

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

MEMBERS OF THE LEGISLATIVE ASSEMBLY, CODE OF CONDUCT

Motion

DR G.I. GALLOP (Victoria Park - Premier) [4.03 pm]: I move -

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

Code of Conduct

Preamble

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

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

The Code

(1) Purpose of this Code

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

(2) Conduct

Members shall accept that their prime responsibilities are to –

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

(3) Disclosure of conflict of interest –

- (a) A conflict of interest exists where a member participates in or makes a decision in the execution of their office knowing that it will improperly and dishonestly further the Member's private interest or another person's private interest directly or indirectly.
- (b) A conflict of interest also exists where the member executes, or fails to execute, any function or duty knowing that it will benefit their or another person's private interests directly or indirectly.
- (c) Members are individually responsible for preventing conflicts of interest and must carry out their official functions and duties and arrange their private affairs to the best of their endeavours to prevent such conflicts of interest arising.
- (d) Members of the Legislative Assembly must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.
- (e) This may be done through declaring their interests under the *Members of Parliament (Financial Interests) Act 1992* or any rule or order of the House that may so require through declaring their interest when speaking on the matter in the Legislative Assembly or a Committee, or in any other public and appropriate manner.

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- (f) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

(4) Bribery

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

(5) Gifts –

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

(6) Use of public resources

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

(7) Use of confidential information

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

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

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

(9) Freedom of Speech

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

(10) Misleading the Parliament or the Public

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

(11) Participation in Political Parties

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

Procedure for breaches of the Code

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

Being a member of the Western Australian Parliament demands high standards of probity, accountability, honesty, integrity and diligence in the exercise of one's public duties and functions. A fundamental commitment

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of this Government is that it will be open and accountable. This should also hold true for members of Parliament. As I stated when introducing the draft code of conduct last year, this is a reforming Government, particularly in the area of integrity and accountability. 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. It is one that has sought to restore public confidence in Western Australia's political processes and is leading by example in improving the quality of the State's political life. In introducing the draft code for consideration by the Parliament the Government has delivered on key commitments as outlined in its election policy "Integrity in public life". In drafting the code consideration was given to existing and suggested codes of conduct for MPs throughout Australia as well as overseas, and in particular to the code that has been adopted in New South Wales. Four Australian State Parliaments have considered it appropriate to adopt a code of conduct - Victoria, Tasmania, Queensland and New South Wales. Victoria's code has been in place since 1978. The Northern Territory Parliament is in the process of reviewing its draft code while the Australian Capital Territory and South Australian Parliaments are investigating the need for their own code. In chapter 7 of the Commission on Government Report No. 3, page 170, the commission concluded that -

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

The commission 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 recommendation of the commission, the Government recognised that it had a role in providing the impetus for a code of conduct for members of Parliament through tabling the draft code. The Government also recognised that members of Parliament should be involved in the code's development and that Parliament itself is responsible for determining the final form and deciding whether to accept a particular code of conduct for MPs. I forwarded the draft to the Speaker for consideration by the Procedure and Privileges Committee. The committee has recommended the adoption of the code based substantially on the draft prepared by government and has added a section dealing with the procedure for breaches of the code. The Government's draft code and the committee's recommended code are similar to the draft code prepared by the previous Procedure and Privileges Committee. It is now up to the House to adopt the draft code.

Members of Parliament and their conduct are increasingly under close scrutiny by the public and the media. Although regulatory measures already exist, many people feel that they are inadequate with regard to members of Parliament and that a code of conduct is needed to provide an appropriate means for establishing standards of and scrutinising behaviour. For example, the Criminal Code sets minimal limits but it does not set standards of behaviour. The benefits of implementing a code of conduct for MPs include the promotion of public trust and confidence in members, the avoidance of unethical conduct and the provision of a framework for public and parliamentary discussion about what constitutes unethical behaviour. The adoption of this code will be a further step in honouring the Government's election commitment to restore integrity in public life. Other steps the Government has taken include implementing a ministerial code of conduct that meets the fundamental principles laid out by the Commission on Government; tightening up the Members of Parliament (Financial Interests) Act 1992 to ensure that it reflects relevant Commission on Government principles and the highest standards of accountability; and overhauling the procedures for ministerial and other travel. These are all important steps in helping to restore the faith of Western Australians in their democracy.

I now move on to details of the code. The code is clear and well defined taking into consideration work that has been done on codes of conduct in other jurisdictions nationally and internationally. It is essential that a code of conduct be simple to read and understand. It must be precise and unambiguous and it must keep to a minimum the use of vague aspirational terms that are open to multiple interpretations to ensure that members are clear about their obligations and liabilities. The code sets out 11 basic provisions -

- (1) Provisions of the code.
- (2) Conduct.
- (3) Disclosure of conflict of interest.
- (4) Bribery.

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- (5) Gifts.
- (6) Use of public resources.
- (7) Use of confidential information.
- (8) Proper relations with ministers and the public service.
- (9) Freedom of speech.
- (10) Misleading the Parliament or the public.
- (11) Participation in political parties.

As I have already stated, the code also provides for a procedure for breaches of the code being that alleged breaches should, at the earliest opportunity, be raised pursuant to Standing Order No 109.

Section (11) deserves special mention. It is a recognition that members of Parliament are also generally members of political parties with corresponding party allegiances and duties. It acknowledges that the participation by members in activities of organised parties is part of the democratic process and is, therefore, legitimate. The public understands that Parliament functions through the political party process. The committee has also recommended that the effectiveness of the code be reviewed regularly and that the Clerk brief new members on it at the commencement of each new Parliament. It is the Government's preference that an identical code of conduct be also adopted in the Legislative Council. It is the right and, no doubt, the opinion of the public that the representatives in each House should abide by the same standards and be subject to the same scrutiny.

The intent of the code is to provide a framework of reference embodying uniform minimum standards. Codes in general cannot and will not make a dishonest person honest or prevent corrupt acts by a person determined to be corrupt. However, this code will have an important role in assisting members in their every day conduct as members of Parliament. It will be particularly important in determining whether their conduct amounts to a conflict of interest and to make the appropriate discretionary decisions in such a situation. The Government has taken the initiative in drafting the code, and it has now been recommended by the Procedure and Privileges Committee for adoption. I believe its adoption is an important part of the process of restoring integrity and accountability in public life. I commend the motion to the House and urge all members to support it.

MR R.F. JOHNSON (Hillarys) [4.10 pm]: I am really sorry that the Premier is now leaving the Chamber. He has done his little bit for a press release, and now he is going. If he is really interested in a code of conduct for members in this House, he should stay here and listen to some input from the Opposition. Members on this side of the House feel very strongly about the code of conduct. The Liberal Party - and also, I am sure, the National Party and the Independents on both sides of the House - firmly believes that there should be a code of conduct for not only members, but also ministers. They have an added responsibility, and I will come to that a bit later on. I want to put on the record, first of all, the support and commitment of the Opposition to ensuring that members act appropriately inside this House and, if they are ministers, outside this House in their public duty.

The Premier - who is probably now out delivering his press release - is trying to lay claim to this code of conduct. He said it was the initiative of his Government. I will clear that furphy straightaway; it is totally untrue, and the Premier is misleading the House by making that statement. The subject of a code of conduct was brought up initially in the Royal Commission into Commercial Activities of Government and Other Matters and then in the Commission on Government. I was the chairman of the joint parliamentary committee on the Commission on Government that looked at this among all the other recommendations of the Commission on Government. The joint parliamentary committee endorsed the recommendation of the Commission on Government that we should look at a more comprehensive code of conduct for members of Parliament. That was done in the time of the previous Government. It is wrong of the Premier to say that this is his initiative, because the previous Procedure and Privileges Committee was looking at this item during its deliberations before the last election. From what I can gather, most of the work had actually been done by that committee, and the present Procedure and Privileges Committee has accepted, to a very great extent, the work, the background and the recommendations of its predecessor. That is fine, because all I want to do is dispel the myth created by the Premier that this is his code. That is just another Gallop gimmick. The Speaker or the Deputy Speaker should be promoting this code of conduct because, in the standing orders of this House, it is not the province of the Government or the Premier, it is the province of this House and all its members. The Speaker or the Deputy Speaker, who are members of that Procedure and Privileges Committee, should introduce this matter and move the motion that this should become the code of conduct for members of this House.

