

**MEMBERS OF PARLIAMENT, DRAFT CODE OF CONDUCT**

*Statement by Leader of the House*

**HON KIM CHANCE** (Agricultural - Leader of the House) [3.03 pm]: I am pleased to advise the House that the Government has moved to honour its election promise to introduce a draft code of conduct for members for consideration by Parliament. The draft code has been forwarded to you, Mr President, for consideration by the Standing Committee on Procedure and Privileges. As the Premier has stated on a number of occasions, this is a reforming Government, particularly in the area of integrity and accountability.

Several members interjected.

Hon KIM CHANCE: I gladly note the Opposition's keen support for that statement.

This Government is intent on reforming Western Australia and is not content to sit back and wait for someone else to take the initiative.

*Point of Order*

Hon PETER FOSS: I do not think this ministerial statement fits within the standing orders, which prescribe that such statements should be free of contentious material. I think this statement is highly contentious and political. It might be okay in the other House, but it does not fall within the intent of our standing orders.

The PRESIDENT: There is no substance to the point of order. I note the member's point. I am aware that other places have clearly defined standing orders in this regard. The practice of this place has been to keep statements short and free of contentious material. The shortness aspect has been obviated through the change to the order of business and the provision of a full hour for debate. We will let the Leader of the House continue, and we shall learn of the content.

*Debate Resumed*

Hon KIM CHANCE: Thank you, Mr President. I assure honourable members that this is a short statement. In its third report, the Commission on Government concluded -

... it is beneficial to have codes of conduct for Members of Parliament.

It also accepted -

... that if a sense of ownership of and commitment to a code is to be achieved, it is essential that the people who are affected by it should be involved in its development. The degree of detail in which the code is to be drafted, should also be left for the members themselves to decide.

In delivering on its election promise and the recommendations of the commission, the Government recognises that it has a role in providing the impetus for a code, and that members of Parliament and the Parliament itself should be responsible for determining its final form. For this reason the Premier is referring the proposed code to the Parliament for consideration.

In drafting the code, consideration was given to existing and suggested codes of conduct for members of Parliament throughout Australia and overseas, with particular attention paid to the code that exists in New South Wales. The draft code deals with issues such as conduct, disclosure, gifts, use of public resources, use of confidential information, proper relations between ministers and the public service, freedom of speech, misleading the Parliament or the public, and duties as a member of Parliament. This code is intended to assist members in their everyday conduct as members of Parliament, particularly in determining whether their conduct amounts to a conflict of interest, and what they can or should do if it does. It does not in any way attempt to replace other instruments controlling the behaviour of members of Parliament, such as the standing orders, which regulate members' overall conduct in the House.

I table a copy of the "Draft Code of Conduct for Members of the Western Australian Legislative Council".

[See paper No 1296.]

*Referral to Standing Committee on Procedure and Privileges - Motion*

Hon KIM CHANCE: I move without notice -

That the draft code be referred to the Standing Committee on Procedure and Privileges for consideration and report.

**HON NORMAN MOORE** (Mining and Pastoral - Leader of the Opposition) [3.08 pm]: The Opposition is interested in this issue. It has come out of the blue. In my humble judgment and without reflecting on your decision, Mr President, the ministerial statement was contentious in part. A new standing order governs

ministerial statements. There used to be a time when a minister required leave to make a statement. We now do not have that requirement.

Hon Kim Chance: What do you think was contentious about the statement?

Hon NORMAN MOORE: It refers to a “reforming Government” that is not content to sit back -

Hon Kim Chance: A statement of fact cannot be contentious.

Hon Peter Foss: You referred to the words “reform” and “integrity”.

The PRESIDENT: Order! The Leader of the Opposition has the call.

Hon NORMAN MOORE: Any time the Labor Party uses the word “integrity” to describe itself is contentious. Its history shows that it is the opposite.

Hon Kim Chance: One is a statement of fact; the other is contentious.

Hon NORMAN MOORE: I find it interesting that the Government has decided to take it upon itself to provide a code of conduct for members of Parliament.

Hon Kim Chance: No, it has not. You did not listen to the statement.

Hon NORMAN MOORE: I did listen to it. The draft code of conduct has been tabled here and also in the other place. Not one request was made of the Opposition to be involved in its drafting.

Hon Kim Chance: That is what the statement says. This is for your consideration.

Hon Peter Foss: You will send it off to one committee and you will have dealt with it.

