

BUSINESS OF THE HOUSE

Standing Orders Suspension

MR KOBELKE (Nollamara - Leader of the House) [3.05 pm]: I move -

That for the remainder of this year, Standing Order No 146 in relation to grievances be suspended and so much of standing orders be suspended as necessary -

- (a) to enable private members' business to have priority on Wednesdays - 28 November and 12 December from 4.30 pm to 6.00 pm and on 5 December 4.00 pm to 5.30 pm; and
- (b) to enable Bills to be introduced without notice and to proceed through all stages in one day and to enable messages from the Legislative Council to be taken into consideration on the day on which they are received.

This motion is similar to those traditionally moved towards the end of the parliamentary year. The first part of the motion suspends grievance debates for the remainder of this year, as has been the practice in this House for some years. Paragraph (a) of the motion reduces private members' business from three hours to one and a half hours each Wednesday. Since 1994, it has become the practice to reduce the time allocated for private members' business for the last two to four sitting weeks in each year. That was the practice under the previous Government. However, prior to that, private members' business was taken away totally in the last one to three weeks, depending on the year. The process put in place by the present Leader of the Opposition when he was Leader of the House in 1994 was simply to cut private members' time in half - to one and a half hours - and to suspend grievances. That was done in 1994 for a period of four weeks; in 1995 also for four weeks; for two weeks in 1996; for two weeks in 1997; for three weeks in 1998; for one week in 1999; and for two weeks in 2000. What is being done this year, with three sitting weeks remaining, is very much in keeping with what has been the practice for some time.

The Government believes that this system has worked well and, with a very heavy legislative program to finish the year, it believes that good progress can be made with the additional time made available to deal with government business. Obviously, this will require a cutback in the time available for grievances and private members' business. On Wednesday, 5 December, private members' time is scheduled to be debated between 4.00 pm and 5.30 pm, with the House adjourning from 5.30 pm to 7.00 pm to provide an opportunity for members to attend the International Year of Volunteers celebration in Kings Park, if they wish. It is envisaged that, for the last three sitting weeks this year, the House will sit on Wednesday evenings after the dinner break. It may be necessary to sit late on one or two Thursdays, but hopefully, if good progress is made, Tuesday and Wednesday evenings will be sufficient.

Paragraph (b) of the motion is also standard at this time of the year. It will allow Bills to proceed through all stages in one day and the House to consider Council messages on the same day that they are received. These changes, I trust, will meet with the approval of the Opposition, although this motion reduces the time available to discuss matters of its own choosing.

Given that this practice has now become well established, and with so much legislation to be completed in three sitting weeks, I hope the Opposition will support the Government.

MR DAY (Darling Range) [3.09 pm]: The Opposition does not oppose this motion. As the Leader of the House said, it is generally in accordance with past practice of the House and of the previous Government over the past six or seven years. As the Leader of the House said, the motion provides for a cessation of grievances for the remaining sitting weeks of the year, for a reduction in private members' time from the usual three hours a week to one and a half hours a week, and for Bills to proceed through all stages in one day. That is in accordance with the practice of recent years; therefore, we do not oppose the motion. However, we wonder about the Government's priorities that led to it moving such a motion. We have now got to a situation in which, from the Government's point of view, there is a backlog of legislation. This year, the Opposition has dealt with legislation cooperatively and in an expeditious manner. Generally, Bills are passed through the Legislative Assembly with a minimum of fuss.

Mr Kobelke: I acknowledge that and thank the Opposition for the way it has generally been most cooperative when dealing with the Government's business.

Mr DAY: I thank the Leader of the House for his comment. However, all members would agree that during the previous sitting week of Parliament there was one exception to that situation when the Government and the Opposition locked horns; neither side came out of that well. During that sitting, the Government adopted a bloody-minded approach. It tried to tough it out and sat all night, even though the Opposition moved to adjourn the House on eight occasions. A commitment was given by the Opposition that the Revenue Laws Amendment (Assessment) Bill (No. 2) 2001 and the Revenue Laws Amendment (Taxation) Bill (No. 2) 2001 would be dealt

with by the end of the day's session. In fact, if the Government had agreed to adjourn the debate, those Bills would have been dealt with before the dinner recess that night. We all knew that the Government had decided not to adjourn the debate because there was to be a meeting of the Parliamentary Liberal Party in Merredin the next day, and the Government wanted to keep us here for as long as possible.