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The Opposition certainly will not vote against this code of conduct. Indeed, we will be looking to strengthen it, far more than the Premier has tried to make out in his speech today. His speech was pathetic; he is obviously trying to grab some headline news, which he will not get. I do not say this as a derogatory comment against the Procedure and Privileges Committee, but virtually everything that is in the proposed code of conduct is already covered. This is a belt and braces job. I do not mind that. However, I point out for members, particularly those members on the government back bench who were elected at the last election and who are probably not aware, that much of what is in this proposed code of conduct is already covered in Acts -

Mr J.R. Quigley: It is not for us. It is for people like the former member for Geraldton.

Mr R.F. JOHNSON: I would keep very quiet if I were the member for Innaloo, because this code of conduct could come back and bite members like him. The member for Innaloo should not refer to former members -

Mr J.R. Quigley: Here we go!

Mr R.F. JOHNSON: The former member for Geraldton is a good friend of mine.

Mr J.R. Quigley: He needed a code of conduct like this to guide him.

Mr R.F. JOHNSON: Unfortunately, he is also a very sick man.

Mr J.R. Quigley: We regret that -

Mr R.F. JOHNSON: Interjections like that from the member for Innaloo are totally inappropriate and very insensitive.

The Members of Parliament (Financial Interests) Act 1992 makes very clear what needs to be done. The member for Geraldton did err by not including in his return some information that he should have included. We accept that. However, the procedures are already there. We do not need this flam-flam from the Premier about the new procedures that he will bring into place. They are already there. If the Premier thinks the Opposition will vote against this motion simply because we are the Opposition, he is living in cloud-cuckoo-land. We want to strengthen the code of conduct. We will then see the resolve of the Government and the Premier and whether they are prepared to accept any amendments that will enhance the code of conduct and make members more accountable. We will then see their mettle. I suggest it will be very weak. I do not imagine for one moment that the Government will agree to any amendments that members on this side of the House put forward. We need to remember that it is not the Premier or his spin doctors but the members of this Parliament who - quite rightly - make the rules about the conduct of members in this House. We will go further than the Premier. We want to enhance the code of conduct for members of this House, because we believe that is paramount. The proposed code of conduct that the Premier has brought into the Parliament today is virtually the same as the code of conduct that the Procedure and Privileges Committee came up with before this Government came to power. A lot of members may not be aware, but 95 per cent of the proposed code of conduct is already covered in Acts that are already in place.

The preamble to the code of conduct, which is a bit of a motherhood statement, obviously says all the right things that sound great. I accept that there must be a preamble and a motherhood statement in a code of conduct, but this code states -

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

In other words, members must conduct themselves in the House according to the standing orders of the Legislative Assembly in the interests of their constituents and the public at large. That means that they should vote on legislation that comes before the House in the interests of their constituents, not on party lines. How often have members seen a member of the Labor Party cross the floor?

Mr M. McGowan: I've never seen you; you haven't crossed the floor once in four years.

Mr R.F. JOHNSON: How often have members seen a Labor member of Parliament cross the floor and vote for the majority of his constituents, rather than the union-dominated left-wing faction of the Labor Party? In the Labor Party's application form for preselection, candidates must sign a condition that they will never cross the floor. What kind of code of conduct for Labor members is that?

Ms M.M. Quirk: That is wrong.

Mr R.F. JOHNSON: No, it is not. I have that part of the application with me and I will quote it to the member for Girrawheen.

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Several members interjected.

The ACTING SPEAKER (Mr P.W. Andrews): Members! I want to listen to the member for Hillarys.

Mr R.F. JOHNSON: Thank you, Mr Acting Speaker. If members, including the member for Rockingham, bothered to read the Labor Party's minority report of the Procedure and Privileges Committee on a code of conduct, they would see clearly that before Labor candidates are adopted for preselection, they must sign a condition that they will always vote with the Labor Party and will never cross the floor.

Ms M.M. Quirk: That is wrong.

Mr R.F. JOHNSON: The member for Girrawheen can tell us later why that is wrong. I have never seen a Labor member of Parliament cross the floor. On numerous occasions I have seen Liberal, National, One Nation, Greens (WA) and Independent members of Parliament vote differently from the main Caucus; however, as far as the Labor Party is concerned, it is a cardinal sin to cross the floor. It is absolute hypocrisy for the Labor Party to propose a code of conduct, the main ingredient of which is that members must act in an appropriate way and follow a code of conduct of integrity in representing their constituents, because Labor Party members, who represent their constituents, will never cross the floor; they even stay out of the Chamber and make out they are on the telephone, rather than come into the Chamber and cross the floor. The member for Joondalup did that in a recent vote. He was not paired in the vote but he stayed out of the Chamber and told everybody he was on the phone, because he knew he would lose preselection at the next election if he crossed the floor. That is the first vote that the member for Joondalup has ever missed. I suppose it is better that he did that, rather than come into the Chamber and vote. It would have been hypocritical for him to have stayed on his party's side of the Chamber and show the myth of what he had told people in his electorate.

Ms S.E. Walker: He was heard to say on the radio that he did not want deregulation and that he would not stay in the Chamber and vote.

Mr R.F. JOHNSON: Exactly.

The Labor Party should get its act together if its members are to truly act with integrity, openness, accountability and in a way in which members of the public expect them to behave. It should stop the nonsense that its members who seek preselection must sign on the dotted line that they will not cross the floor. My colleague the Deputy Leader of the Opposition will speak in more detail on that aspect later. I will now point out other areas of concern to members who do not know, who do not wish to know or who follow their leader blindly in support of this flim-flam code of conduct.

Mr J.R. Quigley: It is a good code of conduct and a good policy, and we follow him because it is a good idea.

Mr R.F. JOHNSON: The member for Innaloo should leave the Chamber because he has no scope to speak on this motion, although we would love to hear him talk about how a member of Parliament should behave.

Section (2) of the proposed code refers to conduct, and states -

Members shall accept that their prime responsibilities are to -

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

As I have said, Labor members do not always do that. A member who does not agree with a decision of Caucus is not allowed to cross the floor of this House and truly represent his electorate or constituents.

Section (3) refers to disclosure of conflicts of interest. That is already covered by the Members of Parliament (Financial Interests) Act 1992. Members will be only too aware that the Clerk of the Assembly distributes the return form that must be filled in by all members on an annual basis. I am sure that not all members have yet returned theirs. We have until 30 September to return these forms to the Clerk of the House so that they can be added to the register of members' interests. I do that religiously, as would most members. If any member has not yet filled out his form, it would be because he has put it somewhere and forgotten about it. It is not a hanging offence, and members are normally reminded by the Clerk that they have not returned the annual return form, following which they return it very quickly. That is okay. The annual return is filled out according to the Members of Parliament (Financial Interests) Act 1992, which provides that members must disclose real property

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in which they have an interest; sources of income, whether from a directorship or investments; any trusts in which they are involved, either as a trustee or a beneficiary; and gifts.

Ms M.M. Quirk: It does not cover the interests that trusts might have.

Mr R.F. JOHNSON: Members must state in their return any income they receive. If they do not, they will be in trouble.

Ms M.M. Quirk: Do you think it is meaningful if members must mention that they have an interest in a trust but are not required to disclose the nature of the trust, the other components of that trust or the interests or holdings of that trust?

Mr R.F. JOHNSON: If the member for Girrawheen moves an amendment about trusts, we will be happy to consider it. As far as I am concerned, members must declare any trusts in which they have an interest. Members must also declare any income they receive. I do, and I hope all other members also declare their income. I hope to goodness that I never, ever forget to declare something. I always go over the top and declare that I might get some income from somewhere even if I do not get it. I want to make sure that I am covered in every way. I do not want to be accused of not declaring something that an Act of Parliament says I should declare. I take a belt and braces approach every time I fill out the form.