Hon NORMAN MOORE: That is exactly right; it is like all of them. It will be interesting to read this draft report and see whether it is simply a smokescreen or window-dressing or actually means something. It is appropriate that it go to a committee. I wonder, however, whether the committee’s findings will simply be steamrolled through this place or whether there will be proper consideration of the matter in a way that involves all members. I hope the committee’s report will become available to the House to consider. I have never been persuaded that a code of conduct has made a lot of difference to people’s conduct. However, I will be interested to see what turns up at the end of the day and whether this is a typical example of the Labor Party trying to score political points and achieving nothing or whether it will deliver something meaningful and worthwhile for the operation of this Parliament.

Several members interjected.

The PRESIDENT: Order, members!

Hon NORMAN MOORE: As I said, I am interested to read the draft code of conduct. I will also be interested to see what transpires in its consideration by a committee, and to see what will be the Government’s attitude when the House deliberates on the committee report, because that is the important issue at the end of the day. More importantly, I hope this is a genuine attempt to ensure that behaviour within Parliament is within acceptable and proper bounds and that it is not just a political exercise by the Government to try to give the impression that somehow or other it believes in integrity and proper parliamentary processes. Regrettably, its own history, particularly in the 10 years of the Burke, Lawrence and Dowding Governments, shows quite the opposite. It will be interesting to see whether this is just a smokescreen to give the impression that the Government is trying to do something.

**HON PETER FOSS** (East Metropolitan) [3.12 pm]: I am very distressed that the Government has adopted this course of action for two reasons -

Hon Kim Chance: Notwithstanding that it was a recommendation of the Commission on Government.

Hon PETER FOSS: Notwithstanding that. I will tell the Leader of the House why.

Hon Ken Travers: What would you have us do?

Hon PETER FOSS: If the member shuts up, he will hear me say why I think it is unfortunate that the Government has adopted this course of action. We have just agreed that we will sit extra hours and will make a special effort to pass a particular piece of legislation. I do not know whether the Leader of the House gave the Leader of the Opposition notice that he intended to move this motion without notice and gave notice of its content.

Hon Kim Chance: I am sure we would have given notice of it.

Hon Norman Moore: No, you did not.

Hon Kim Chance: I am sorry.

Hon PETER FOSS: That is not a good start. Secondly, the version of the ministerial statement that was distributed to members states -

As the Premier has stated on a number of occasions, this is a reforming Government, particular in the area of integrity and accountability.

It probably also should be a reforming government in the area of spelling. It continues -

It is a Government that is intent on reforming Western Australia and is not content to sit back and wait for someone else to take the initiative.

If that does not offend the standing orders, it certainly offends members on this side of the House.

Hon Kim Chance: On what grounds?

Hon PETER FOSS: The only reform the Labor Party has made in the area of integrity has been to reform the meaning of "integrity". The Premier -

Hon Kim Chance: This is outrageous!

Hon PETER FOSS: I will proceed to give the Leader of the House an example. The Premier has said on a radio program that it will be assumed that any council that contributes to the Country Alliance does not need any money from the Government. That is a threat, and one that I believe comes within the Criminal Code. The Attorney General has said that if any local council gives money to the Country Alliance, there will be an investigation and heads will roll. Those are matters of considerable concern and are classic examples of the way the Burke Government used to behave. I do not care whether the Leader of the House believes it, but for him to stand in this place and make what is supposed to be a non-contentious ministerial statement and say that that statement -

Hon Kim Chance: You are so petty! I cannot believe that you are making an issue of this.

The PRESIDENT: The Leader of the House will come to order!

Hon PETER FOSS: Perhaps the Leader of the House should be careful and think before he makes a political statement that gets up the nose of people -

Hon Kim Chance: You will support the conduct of your colleague Senator Heffernan.

Hon PETER FOSS: I do not support people breaching the Criminal Code under the guise of parliamentary privilege!

Hon Kim Chance: I have not heard you condemn him.

The PRESIDENT: The Leader of the House will come to order! Before the interjection, Hon Peter Foss was making remarks pertinent to this motion.

Hon PETER FOSS: It is offensive to people in this House, who have been sickened by the behaviour of the Premier. For the Premier to threaten local councils if they donate to something that is in the interests of their ratepayers is a criminal offence. For the Leader of the House to say that the Premier has said that "this is a reforming Government, particularly in the area of integrity and accountability" is not only contentious but also sick. If the Leader of the House did not read that statement before he read it aloud, then I suggest he should have, because that statement managed to get up the nose of people on this side of the House.