I acknowledge that the Opposition felt very frustrated by the Government's approach to that issue and also to the previous debate of the day. We were of the view then, and still are, that it was premature to gag the motion to dissent from the Deputy Speaker's ruling after only three minutes or so of debate. We accept that a debate like that cannot go on for ever. However, in our view a more reasonable approach was taken to those issues when we were in Government, whereby we allowed the pressure to be released by allowing a greater amount of debate than was allowed on that occasion. That was what led to the situation which unfortunately developed and which, as I said, reflected well on no-one.

Why is this motion necessary? What legislation is the Government seeking to pass in such a hurry before Christmas? The Opposition supports some Bills that are generally non-contentious and will pass them in an expeditious manner. Other Bills will also be supported by the Opposition but need a much greater degree of scrutiny. The Criminal Investigation (Exceptional Powers) and Fortification Removal Bill 2001, which is the first Bill to be debated today, is important legislation that has very wide-ranging and far-reaching powers. Although the Opposition will generally support that legislation, we have a public responsibility to scrutinise it closely and to ask the Government a number of questions about it. The measures provided for in that Bill have never been applied in Western Australia. We understand that next week the Government will seek to introduce the Acts Amendment (Lesbian and Gay Law Reform) Bill 2001. Why was that legislation elevated over and above a range of other legislation? Why is it so crucial to pass that legislation through this House in such a hurry in the next three sitting weeks? Presumably the Government will seek to get it passed through the Legislative Council as well. Why does the Government believe it is necessary to introduce extreme legislation only three weeks before Christmas?

Mr Carpenter: It is not extreme legislation; it is part of our human rights agenda.

Mr DAY: In my view, and I think it will be borne out by the comments of opposition members generally, elements of the Bill are extreme, although there are aspects of it that I will be happy to support. It has not been discussed in our party room as yet, but I believe aspects of the Bill, in particular those relating to discrimination and so on, will be supported. I have no difficulty in supporting those aspects; however, other aspects provided for in the Bill, such as those that will guarantee access to in-vitro fertilisation procedures by same-sex couples, are very contentious in the community. In those instances, it is appropriate to ask whether the rights of the child are being put before the rights of prospective parents. It would appear that the converse applies in that case. Likewise, a provision in the Bill seeks to guarantee access to the adoption of children by same-sex couples. Many members of the community would regard that as an extreme provision in an extreme piece of legislation, and one that should be subject to a great deal more scrutiny in the public arena. The Bills should lie on the Table until Parliament resumes in February or March, so that they can be considered after more extensive public consultation and input.

Although the Opposition will not oppose this motion, it questions the Government's priorities. That legislation, in particular, should be held over until the new year. We must also question why the so-called DNA legislation has only recently been introduced to the House. My understanding is that this legislation is almost identical to the legislation introduced by the former Minister for Police, Hon Kevin Prince, towards the end of last year's sitting, before the election. Given that there has been very little change to the legislation, why has the Government left the introduction of that important legislation until so late in the session? The Opposition will certainly support that legislation; it was essentially developed during the time of the coalition Government and introduced by the former Minister for Police. However, the current Minister for Police owes us an explanation of why the introduction of this important legislation, which is an important law and order initiative, has been left until this late. The legislation requires substantial scrutiny. The Opposition will generally support it, but the public will want us to ask questions about how it will work and whether resources will be provided to the police to enable them to make adequate use of the legislation and so on. All those sorts of things need to be gone through. Why does the legislation need to be rushed through between now and Christmas? The Opposition wants it to go through, but the fact is that it should have been introduced before now. If the Government and the Minister for Police got their acts together, it could have been introduced well before now. That would have enabled the legislation to be examined in a more timely and expeditious manner.

The Opposition questions the priorities and organisation of the Government, and whether it has its act together on a range of issues. The issue of industrial relations legislation was raised during question time today. If that legislation is so important to the Government, why does it not bring it in and let it lay on the Table over the Christmas break, so that everybody can have a good look at it. The Opposition does not oppose the motion, but expresses the qualifications that I have just outlined.