Section (3) is very important. Contributions to travel are also covered under the Members of Parliament (Financial Interests) Act 1992. In other words, a member must declare if somebody makes a contribution to allow him to fly overseas, interstate or even intrastate. That is quite right, and I do not have a problem with it. It is already the law. Members do that already - at least I hope they do. I certainly do.

I refer to interest and positions in corporations. The proposed code of conduct will require members to declare an interest in any corporation of which they are a member. That is not a problem. It is already a provision of the Members of Parliament (Financial Interests) Act. Members must declare those interests every year. I refer to members' positions in trade unions, business and professional organisations. I am very proud to say that I am not a member of a trade union. Some members opposite cease to be a member of a trade union when they become a member of Parliament. Some do and some do not. I cannot understand it. Very often unions put them in the position. I would have thought that those members had an obligation to continue being a member of a trade union. However, members opposite do not tend to do that.

I refer to debts. The proposed code of conduct requires members to declare any debts they have that are not the usual types of debts; for example, a mortgage or something purchased on hire-purchase. Members would not have to declare the few thousands dollars they had borrowed from a brother, sister, mother or father, because it is a family affair. That is fair enough. However, all other debts must be declared.

I refer to the disposition of property. I always declare whenever I dispose of property. At least, I do not declare it on the next annual financial return. Members must declare something they sell but in which they still have an interest. In other words, if a member transferred property to a relative's name but had an agreement to take back that property or had a right to use that property, he would have to declare it. That is quite right too. However, that is already covered under the existing Act.

If any areas are not covered under the existing legislation, this House must include those areas in the code of conduct. Very few areas are not covered in the existing legislation, because a lot of thought was given to the Act, which was drafted by the previous Labor Government in 1992 just before it lost office. It did a lot of things before it lost office. It put a number of pieces of legislation in place, including the freedom of information legislation, which the Labor Government did not proclaim; the coalition Government proclaimed it in 1993. I foresee a lot of legislation being put in place prior to the next election that we will have to proclaim when we resume government again.

The code of conduct states -

A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

That is fair enough. Many people might have an interest as a broad class of people; for example, as a member of a trade union movement, the Chamber of Commerce and Industry of Western Australia or another business organisation. It could be many other things of which good folk are members. That is not a problem. That is covered already.

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I refer to bribery. It is absolute nonsense to have this proposal before the House. Bribery of a public officer is covered under section 82 of the Criminal Code. Whether or not we like it, members of Parliament are deemed to be public officers. If a member tried to bribe somebody, or if someone bribed a member of Parliament, whether it was a backbencher, opposition member or a minister, he would be breaking the law. He would be guilty under section 82 of the Criminal Code, which states -

Any public officer who obtains, or who seeks or agrees to receive, a bribe, and any person who gives, or who offers or promises to give, a bribe to a public officer, is guilty of a crime and is liable to imprisonment for 7 years.

The Premier is trying to claim glory for this measure by introducing this code of conduct. Bribery is one of the items under his so-called code of conduct. If this Parliament found a member guilty of bribery, it would not be empowered to give somebody seven years, but the courts would be. That is already in the legislation. It is a lot of flim-flam for the Premier to say that. It sounds good when he goes to the public and says he will put something in place that will stop any bribery that might go on, but something is already there. I hope the public will not be fooled by this flim-flam that the Premier keeps coming out with.

The next item in the proposed code of conduct relates to gifts, and it states -

- (a) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.

Of course they must. It is already covered in section 9(1) of the Members of Parliament (Financial Interests) Act 1992, which states -

A Member shall disclose in an annual return -

- (a) the description of each gift received by the Member at any time during the return period; and
- (b) the name and address of the person who made each such gift.

The proposed code further states -

- (b) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the member in the exercise of his or her duties.

That is already in the legislation. Why does the Premier waste the time of the Parliament trying to make out he is doing something pretty good, when these Acts of Parliament are already in place and action can be taken under them at any time? If a person is guilty of bribery, the police will charge him or her. If a person is guilty of contravening the Members of Parliament (Financial Interests) Act 1992, this Parliament will deal with him or her. This Parliament has that right. If a member were found guilty, I suggest Parliament would send the matter to the Procedure and Privileges Committee for it to do the investigation and come up with a recommendation for what action should be taken against that member. The problem in this House is that nothing ever goes through to the Procedure and Privileges Committee. Government members and ministers on the other side have contravened the code of conduct, which is already in place, and we have asked that those matters be sent to the Procedure and Privileges Committee, but the Premier, using his numbers on the government side, always votes it down. What conviction does the Premier of Western Australia have when he always uses his numbers in this House to prevent any charges, accusations or evidence of members or ministers acting against the standing orders or the code of conduct from going to the Procedure and Privileges Committee? I suggest that that will never happen. We on this side of the House have moved motions on at least one or two occasions to suggest that a member has erred, but because it has involved a government member - in particular, a government minister - it has had Buckley's chance of ever going to the Procedure and Privileges Committee. That is the credibility problem the Premier has. On the one hand, he says he is doing the right thing; he says he will bring in this code of conduct - which is already there - and clean up the place. On the other hand, he never does anything to ensure that matters involving members or ministers on his side of the House, in the Labor Party, ever get to see the light of day before the Procedure and Privileges Committee. It will never happen. That is why I referred to a lot of his comments and press releases about this sort of thing as absolute flim-flam.

I also suggest this has been dreamt up by his spin doctors yet again. Government members and ministers have misled the House and they have not had the conviction and the integrity to apologise for doing that. When we have proved to the House that those members or ministers have misled the House, nothing has happened.

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Mr J.C. Kobelke: Give a single example.

Mr R.F. JOHNSON: Yes, I will give an example. The previous Minister for Health misled this House when he said that he never ever campaigned in a uniform. It might seem insignificant to the Leader of the House -

Mr J.C. Kobelke: That is true; he did not.

Mr R.F. JOHNSON: We showed government members pictures of him in his assistant commissioner's uniform on all the Labor Party advertising. However, he said that he never ever campaigned in his uniform. That is the sort of hypocrisy we hear from the Leader of the Opposition and the Premier. They know it is wrong; they know he is guilty of it.

Mr J.C. Kobelke: He is not guilty of anything.

Mr R.F. JOHNSON: They would not even let the Procedure and Privileges Committee consider it.

Mr J.C. Kobelke: That is an absolute nonsense!

Mr R.F. JOHNSON: No, it is not. We showed evidence to this House.

Mr J.C. Kobelke: You did not have any evidence. That is absolute tripe!

Mr R.F. JOHNSON: If a great big picture of the previous Minister for Health in his assistant commissioner's uniform signed -

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: No, it was not. He campaigned in his uniform.

Mr J.C. Kobelke: He did not.

Mr R.F. JOHNSON: Yes, he did. He tried to say that he did not campaign as the candidate for Yokine. That is not what he said when he made the misleading statement. He said that he never ever campaigned in a uniform.

Mr J.C. Kobelke: He did not.

Mr R.F. JOHNSON: Yes, he did.

Mr J.C. Kobelke: You produced no evidence that he did.

Mr R.F. JOHNSON: I produced all the evidence that was needed. If it had gone to a court of law, he would have been found guilty of misleading. However, this is not a court of law; this is a Parliament that is run by the Premier and the Leader of the House with such hypocrisy that they would not even let the matter go to the Procedure and Privileges Committee for consideration. The Government has the numbers on that committee, but members opposite would not let it consider the matter.

Mr J.C. Kobelke: There was no evidence at all.

Mr R.F. JOHNSON: We had absolute evidence. We showed it to members opposite in graphic detail - smiling Bob in his uniform with his signature as the Assistant Commissioner of Police. He was on the sheets for every member of the Labor Party -

Mr J.C. Kobelke: On that basis you are saying that former Commissioner Falconer was involved in political campaigning because I have seen a photo of him with Liberal candidates. That is the basis of your argument.