Secondly, the Leader of the House should have consulted us before moving this motion. We need to discuss whether this matter should go to a committee; and, if so, to which committee. I realise that we can still debate that issue. This is a matter that perhaps should be considered in the Committee of the Whole House before we go any further.

Hon Kim Chance: Come on! You are a joke!

Hon PETER FOSS: The Leader of the House has made up his mind about how he will do it. He wants all members of the House to be involved, so he will send it to a standing committee!

Hon Kim Chance: If you do not want a code of conduct, say so.

Hon PETER FOSS: No. I am saying that if -

Hon Kim Chance: No. You do not want a code of conduct. You are too worried about your colleagues getting caught, like your former colleague Mr Bloffwitch.

Several members interjected.

The PRESIDENT: Members will come to order!

Hon PETER FOSS: I rest my case on whether this is a contentious matter. The way that the Leader of the House has continued to interject while I have been responding to what he has said plainly indicates that it is a contentious matter. This matter should first be considered by the Committee of the Whole. That is not saying anything other than - I take the point of the Commission on Government - that if the code of conduct is to have any form of credibility, all members must consider it. The first thing we should consider is where this code of conduct should go, and we should consider that in the Committee of the Whole in the first instance. That is a better way to deal with it. A lot of this could have been avoided if the Leader of the House had done what most people do; that is, consult the other party and let the Leader of the Opposition know that a motion will be moved, stay clear of contentious matters, and observe a few of the niceties of this House. This situation has been caused because the Leader of the House has abused a new standing order that states clearly that members should not indulge in contentious matters. It may be worth seeing whether we can get a videotape of the look on the Leader of the House's face while he was reading the statement. If he thought that it was free of contentious matter, he should have observed himself in a mirror, because he was smirking. If the words were not offensive enough, he was saying, "Listen to this -

Hon Kim Chance: You are a pompous prig.

*Withdrawal of Remark*

Hon DERRICK TOMLINSON: I find the remark by the Leader of the House offensive. I think it is unparliamentary and I ask him to withdraw it.

The PRESIDENT: Will the member define the remark?

Hon DERRICK TOMLINSON: A pompous prick.

Hon Kim Chance: Is that what you think of him?

The PRESIDENT: Order! If the member made those comments, I ask him to withdraw them.

Hon KIM CHANCE: Perhaps Hon Derrick Tomlinson misheard me. I said that the member was a pompous prig, and I am sure that the Hansard reporter will record that. If there was any misunderstanding about what I said, I withdraw and apologise.

*Debate Resumed*

Hon PETER FOSS: I am sure that the code of conduct deals with the way members address each other across the Chamber. If we want to go on with this issue, we can. I do not believe that the members opposite have the slightest belief in ethics. They seem to think that people who raise objections to the behaviour of the Leader of the House, in bringing this matter on in the way he did, are to be regarded as prigs and as being something to laugh at. This Leader of the House must learn that opposition members require some consideration from him. If he wants to treat us like mushrooms and keep us in the dark and bring on these types of motions, he can. However, he cannot expect to get away with it. I have said what I want to say on that matter.

*Amendment to Motion*

Hon PETER FOSS: I move -

To delete the words "Standing Committee on Procedure and Privileges" and substitute instead -  
Committee of the Whole House

Amendment put and a division taken with the following result -

**Extract from *Hansard***  
[COUNCIL - Wednesday, 20 March 2002]  
p8543c-8547a

Hon Kim Chance; Hon Peter Foss; President; Hon Norman Moore; Hon Derrick Tomlinson

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Ayes (15)

Hon Alan Cadby	Hon John Fischer	Hon Barry House	Hon Bill Stretch
Hon George Cash	Hon Peter Foss	Hon Robyn McSweeney	Hon Derrick Tomlinson
Hon Murray Criddle	Hon Ray Halligan	Hon Norman Moore	Hon Bruce Donaldson ( <i>Teller</i> )
Hon Paddy Embry	Hon Frank Hough	Hon Barbara Scott	

Noes (16)

Hon Kim Chance	Hon Adele Farina	Hon Dee Margetts	Hon Christine Sharp
Hon Robin Chapple	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Kate Doust	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Sue Ellery	Hon N.D. Griffiths	Hon J.A. Scott	Hon E.R.J. Dermer ( <i>Teller</i> )

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Pair

Hon Simon O'Brien

Hon Tom Stephens

Amendment thus negatived.

*Motion Resumed*

Debate adjourned, on motion by Hon Bruce Donaldson.