MR HOUSE (Stirling) [3.17 pm]: Although I agree with the general comments made by the Leader of the House and the leader of opposition business, I ask the Leader of the House whether the Government intends to use this motion to introduce a new electoral Bill. If it does, the National Party will completely oppose the introduction of such legislation. I stress that the motion seems fine, and in most cases the National Party broadly agrees with it, as did the leader of opposition business. However, my understanding of the current position of the electoral legislation is that for it to comply with the recommendations of the Standing Committee on Legislation to be presented in the Legislative Council today, new legislation would need to be introduced. I want an assurance from the Leader of the House that he will not introduce a new piece of legislation and use this motion to suggest that it has the support of the Opposition, because it would not have the support of the National Party. I accept that everything on the Notice Paper until now has had fair and due consideration and that the time given to debate it has been and will be fair. We have had an opportunity to consider those matters. However, I will not cop any amended electoral legislation being presented to the House and for it to pass through all stages in one day, because that legislation goes to the very heart of the election of members to this Parliament. I believe many other members share that concern. When the Leader of the House replies I hope that he indicates that he has no intention of going through all the stages of the Bill in one day. Indeed, I am pleased that the Attorney General is handling the electoral legislation, because I hope that he will be able to give an assurance to the House that a Bill to amend the electoral legislation will not be introduced and dealt with according to the wording of this motion; that is, that the stages of the Bill will be passed through in a short time. In other words, I hope that the standing orders as they now stand will be complied with and not overridden.

MR JOHNSON (Hillarys) [3.21 pm]: I was hoping to be the lead speaker for the Opposition on this matter because I wanted to give another hour's rendition as I did the other week - I believe that the Leader of the House deserves one.

Mr Kobelke: Don't try your luck!

Mr JOHNSON: I am only kidding!

Mr McGinty: Wasn't the member for Murdoch hoping to be the lead speaker?

Mr JOHNSON: No, not on this debate.

I support the comments of my colleague the member for Darling Range and those of the member for Stirling. We on this side of the House will not oppose the motion, but it is essential that we make one or two points. When we were in Government we moved similar motions because there is normally a lot of business to get through towards the end of the year. However, this House could have achieved a lot more if the Government had been a bit more organised. I am sorry to make such a criticism, but if the Leader of the House had been more accommodating of the Opposition, more would have been achieved in this House. What took place two weeks ago is a classic example. We offered the Government the opportunity to pass the two Bills that were debated for many hours last week in two hours on this very day. However, the Government was not prepared to accommodate the Opposition by adjourning the House. Almost everybody wanted the House to adjourn, including some Government members. I have not seen the same cooperation that was given to the Labor Party when we were in Government given to us by the Leader of the House. One example that comes to mind occurred a few weeks ago. My colleague the member for Kingsley wanted to change the order of private members' business. However, the Leader of the House stood on his high horse and would not let it happen. That is a disgraceful attitude. The Leader of the House is an ex-school teacher, and if I were writing a report on the job he has so far performed in this term of Government, it would read along the lines that "he could do a lot better". The Leader of the House has much to learn. He was of one view when he sat on this side of the House; the minute he changed to the other side he changed character and personality.

Mrs Edwardes: He has not changed that much!

Mr JOHNSON: He has not changed for better but for worse. It is a great shame that he takes that dogmatic attitude, because over the course of in the next three years he will need the cooperation of the Opposition to pass Bills and to ensure the good conduct and running of this House. Much of the blame for what happened on Thursday two weeks ago rests fairly and squarely on the shoulders of the Leader of the House, because he gagged the debate after only two minutes. After two minutes he gagged what was a very serious and important motion moved by a member on this side of the House. We do not move a motion to dissent from the Speaker's ruling lightly; it is not a matter that the Opposition treats flippantly, but one that it takes seriously. To gag that debate after just two minutes was to disregard the democratic running of this House, and the Leader of the House must take responsibility for that.

I had to sit on the government benches for eight years and listen to the Leader of the House state similar arguments to the ones that we are making today. This is the time of year when -

Mr Kobelke: Are you suggesting that you had a good teacher?

Mr JOHNSON: No, not at all. We have learnt a few things from the Leader of the House, not all of which are good, and maybe that is why the House has not been running as well as it should have over the last couple of weeks. Normally the Opposition is blamed for that, but in this case I blame the Government and the Leader of the House.