Mr R.F. JOHNSON: I have never heard such trash. I am sure the Leader of the Opposition can do better than that.

Mr J.C. Kobelke: That is what you are saying.

Mr R.F. JOHNSON: The previous Commissioner of Police was not a Liberal Party candidate. He was not seeking election, but the previous Minister for Health was.

Mr J.C. Kobelke: He did not campaign in a uniform.

Mr R.F. JOHNSON: He was a Labor Party candidate and he campaigned in his uniform. He campaigned for the member for Joondalup in his electorate.

Mr J.C. Kobelke: Rubbish! He did not.

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Mr R.F. JOHNSON: There was a picture of big smiling Bob at the front door saying what a rubbishy job the previous Government was doing on law and order and that a Labor Government would fix it. He was urging people to vote Labor.

Mr M.P. Whitely: Show me the photo. You said all of us. Show me where it was in my campaign. You said all of us. You make it up as you go along.

The ACTING SPEAKER (Mr P.W. Andrews): Without wanting to spoil the member's right to free speech, the point has been made over and over again and the member is moving too far from the motion before us. I suggest he return to the motion so we can continue the debate.

Mr R.F. JOHNSON: I in no way canvass your direction, Mr Acting Speaker, but I am trying to say that if members mislead the House obviously -

The ACTING SPEAKER: I probably did not make myself clear enough to the member for Hillarys. I do not care what he is speaking about as long as it relates to the code of conduct.

Mr R.F. JOHNSON: Certainly, Mr Acting Speaker. The actions of a minister and a member obviously are reflected in the code of conduct. I think I have probably said enough. I have hit a few raw nerves on the backbench. Obviously the member for Roleystone was not one of the favoured few. The Labor Party probably thought it would not win that seat and that is why the member did not get one. However, a lot of other members did.

I will move on because I want to cover more areas. I am trying to point out that many of the issues in the motion before the House today are already covered. They are covered in not only the Members of Parliament (Financial Interests) Act 1992 but also the Public Sector Management Act. It is also covered in the standing orders, which provide that no member shall mislead the House or contravene the Members of Parliament (Financial Interests) Act 1992. As I said earlier, bribery is covered in the Criminal Code.

Mr C.J. Barnett: That is a fair call. As members of Parliament we should not commit crimes.

Mr R.F. JOHNSON: We certainly should not. That is why members on this side of the House want to see this code of conduct strengthened. It also provides -

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

That is already covered in the Salaries and Allowances Tribunal Act. Members of Parliament know what they are and are not allowed to do with the resources in their electorate offices. Anyone who contravened that provision of the code would be guilty of contravening a section of the Salaries and Allowances Tribunal Act. We have seen the very weak ministerial code of conduct that the Premier introduced last year covering the behaviour of ministers.

Mr M.P. Whitely: What would be appropriate for Wilson Tuckey?

Mr R.F. JOHNSON: I will come to that. What does the member for Roleystone think would be appropriate?

Mr M.P. Whitely: He should have gone.

Mr R.F. JOHNSON: Will the member for Roleystone apply the same criteria to the member for Innaloo?

Mr M.P. Whitely: It has nothing to do with him, and you know it.

Mr R.F. JOHNSON: Is it different circumstances? A federal member can write a letter to win favour.

Mr J.R. Quigley: I wrote on plain paper.

Mr R.F. JOHNSON: Okay. A member of this House did something very similar. My friend the member for Roleystone wants one rule for Liberal members and one for Labor members. I am interested only in what happens in this House and among these members. Many opposition members would agree that Mr Tuckey's actions were inappropriate.

Mr M.P. Whitely: What should be done about Tuckey?

Mr R.F. JOHNSON: I cannot do anything; I am not a federal member.

Mr M.P. Whitely: What should be done?

Mr R.F. JOHNSON: I am sure the member for Roleystone and other members will tell him.

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Mr M.P. Whitely interjected.

Mr R.F. JOHNSON: We are referring to a code of conduct for members in this House. Members opposite want to digress from the issue because they want to change the focus from some of their members. I can assure them that they will not redirect my focus.

I will read what the proposed code says about the use of confidential information -

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

That is already covered in section 83 of the Criminal Code under corruption. It reads -

83. Corruption

Any public officer who, without lawful authority or a reasonable excuse —

- (a) acts upon any knowledge or information obtained by reason of his office or employment;
- (b) acts in any matter, in the performance or discharge of the functions of his office or employment, in relation to which he has, directly or indirectly, any pecuniary interest; or
- (c) acts corruptly in the performance or discharge of the functions of his office or employment, so as to gain a benefit, whether pecuniary or otherwise, for any person, or so as to cause a detriment, whether pecuniary or otherwise, to any person, is guilty of a crime and is liable to imprisonment for 7 years.

It is the same penalty as that provided for bribery. Under this Government, an offender would not be given seven years; he or she would get a slap on the wrist and be let out on bail to commit more crimes! The offender would still not be sent to prison. Such a transgression is covered in an Act, so why is it included in the Premier's flim-flam code of conduct? He is trying to take credit for writing to the Procedure and Privileges Committee with his suggestions and the committee has picked them up and brought them into this place. I would attach more credibility to this motion if it had been brought into this place by the Speaker - somebody I respect - or the Deputy Speaker - somebody else I respect - who are members of the Procedure and Privileges Committee. For the Premier, or rather his spin doctors, to try to claim glory as though he is cleaning up some dirty act is absolute flim-flam. However, I am a firm believer in the saying that what goes around comes around, and the truth will out in the end.

Section (8) of the proposed code refers to proper relations with ministers and the public service. The premier has moved -

Members should not approach Ministers, public servants or public bodies on a matter connected with a private interest without appropriate disclosure.

That is fine. Members cannot do that anyway under existing legislation. The premier's motion continues -

Members shall not use improperly their influence in order to obtain appointment, promotion, advancement, transfer or any other advantage within the public sector on behalf of themselves or another or to affect the proper outcome of any procedure established under the legislation for the management of the public sector.

That provision is already contained in the Public Sector Management Act. I know that I, as a member of Parliament, am not allowed to try to gain employment in the public service for a member of my family, a friend or even a constituent. Ministers can do so, and such employees become term-of-government employees. That is fine, and it happens on both sides of politics, but politicians should not be able to permanently infiltrate government with friends or supporters of a political party or the union movement. That is wrong, but it is not covered in this motion. Perhaps it should be.

Section (9) refers to freedom of speech. The Premier has moved -

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

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We have seen the opposite happen a lot of times in this place. Members, like the member for Peel, have done just that when they were on this side of the House. I well remember the current Leader of the House, the current Attorney General and the current Minister for Planning and Infrastructure doing it when they were on this side of the House. When members of the Labor Party are on this side of the House they seem to think that it is fair game to assassinate somebody's character but when they get onto the government benches they seem to think it is wrong. Talk about double standards! It is incredible.

Of course there should be freedom of speech and the privilege attached to it. I believe it is the only way that WA Inc and the corruption that went on during that term of government came to the fore and that there was the establishment of the Royal Commission into Commercial Activities of Government and Other Matters, which should have been called the royal commission into the corrupt activities of the Western Australian Labor Government, which is what it was.

Section (10) refers to misleading the Parliament or the public. The Premier has moved -

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

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr R.F. JOHNSON: I have already outlined the cases in which some members opposite have knowingly misled the Parliament, but they would never see the light of day as far as the Procedure and Privileges Committee is concerned because the Premier would use his numbers to ensure that never happened.

The Minister for Energy last week came into this House and said that on three specific areas the Opposition was "wrong", "wrong", "wrong" - they were the words he used very loudly and dramatically. What happened today? The Minister for Energy made a brief ministerial statement. If he had done the right thing under a code of conduct, he would have come in here and corrected his statement of last week and apologised. The convention under the Westminster parliamentary system is to take the earliest possible opportunity to correct a misleading statement to the House.

