution, he said that what we need to decide is where they play football. I thank Hon Barry House for his football analogy, because there are some other parallels there too. I sat in front of the commissioner and argued that a particular town should be put into a certain area, and the commissioner asked me quite bluntly, "Where do they play football?" I said I did not think that was as relevant as where their export ports of influence are. However, the commissioner overruled the fact that that town sent its product through certain ports that would have been included under my proposition and said, "That is not relevant. What is far more important is where they play football." I told the commissioner that if that was his attitude, that town was planning to move to a different football league because its current league was not convenient, to which he said, "It is where they play football now that matters."

I tend to take this sort of agenda with a grain of salt when it is sought to be forced upon the House on the basis of what I regard as fairly tenuous evidence. It is important that the Bill go forward. I would rather that the legislation be sent to a well-conducted referendum, because that would save the committee the time that it would take to examine this legislation. I believe that to refer the legislation to the Legislation Committee now in the form in which it is planned to refer it would be a fairly pointless exercise. That process would be a greater waste of time than if the Government were to bite the bullet and say, "We know that this legislation is unpopular. We cannot measure how unpopular it is. Therefore, we will take it to the people directly and see whether we are right or the Opposition is right."

I do not know where the Government will go from here. It can drag this out for as long as it likes. The House can sit beyond 5.00 pm. Earlier today, I had to leave the House for a moment, and as I walked past the dining room one of the staff asked me whether I had any idea when the House would rise; and I said no; he would have to ask the Leader of the House. He asked me when we would know, and I said we would probably have a fair indication at 4.55 pm. He then said, "That is not too good. We have got a dinner on tonight, and if the House is sitting, we will need to feed the members of the House who are here, so it will play hell with us." For that reason also, I believe this is a discourteous act. If the Leader of the House were to bring the House back next week - I guess that would be his decision - it would certainly be more honourable than the course of action in which he is engaged now. This Parliament does not run simply at the whim of this House. A lot of other interlocking

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activities take place. One of the Hansard people asked me whether we would be sitting after 5.00 pm, and I said, "God only knows." When the lower House found out that a dinner for retiring members was to be held tonight, it was kind enough to accommodate that by saying, "In that case, it would be better to knock off this afternoon and not have an evening session of the Assembly Estimates Committees." That was a very decent and much appreciated approach from my point of view, because I happened to be helping in a fairly major way to organise that dinner. As has been pointed out, this is not the end of the world. It is not the major issue; it can be accommodated. I guess Hansard could come back later; I guess the people in the dining room could find somewhere to feed everyone else; I guess they could cancel the dinner; I guess we could dine on pretty high level tucker tonight, which has been organised for about 80 or 100 people. I ask the Leader of the House to think about the consequences of this effort. It is not being orchestrated by members of this House; the strings of this House are being pulled from another place. This is nothing new to us. I think Premier Burke on an earlier occasion stormed up from the Legislative Assembly and endeavoured to cancel pairs in this House. He just told the Whip that pairs were off, and that was it, but to the credit of the Whip at that time, he said, "That may be so, but I have given an undertaking to give a pair and I will personally honour that pair, even if my party censures me for it." Government members know who the Whip was at that time, and that earned him incredible respect.

It is not unusual for the Assembly to attempt to bully this House, but it is not a proper course of action at any time. We must consider very carefully the course of action that has been put to us. I repeat, I find this a very devious way to go about getting this legislation forced through. The agenda of the Labor Party is as clear as day: rush it through, bury it quickly before the next election and hope that the rural anger and the anger among city people dissipates over time.

Hon Barry House: They are afraid of a groundswell.

Hon W.N. STRETCH: Absolutely.

Hon G.T. Giffard: We had a groundswell in February.

Hon W.N. STRETCH: It was 37 per cent, you poor man!

The PRESIDENT: Order! We are getting diverted from the motion before us.

Hon W.N. STRETCH: The interjection says it all. We will get to some very apposite quotes on mandates and things when we come to discuss the legislation in full. Perhaps the member's interjection will then be more apposite. I would then find it easier, Mr President, to stick to the motion and discuss why it is unnecessary to sit beyond five o'clock.

I repeat, I find it unnecessary. I think it is a very, very weak argument. I do not see the urgency. I do not think it is worth the inconvenience to a lot of people to rush this through on the whim of what is an ideological-type crusade. I do not know the internal workings of the Labor Party, but it is certainly not driven by the majority. It could well be held by a majority, but it does not have unanimous support, because a lot of members from the rural areas have expressed concern that it will cause them a great deal of discomfort. They recognise that it will not give their people what they want. It is just an attempt to rush this legislation through and blind people with haste, but if this happens we will have a more difficult task to - as Whitlam said - maintain the rage. It would be far preferable to give the Legislation Committee a chance to examine all the relevant parts of the legislation, with no exemptions set by this House.

Hon Barry House: With a decent timetable.

Hon W.N. STRETCH: Yes, I think we could set a reasonable timetable. Somewhere along the track the whole thing has to be given full public scrutiny to see where the support and where the groundswell is for this legislation. I therefore do not think it is proper to take this albeit small step of disrupting the running of Parliament for the sake of pursuing this very, very narrow agenda, which in my view and in the view of many people is not in any way demanded by a majority.

[Continued on page 4308.]

Sitting suspended from 3.45 to 4.00 pm