Some legislation should be passed, particularly that which deals with law and order. The Government will not have any problems with me on that legislation. However, before it brings these Bills on at very short notice, the Government should have the common courtesy to inform the Opposition of its timetable. We must ensure that our leading spokespeople on those Bills know when the legislation will be dealt with. If we know that one of our spokespeople will be absent from the House, no purpose will be served by debating at that time the Bill on which he or she is to speak.

I concur with the views and comments of my colleague, the member for Darling Range, and his concern over the gay and lesbian law reform Bill that the Government has introduced. I do not know how that Bill can be considered as being urgent and, therefore, must be passed through this House before Christmas. All of the members on this side of House will have a lot to say about that Bill. We have already said that we agree with some of its provisions, but -

Mr Barnett: I wonder if members on the other side will be allowed to speak on it.

Mr JOHNSON: That was an interesting interjection from the Leader of the Opposition, because no members opposite were allowed to speak on the two Bills that we debated cognately on Thursday before last. In fact, they were even discouraged from interjecting or taking points of order. I remember the Leader of the House telling the member for Perth to sit down because the Government did not want any points of order to be taken; it wanted to get the legislation through the House, and enough points of order were coming from the Opposition. Not one of the members on the other side of House spoke on those Bills. Will we have the same situation this time? Members on this side of the House love to hear comments from members opposite; we love to hear their views, not just those of the Executive Government. I understand from talking to certain members, that what goes on in the Government's three different caucuses and in its main caucus meeting is quite interesting. Some of the government backbenchers are getting a little fed up with the Cabinet planting its views as being paramount on every issue. That could lead to some interesting discoveries over the next year or so. Although members on this side of the House would prefer that this Bill were not introduced at all, if we must have it, we would prefer it to be in the form that it is in at the moment. We would prefer to see the Bill presented to the House in a sensible, professional and democratic way and passed with the proper amount of debate in the second reading and consideration in detail stages.

The Leader of the House is bringing us back to Parliament on 19 February. I am sure that some contentious legislation will be introduced then, but I cannot for the life of me understand the difference that two weeks makes. All members will be brought back to this House in February, the hottest time of the year, and we do not have airconditioning in this Chamber. Not only will the members be brought back, but also the staff who work inside and outside the Chamber.

Mr McGowan interjected.

Mr JOHNSON: They normally work in airconditioned offices and shops or in similar places. They also work outside and if the member for Rockingham is suggesting that we work outside, we can do so. The member has just been told not to interject while he is out of his seat. He should know better than that, because he has been here for nearly five years. He has learnt a lot in that time!

Mr Barnett: He is trying to make Cabinet.

Mr JOHNSON: I think he should. The member for Rockingham is getting used to the seat he is sitting in at the moment and is thinking to himself, "Does this chair fit me?" He should try the one next door, because I reckon it is one of the two seats that the member should be getting used to. He is just getting the feeling of the front bench. It will not be too long before he is there. As I said, bringing members back to Parliament on 19 February is not conducive to the good running of this Parliament because it is the hottest time of the year. The Leader of the House can answer by way of interjection: what is the difference in waiting two weeks? Why will we come back for one week and then have a break? The Government can bring the legislation on as an urgent Bill if it wants. However, it should give us some notice. Why not add another week to sittings during the year? The Government did that this year. We were due to sit only for the next two weeks, but we are sitting for three. The Government added a third week to our sitting times so that it can get its gay and lesbian legislation through this House. Is it allowing a week for that? It is most unusual that the Leader of the House does not want to interject. We could not stop him interjecting when he was on this side of the House. Now he is on the other side of the House he never interjects! It is obvious why we are sitting an additional week: we are sitting so that the Government can get that legislation through the House before Christmas. The Government will get it through this House because it has the numbers. Does the Government really think it will get it through the upper House

before Christmas? I would be surprised if it does. By sitting for three weeks we will all miss out on a lot of things in our electorates, such as attending school graduations and senior citizens meetings. However, we do not mind; we will be here as long as is needed. That is not a problem.

The February return date is unreasonable and the Government may come to regret its decision because it will not gain very much by our being back so early. It will gain only one week. It would be better to add that week to the sittings later in the year. The Government will bring on industrial relations legislation and anything else it considers contentious because it wants to get it over and done with as quickly as possible to ensure it is dealt with as far away from the next election as possible. I know what will happen. In the fourth year of this Government's term, this House will not sit much. The Government will not want the House to sit much because every time the lights come on in Parliament House, the Government will get beaten around the head.