Mr C.J. Barnett: It is ironic that he demanded that the Opposition apologise for being "wrong", "wrong", "wrong" - to use his words - when the Opposition was right, right, right. He demanded an apology, but when he was blatantly shown to be wrong, he failed to apologise. It is a double standard. It is a weak minister and weak standards.

Mr R.F. JOHNSON: That is exactly what I have been saying, Leader of the Opposition. There are two standards in this House - one for the Government and one for the Opposition. It is not good enough. I hope a code of conduct is established. I intend to move an amendment before I sit down to try to address situations in which people mislead Parliament. Other areas also need addressing. I will come to them in a moment, as I can see that members are waiting in suspense.

The proposed code, under "participation in political parties", reads -

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

What a profound statement! I wonder whether anybody in Western Australia does not know that to be the case. Most members know that there are three major parties in this State; namely, the Liberal Party, the National Party - known as the coalition parties - and the Labor Party. We have the Greens (WA) and One Nation, but they are minor parties. Talk about a profound statement by our Premier! I love it when he comes in this Chamber and makes these statements.

Mr P.D. Omodei interjected.

Mr R.F. JOHNSON: He is missing, as he has been for the almost the whole debate. The Premier enters the Chamber and drops a statement prepared by his spin doctors to make him look good in the hope of appearing before television cameras and on radio, and then leaves. He devoted a five-minute speech to this important issue. He says it is an important issue; I say it is important, but I say the proposed code is already in the statutes of the State. He says otherwise, and he should spend some time in the House, but he is never here when we need

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him. He leaves it to the Leader of the House to cover for him. In fact, only one minister is currently here - the Leader of the House.

Mr J.C. Kobelke: It might reflect on the quality of your contribution to the debate.

Mr R.F. JOHNSON: That is tedious repetition, as the Leader of the House always says. He listens intently to what I say; I can see he stops reading and listens to me.

Mr J.C. Kobelke: I'm saving up the plenary indulgences for the next life.

Mr R.F. JOHNSON: No, listen, my friend! The Leader of the House will have great difficulty objecting to the amendments I will propose. Does he believe that members of Parliament should have integrity, and that members of Parliament, including ministers, should be open and accountable and answer questions in this House?

Mr J.C. Kobelke: That's the idea of the code.

Mr R.F. JOHNSON: Does the Leader of the House believe members should act in that way?

Mr J.C. Kobelke: That is what the code is about.

Mr R.F. JOHNSON: It is a simple question requiring a yes or no answer. Should members of Parliament, and ministers in particular, answer relevant questions in this House?

Mr J.C. Kobelke: I will make my contribution later. You're about trying to sabotage this motion by including things that are not workable.

Mr R.F. JOHNSON: Not at all.

Mr J.C. Kobelke: You don't want to say it outright, but you seek to sabotage the motion by making it unworkable.

Mr R.F. JOHNSON: The Opposition is supporting, not sabotaging, the code and will vote for the motion. The Leader of the House is "wrong", "wrong", "wrong". However, we want to cover the areas that the Premier has very cleverly left out.

Mr J.C. Kobelke: Have you circulated copies of your amendment?

Mr R.F. JOHNSON: The Leader of the House will have plenty of time to see my amendment. This is a very important issue. The amendment I will put forward is a personal one because I am very serious about the conduct of members.

Mr J.C. Kobelke: If you are so serious about it you should circulate it to other members.

Mr R.F. JOHNSON: I will move it very shortly. The Government will then have the opportunity to think about it and digest it. It will come to the conclusion that, yes, the amendment is right and should be included in the code of conduct because it will enhance the reputation and good standing of members of Parliament, particularly ministers. Just because a member becomes a minister he or she does not cease to be a member of Parliament with the obligations of a member of Parliament. A minister might have a big flash office down the road, a chauffeur-driven car and all that goes with it, but he or she is still a member of Parliament and answerable to the public through this House. The only way that can be done is if members on this side of the House are able to ask questions and get answers relevant to the questions. That is what we will do.

Mr F.M. Logan: Get on with it!

Mr R.F. JOHNSON: The member for Cockburn wants me to get on with it. I know he cannot wait; he is a typical Croydon boy. He is impatient. I am sure the member will agree with the amendment when I put it forward. The member is a man of integrity; I quite like him. I think he will agree with the amendment because he is the sort of person to do that. I do not expect the Premier to agree because it will put him in a difficult position. It will mean that he and his ministerial colleagues will have to be open and accountable.

To a great degree, I have shown that all the material introduced by the Premier in the House today under the code of conduct is already covered by different Acts of Parliament, which I have outlined. It is unnecessary to repeat them. If members are really interested they can read *Hansard* to see which Acts cover these areas. The Criminal Code also applies to some areas although it is obviously not an Act.

Before I move my amendment to add some words, I must repeat that ministers do not discard their obligation to be honest and truthful and provide good governance in this Parliament simply because they are ministers. They

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still have to obey the rules and observe the code of conduct of this House. That is why I want to include ministers more in this debate. The Premier has conveniently left to one side his ministerial code of conduct. The code varies a fair bit. A lot of it is just a motherhood statement. There are no penalties for transgressions. I have highlighted a few areas of the Premier's ministerial code of conduct in preparation for my contribution to this motion. Part of the Premier's ministerial code of conduct states -

The Westminster system requires that Ministers are answerable to Parliament, and through Parliament to the people.

That is what the Premier states. If ministers do not abide by that, what happens? Absolutely nothing. What does the Premier do when things get a bit hot for a minister? He dumps him from a portfolio and moves him to another. That is to ensure that members on this side of the House can no longer ask questions of a minister on a particular portfolio because he is no longer the responsible minister. My amendment will cover some of that because I am sure members opposite believe that ministers should be answerable, even if it is about something for which they were responsible in a previous portfolio. What is so wrong with that? However, the Premier has not done that. He shifted the previous Minister for Health from the health portfolio because things were getting too hot with the \$1 million misappropriation of funds in the Western Australian Aboriginal Community Controlled Health Organisation and allegations of bullying and intimidation of and threats to a female whistleblower. We cannot ask the previous Minister for Health questions on that, because they are ruled out of order. If anything in the standing orders should be changed, that one specific area must be. We are not allowed to ask ministers any of those questions. The previous Minister for Health is the only one who can answer questions about what went on; yet he did not have the courage to stand in this Parliament and make a contribution to the debate on the motion moved last week by the Opposition regarding the \$1 million that has gone missing and the allegations of bullying. He had the opportunity to speak. I wonder whether he will do it tomorrow when we resume debate on that motion to set up a select committee.

If the Premier were really ridgy-didge about a code of conduct, he would say, "Okay, we will set up a select committee to look into that." Last week in good faith I moved an amendment to that motion to include previous years and the previous Government, because the Government was saying, "You won't go back to previous years; you just want to look at the years that we have been in government." No, the Opposition wants to look at what is right and wrong. That is why the amendment was moved to incorporate previous Ministers for Health and Premiers in the previous Government. Let us see whether the Premier has enough integrity and fortitude to accept that amendment, move forward and have a select committee. This is a very important matter. As I said last week in another debate, it does not matter whether it is \$1 million or \$1.5 billion; the principle is the same. If there has been any corruption and if a minister is accused of bullying a public servant, that should be acted upon, and this Parliament should have the ability and the process to question the minister involved.

Amendment to Motion

Mr R.F. JOHNSON: I will move an amendment to the motion dealing with the code of conduct for members of the Legislative Assembly. I move -

Section (8), after paragraph (b) - To insert the following -

- (c) Members that are Ministers shall not bully, intimidate or threaten public servants.
- (d) Members that are Ministers may be asked questions in relation to a previous portfolio or a senior position they have held in a government instrumentality.

I have moved that amendment because I believe it is very important to add those words to the motion. Many questions need to be answered by the previous Minister for Health, for instance. There has been an allegation of bullying and intimidation against him. However, the Premier will not let us ask him questions about that. Under the present standing orders, we are not allowed to ask questions of the previous Minister for Health because health is not his current portfolio, even though all these things occurred when he was the Minister for Health. Why do we not address the situation? If we are intending to change the standing orders by including this code of conduct, let us do it properly and include a section in the code of conduct that will allow us to ask questions of a minister about his time in a previous portfolio. What is wrong with that? Can anybody give me a good argument why that should not happen? If members are honest and open, they will have a job to come up with a good argument to justify why a minister should not be asked a question about a previous portfolio, even if it was only a few months ago. What is wrong with that? Nothing at all.

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The reason I moved the other part of the amendment about previous employment in government instrumentalities is that if somebody comes into this House and is immediately made a minister, we should be able to ask questions of that person who was in a top government job in a government instrumentality. It is important. We were not allowed to ask the previous Minister for Health, the member for Yokine, questions about the Lewandowski affidavit, which was a matter in which he played an integral part along with his friend and colleague the Attorney General. Never once did he take the initiative and contribute to that debate. Not once did he contribute to the debate on the missing \$1 million from the Western Australian Aboriginal Community Controlled Health Organisation or the allegations of bullying and intimidation of a female public servant who had the courage and conviction to abide by the law and act as a whistleblower to alert various government departments, the minister and the Premier of what was happening. I hope that members live up to what they should do and their responsibilities by agreeing to this amendment, because it will be for the better governance of this House if they do so. We will see whether they do or not. I will not hold my breath. However, I hope in my heart of hearts that they will agree to the amendment and do the right thing.

MR L. GRAHAM (Pilbara) [5.11 pm]: This code of conduct is, quite frankly, a load of nonsense. It is yet another political stunt contrived to create the impression that in some way parliamentary standards are in need of some overwhelming overhaul and that the saviour of sweetness, light and purity is in fact the Premier of Western Australia. Although that may or may not be true, this code of conduct can be described at best as a tokenistic, interesting first attempt. It is not a code of conduct that has any application other than in the broadest, general sense. It is not a code of conduct that sets a standard different from the current standing orders. I will not go through and repeat the points that have already been well made about pulling together the current standards and rules under the standing orders, putting them in a different form of words, reissuing them and claiming that it is a code of conduct that is in some way innovative or a breakthrough. It is not. There are some glaring problems and serious deficiencies with this code of conduct.

One of the major deficiencies is that it does not address in any way, shape or form influence peddling. We do not have a system in this State of entrenched corruption or bribery. There was a royal commission finding on exactly that point; that there was no corruption in this State during the so-called WA Inc years. There were no allegations of corruption during the succeeding Court Government years. There is no history of entrenched corruption in our parliamentary system. There is, however, an entrenched system of cronyism and influence peddling, on which both the royal commission and the Commission on Government drew heavily. That is not addressed in any way, shape or form by this code of conduct nor, incidentally, is it dealt with by the ministerial code of conduct.

The ACTING SPEAKER (Ms K. Hodson-Thomas): For the benefit of all members, I advise that we are dealing with the member for Hillarys' amendment, which is to insert paragraphs (c) and (d) in section (8) of the proposed code of conduct. That amendment has been circulated. The member for Pilbara is speaking to the substantive motion. He will get a further opportunity to do so. I remind members that we should now be dealing with the amendment to insert the words, which the member for Hillarys has moved.

Mr L. GRAHAM: Can I be reassured that I will get an opportunity to speak again on the substantive motion?

The ACTING SPEAKER: Yes, you will, member for Pilbara.

MR M. MCGOWAN (Rockingham - Parliamentary Secretary) [5.15 pm]: Later I will speak to the substantive motion. However, I will take a couple of minutes now to talk about the amendment moved by the member for Hillarys. This amendment is one of the things that makes the public disrespectful of politicians. The Government is attempting to deal with a serious issue. To the best of my memory, this is the first real effort by a Government in the history of the Western Australian Parliament to put in place a code of conduct. However, this amendment is an attempt by the member to trivialise this important and crucial issue for society; that is, the standard of behaviour of members of Parliament. Members of the public often express disdain for the performance and behaviour of members of Parliament. They have a low opinion about a range of members, what they do and say, how much they are paid and about the general governance they provide, which they take out on members of Parliament. However, one of the things they really hate, and probably the thing they hate most of all about people involved in politics, is cheap political point scoring. This amendment is crass, cheap political point scoring; that is all it is. To see that, we need go no further than the copy of the amendment issued to members. It appears to have been scribbled down in texta at a moment's notice while the member was making his speech. I have never seen anything like it! A person can barely read or make sense of these scribbled words. However, it is an obvious attempt at cheap political point scoring instead of treating this code of conduct motion with due respect.

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During the time of the last Government, the now Deputy Premier was involved in a committee that examined the standing orders of this Parliament. He made a fulsome contribution to the standing orders and said that it was a joint effort between the parties to improve the operation of this House. Members of the Labor Opposition at that time joined with the then Government to put forward a set of proposals that would make this place operate more effectively. We could have moved vacuous, silly and irrelevant amendments and tried to score a cheap headline by moving something like what is being proposed here, but we did not because we recognised that it was an important issue that needed to be dealt with appropriately and properly. However, this is cheap political point scoring and is of no value whatsoever. To realise that, we need do no more than note that the substantive motion deals with a code of conduct for members in the Legislative Assembly while the amendment moved by the member for Hillarys relates to ministers. In his efforts to cheapen and politicise this debate, he has not even realised that he has moved an amendment about a completely different subject from that which we are debating.

Let us deal with the two amendments moved by the member for Hillarys. The first one reads -

Members that are Ministers shall not bully, intimidate or threaten public servants.

The implication of this is that members who are not ministers are able to bully, intimidate or threaten public servants. The rest of us - the great unwashed in this Parliament - are allowed to go out and bully, intimidate or threaten public servants. It also implies that members who are ministers are precluded from bullying, intimidating or threatening public servants but not members of the general public. Under the proposal moved by the member for Hillarys, public servants cannot be bullied, intimidated or threatened by ministers, although they can be by ordinary members. At the same time, we are all able to bully, threaten and intimidate members of the general public. A well thought-out proposal; a lot of grey matter went into this proposal. The second part of the amendment moved by the member for Hillarys states -

Members that are Ministers may be asked questions in relation to a previous portfolio or a senior position they have held in a government instrumentality.

I am not sure whether that means the public service. My traditional understanding of a government instrumentality is that it is a government trading corporation, such as the Water Corporation or Western Power. The amendment of the member for Hillarys means that if at any point in the past - perhaps 30 years ago - a member worked in an undefined government instrumentality, he may be asked questions in Parliament about his work in that area. It is obvious that the idea behind this cheap political stunt is an attack on the Minister for Small Business, the member for Yokine, who is a former senior police officer. Under the proposal of the member for Hillarys, as a former senior police officer, the member for Yokine could be asked questions about his work in that area. I can see nothing more dangerous than such a proposal. The Opposition could ask him questions about cases and other matters he dealt with as a police officer. Often these are very confidential and sensitive matters. Opposition members, with the full protection of parliamentary privilege, can ask a former senior police officer questions in relation to the police. A former senior executive of Western Power could be asked questions about confidential financial matters in this Parliament, sometimes going back to a position a member may have held decades ago.

I have never heard of anything so ridiculous in the Westminster system. I expect that this motion will be used in Erskine May's *Parliamentary Practice* as an example for budding future parliamentarians of a stupid motion moved by an Opposition. In the future Parliaments around the world will have courses for new members. A course such as that, in a one-hour lecture to new members of Parliament, will examine this motion as a case study in stupid motions.