The Opposition will support the motion because it has been the custom and practice of the House at this time of the year. However, it will support it only on the understanding that it will receive the cooperation of the Leader of the House and that the Opposition is not abused in any way, as it has been over the past few weeks. The Opposition must also receive due notice about which Bills the Government will bring on so that its lead speakers can be present. If the Leader of the House had run the House properly, we would not have to sit a third week. Some weeks ago the House sat for only part of a week and we are now paying for it. That is not good running of the House. The Leader of the House must do much better; he must improve his performance. Hopefully, he will do better next year.

MR KOBELKE (Nollamara - Leader of the House) [3.34 pm]: I will respond to two speakers of the Opposition, although that is not to downplay the contribution of the member for Darling Range. The member for Hillarys' contribution requires a response. I genuinely thank him for his contribution to the debate. He made a similar contribution on the last day of sitting before the last recess week. On that occasion he took a full hour to say not one single thing of consequence. We are most thankful that he took only 12 minutes today to say absolutely nothing of consequence. He has saved us from being bored. His accusations against me were based on his judgment. I could take issue with them. He made a number of statements that were factually wrong, which is not unusual for the member. Given his track record I do not need to point out that I do not agree with many of the things he said either on the basis of judgment or fact.

The member for Stirling asked me to respond to a substantive issue. The motion before the House requests that Bills be introduced and proceed through all stages in one day. It is not unusual, but it is a special power needed at this time of the year. Given that the member for Stirling's party is totally opposed to the Government's electoral reform measures, he expressed apprehension that the motion might be used to introduce a new electoral Bill. That is not the purpose of the motion. The Government has no intention to do that and it will not happen. The Attorney General, who has carriage of that matter, gives that assurance. There is no trick. The Government will proceed with the electoral reform legislation that is currently before the Parliament. This motion is not a trick to introduce new legislation to progress such a Bill through the House in one day. One or two Bills that the Government would like to get through may be introduced, but they are of a fairly standard nature. If debate continues, we will simply not get them through. Items not already on the Notice Paper will proceed only with general agreement. One such Bill relates to insurance. The Government has not made a final decision to introduce that legislation because it is still seeking advice on it and is still talking to key groups about it. Following the terrorist attacks in America on 11 September, major insurance houses around the world are refusing to provide insurance policy cover for acts of terrorism. Australian insurance companies have said that will apply from 1 January 2002.

Mrs Edwardes: The Government should come up with an interim solution.

Mr KOBELKE: Now is not the time to debate it. The Government is considering legislation that contains a six-month sunset clause. The federal Government has to be part of the solution. I am happy to talk to the member later. It is an important issue and one which the Government could get wrong and it does not want to get it wrong. If we rush into it, we could get it wrong. From 1 January, insurance companies will have special provisions and let-out clauses for claims against acts of terrorism. The Government is still considering the issue. Other legislation is subject to delays in drafting. The Government will introduce the Bills if there is general agreement. The Government has no intention of introducing any highly controversial legislation in the next three weeks. The Government will introduce legislation so that it can be examined over the break and be ready to be debated next year.

Mr Barnett: The Government's electoral legislation should not propose an amendment to the upper House. The Attorney General was at great pains in his second reading speech to say that the legislation related only to the lower House.

Mr KOBELKE: Messages between the Houses can be dealt with quickly. This motion does not provide a new way of dealing with such matters because messages between the Houses can be dealt with on the day of receipt. That will not change.

Mr Barnett: The Opposition regards any change to the upper House and its electoral system as separate legislation. Those were the words of the Attorney General.

Mr KOBELKE: The Government has no intention of introducing a new Bill.

Mr Barnett: The Government cannot make changes to the upper House through the existing legislation.

Mr KOBELKE: We are dealing with a specific procedural matter before the House. The member for Stirling asked whether this motion will allow new electoral reform legislation to be introduced. I have said it will definitely not be introduced. I have gone beyond that and canvassed other controversial matters. If new matters are introduced that the Opposition considers controversial, the Government will not get them through the House and they will jeopardise the passage of matters already on the Notice Paper that the Government wants to get through in the next three weeks.

Question put and passed.

Point of Order

Mr DAY: The motion involved the suspension of standing orders. Surely that requires an absolute majority?

The DEPUTY SPEAKER: It does under normal circumstances; but not when the motion has been on the Notice Paper.