The motion also does not define whether it refers to federal or state government instrumentalities. I actually held a position in a Commonwealth Government instrumentality - the defence forces - before my election to the Parliament. Does that mean that I could be questioned about the defence forces? Does it mean that the member for Pilbara, who was a member of the army about 50 years ago in the Korean War, could be questioned about his activities near the demilitarised zone in 1952? Is that what it means? This amendment also discourages anyone who was a public servant from running for office in this Parliament. The amendment the member for Hillarys has put forward is ridiculous. He knows deep in his heart that it is ridiculous; and his colleagues behind him have a bemused and embarrassed look on their faces as though they are tolerating this piece of inane stupidity to humour him. The amendment does not deserve any great debate in this Parliament, particularly when we are considering an important matter like a code of conduct for members of Parliament, which should be the one debate in this Parliament that is above political point scoring and pettiness.

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MR J.L. BRADSHAW (Murray-Wellington) [5.25 pm]: I support the amendment. It is important that in a code of conduct, we try to cover the whole spectrum. The amendment proposes that the code of conduct shall apply also to ministers. We have had some evidence in recent times that a minister has bullied a public servant. It should be brought to the attention of all ministers that that is not on; that is not the way ministers should behave. We should not need to have a code of conduct to tell ministers that they should not do that. It should be commonsense. However, some ministers let the position of minister go to their head and think they are all powerful, so sometimes they need to be reminded of what they should and should not do.

It is also important that backbenchers and shadow ministers can ask questions of ministers. We have had examples of ministers in this House who have failed to speak on a motion that has been moved against them. I often think that if ministers are not willing to speak on a motion that has been moved against them, there is probably good reason for that; and by implication it means in my mind, and in the mind of the public, a guilty verdict. At least if a minister can be questioned, it may clear the air and bring to the fore whether the minister is guilty or not guilty. I support this very important amendment to strengthen the code of conduct.

Amendment put and a division taken with the following result -

Ayes (18)

Mr C.J. Barnett	Mrs C.L. Edwardes	Mr P.D. Omodei	Ms S.E. Walker
Mr M.J. Birney	Mr J.P.D. Edwards	Mr P.G. Pendal	Dr J.M. Woollard
Mr M.F. Board	Mr L. Graham	Mr R.N. Sweetman	Mr J.L. Bradshaw (<i>Teller</i>)
Dr E. Constable	Mr M.G. House	Mr M.W. Trenorden	
Mr J.H.D. Day	Mr R.F. Johnson	Mr T.K. Waldron	

Noes (29)

Mr P.W. Andrews	Mrs D.J. Guise	Mr M. McGowan	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr S.R. Hill	Ms S.M. McHale	Mr D.A. Templeman
Mr C.M. Brown	Mr J.N. Hyde	Mr N.R. Marlborough	Mr P.B. Watson
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr M.P. Murray	Mr M.P. Whitely
Mr A.J. Dean	Mr R.C. Kucera	Mr A.P. O’Gorman	Ms M.M. Quirk (<i>Teller</i>)
Mr J.B. D’Orazio	Mr F.M. Logan	Mr J.R. Quigley	
Dr J.M. Edwards	Ms A.J. MacTiernan	Ms J.A. Radisich	
Dr G.I. Gallop	Mr J.A. McGinty	Mr E.S. Ripper	

Pairs

Mr A.D. Marshall	Mr A.D. McRae
Mr B.J. Grylls	Mrs C.A. Martin

Amendment thus negatived.

Motion Resumed

MR L. GRAHAM (Pilbara) [5.32 pm]: Unfortunately, I gave the first five minutes of my speech at the wrong time of the debate; I will not do that again. I had reached the point of dealing with the glaring holes in this so-called code of conduct. I have listened with interest to the debate on the motion. The issue of members of Parliament being held in disrepute was raised. Everybody in this place has a view about why the general public holds members of Parliament in disrepute. Everybody has a pet theory and that will not be changed by a code of conduct. Members of Parliament are held in disrepute by the public because they are sick to the back teeth of being lied to. They are sick to death of members of Parliament who put a spin on issues in the Chamber and never deal with matters of substance. In my 15-odd years as a member of this House, I have never heard a more less-informed debate. I am not having a go at anybody; however, the standards in this place are about enlightened and informed debate. That debate has shifted from this floor to the party rooms. I am not anti political parties; however, that is where the debate now takes place. Members leave their party rooms with a set line, and that is what the public is sick to death of. The public is sick to death of politicians telling them lies at election time and the pretend nature of politics. They are sick to death of members getting papers one day, making a decision the next day and pretending that it was a considered decision. Members of the public are sick to death of hearing politicians in election campaigns saying that there will be no new taxes or charges or no

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increases in taxes or charges and then, when in government, ramping up taxes and charges and blaming the mob before. They are sick of it, and that is why they hold members of Parliament in disrepute. It has nothing whatsoever to do with what happens in this place; it has to do with how members of Parliament perform in public; the things they do and the way in which they present themselves to the public. I will not get deeply serious and carried away on this motion, but it is nonsense.

I am not an advocate of changing the voting system of compulsory enrolment and compulsory attendance at polling booths in this nation. The system will collapse if ever it is changed. People will do what they have done in other places and vote with their feet. They will simply say, "A pox on both your houses"; they will not turn out at polling booths and it will result in a totally unrepresentative system of government. Why would people do that? It is quite simply because of the way in which members of Parliament perform.

Everybody in Western Australia knows that a combination of the proposed new railway line and the Government's commitment to the AAA credit rating is eating up the excess discretionary money that the State Government has. However, the Government continues to pursue the line that it is not about that at all. Everybody in Western Australia knew that the Ningaloo project would not succeed, and everybody in Western Australia knows that the Gorgon project will. However, spin but no substance will be put on each of those issues. That is what brings members of Parliament into disrepute. This motion is not about intelligent, articulate, enlightened political debate; it is nonsense.

I return to the code of conduct. The most important recommendations from the Royal Commission into Commercial Activities of Government and Other Matters and the Commission on Government related to influence peddling - people accessing decision makers and having decisions made in their favour at the expense of someone else. This code of conduct does not deal with that issue. It was the guts of the royal commission's report and it is not addressed in this code of conduct.

I do not dispute that some people are members of political parties. I was a member of a political party and, but for other events, probably would have continued to be. However, there is no doubt that members of a political party must adopt other responsibilities when they have requirements placed on them as a consequence of membership of that political party. That issue goes exactly to the weakest area of this code of conduct, because it enshrines some illegal and improper acts that have never been part of our system of government.

Another aspect of this code of conduct that has been overlooked is parliamentary standards. The code refers to the standing orders of the Legislative Assembly and the procedure to be taken for any breach of the code. However, members have no-one to go to for advice if they believe they have breached the code of conduct, because the body charged with overseeing parliamentary standards is a political committee of privilege of this Chamber. I had someone ask the Clerk about the last time the Procedure and Privileges Committee dealt with something relating to the conduct of members. I would not want a member to stand and say that this is completely wrong, as it was simply a cursory check, but the most recent date the Clerk could find was 1989. Therefore, for 14 years this Parliament has acted according to the current system without any breach of privilege at all. That may be wrong; however, I scratched my head and could not remember it ever happening. I am sure it has, but I cannot remember it.

Other Parliaments have established parliamentary standards commissioners. The report of the member for Girrawheen that underpins this code of conduct specifically excludes the possibility of a parliamentary standards commissioner. Why? As one of the newest members of Parliament, what experience could she have had that enabled her to exclude the possibility of a parliamentary standards commissioner? Did she visit one? Did she check the legislation? Her report is silent on those matters. A parliamentary standards commissioner is charged with improving the standards in Parliament. Such a commissioner has the power to monitor Parliament, set standards and counsel members both before and after breaches of standards or standing orders. The commissioner performs that role independently of the party system, the Executive and the Parliament House bureaucracy. A parliamentary standards commissioner is given the authority and ability to set standards and deal with them. Why do we not have such a thing? Where do new members go for advice on how to conduct themselves and deal with their business? Under the system proposed by the Premier, they will not go anywhere. They will read a code of conduct that will make everything crystal clear. They will be as pure as the driven snow until they breach the code, following which a political system called the privileges committee will deal with them. It is nonsense. In other places, parliamentary standards commissioners have the ability to apply penalties. Those penalties must be endorsed by the House because they relate to serious questions of privilege. However, no-one but a fool would vote against a parliamentary standards commissioner's recommendation that a

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member who has breached a code of conduct by receiving a gratuity on a basis he should not have received it or unfairly, unduly or illegally influencing the process should be fined, dismissed or whatever. It is in the interests of nobody but the parliamentary standards commissioner to improve standards. The House would support such a move. There would be no point having a parliamentary standards commissioner if it did not. If there were a parliamentary standards commissioner, those nonsensical matters of privilege that arise would be completely moved from the partisan political arena and dealt with on their merits. Members would also be able to seek advice from the commissioner.

The Government would have us believe that its code of conduct is clear. It is not. Section (10) refers to misleading the Parliament or the public, and states -

Members must not knowingly mislead the Parliament or the public in statements they make -

What a wonderful thing to say. This House would be struck dumb if the only people who spoke were those who did not knowingly mislead the Parliament or the public. I am yet to hear a speech in which people have not put their own or a party view. To do that, they quite deliberately pick arguments of convenience. It is an essential part of debating.

Section (10) states in full -

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

It will now be legitimate and perfectly acceptable for members to stand and tell blatant lies in Parliament. The code of conduct does not deal with a lie that is told intentionally. Members must correct it only if they do it unintentionally. A standing order exists that allows members to make personal explanations to correct what they have inadvertently said in their speeches.

Section (3)(d) of the code of conduct - the Government's wonderful hood ornament - refers to the disclosure of conflict of interest. Members would think that they would have a duty to declare a conflict of interest between their private financial interests and any decisions they had to make in the execution of their office. Members of local governments must declare their interests, but members of the State Parliament do not have to any more. To acquit their responsibilities under this code of conduct, members need only take all reasonable steps to declare any conflict of interest between their private financial decisions and interests and the decisions that they make. That is extraordinary. This code of conduct accepts that members do not have to declare their private financial interests when making decisions in the capacity of their job. Honestly, even if I totally believed in codes of conduct, I would still consider that as the most bizarre section. Why is it written in that way? It is written like that because the code of conduct is not about substance and standards; it is about spin. It is about one line in an election campaign that the Government has introduced a ministerial code of conduct and a code of conduct for members of Parliament. That is what it is about. That is a terrible section.

Can members imagine if the standards in local government were lowered to that level instead of the current requirements for members of local governments to declare in advance their financial and private interests on a matter and exclude themselves from the room and the deliberations involving those matters? Can members imagine what the response would be from people across this State if the standards for local government were lowered to the standard of this code of conduct, whereby members are required only take all reasonable steps to declare any conflict of interest and no penalty is applied to members who do not? That is why politicians fall into disrepute. It is garbage.

I was going to say something about bribery. However, the Leader of the Opposition made the point that it is illegal to bribe a member of Parliament. The code of conduct states -

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

It is illegal to do it. It does not need to be specified in a code of conduct.

The receipt of gifts is a serious matter. Section (5) of the code of conduct states -

Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.

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The public could be forgiven for believing that the code of conduct would require members to declare all gifts and benefits; however, it does not. It requires members to disclose them in accordance with the disclosure of pecuniary interests. The disclosure requirements for me, as an Independent, far exceed those for party members. My opponent in the last election had five aircraft in the air for three days. Her return - a year down the track after mine had been hung out for public viewing for over six months - says that she did not spend a cent. That is a lie. She spent hundreds of thousands of dollars, but her disclosure says she did not spend a cent. It is a lie.

Mr P.G. Pendal: Her campaign didn't take off like yours either!

Mr L. GRAHAM: Her planes did. The code of conduct also states -

Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the member in the exercise of his or her duties.

That may pose a conflict of interest. I mean, this is a code of conduct! A person should be able to go to someone and say, "Listen, if I get \$500 000 from Fred Nerk's building company and I do this for him, is that a conflict of interest? Yes, it is. In that case I cannot do it." There is no system like that. However, it may pose a conflict of interest or it might give the appearance of an attempt to corruptly influence the member. What happens if it does? SFA! There ain't no penalty. There is no system of enforcement and there is no penalty.

The proposed code refers to participation in political parties. Members should understand that I have no axe to grind with political parties. They do play a legitimate role in politics. From time to time I rail against their self-interest and component parts, but they have a role to play. Under the Westminster system organised parties have never been a fundamental part of the democratic process. That is a huge change in our political system. I will explain that. Proposed section (11) states -

Participation in Political Parties

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

I ask for an extension of time.

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

Mr L. GRAHAM: Now that the Government of Western Australia has ordained that party activities can become legitimate activities of members of Parliament, is it legitimate for me to spend my electoral allowance on my next campaign? The answer is that that is illegal. Members are expressly precluded from using their electorate offices for partisan purposes. It is prohibited by a decision of the Salaries and Allowances Tribunal, and that allowance is provided on the basis that that does not happen. This proposed section changes that; this is one of the great cons of this code. It is the trojan horse for public funding of election campaigns and for the public subscription of facilities for political parties to run their campaigns in the lead-up to an election. A complaint about me was laid before the Corruption and Crime Commission - not that I was allowed to know, of course - because I dared put out a letter during a local government election on a copy of my parliamentary letterhead that I paid for personally. That complaint was investigated - quite stupidly, in my view, but it was. This system will change that. Members will see that as an inherent part of this code of conduct - it will not matter which political party is in power. The government letterhead will appear in party colours so that members can pick up all of that artwork and translate it into their election campaigns and pay for it from their electoral allowances as legitimate expenditure. That is where this motion leads us. That has been expressly excluded for the entire time that we have had electorate offices and allowances. The public is not aware of this. It is a fundamental change that the public has not yet got its head around or discussed.

Are members of Parliament currently allowed to access their imprest funds to travel to a party meeting? The answer is no, they are not. Why not? They are not allowed to access their imprest funds because the decisions of the Salaries and Allowances Tribunal do not allow it to happen. Given that party activities will now be legitimate activities for members of Parliament under this code of conduct, we will find that ministers and Premiers will start to meet more and more of their party obligations on the taxpayer. They would be damn fools if they do not. If there is a national conference meeting, they will jump on a plane and go to it, because the code of conduct says that it is now one of their legitimate activities as MPs, so they can use taxpayers' funds to go to the national conference of their particular political party. That is nonsense. That is not what those things were put there to do.

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The last point I will dwell on is the procedure for breaches of the code. First, it is poorly written, and secondly, all it does is say that currently a provision in the standing orders deals with breaches of parliamentary standards and standing orders. It is another curtain job; it is window-dressing at its best. The code of conduct says -

Procedure for breaches of the Code

Incidentally, there are none; there is a sentence, which states -

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

That is Standing Order No 109, which states -

A member may at any time raise a matter of privilege which will, until disposed of, suspend consideration and decision of every other question. The Speaker may -

- (1) Determine the matter;
- (2) Defer the matter and either continue or adjourn the business under consideration; or
- (3) If the Speaker considers that there is some substance in the matter and it has been raised at the earliest opportunity, give priority to a motion without notice.

That is how the matter will be dealt with. That is absurd. That is absolute nonsense. That is the way these sorts of matters were dealt with 200 or 300 years ago. There is not a modern Parliament in the world that has those sorts of standing orders in its procedures. There is no ethical or logical basis to that, and there is no ability in that for a member to stand and raise his own concerns. I hammer and labour this point quite intentionally: there is nowhere to which members of Parliament can go in our partisan system and seek advice on how they should conduct themselves other than to either their leader or their political opponent. That is not reasonable. Not only is it not reasonable, but also it is damn stupid. It is a system that requires people in this place to tell lies. No thinking Leader of the Opposition would go to the Premier to access his imprest account and give the Premier the information that he seeks. He simply would not do it. In order to comply with the guidelines, which will be covered by this code of conduct, members are required to go to the Premier and his department and tell lies. Once the member has told those lies, the Premier will approve the member's request because he cannot not approve it. He has no authority to withhold a member's imprest account. In fact, the Treasurer can withhold payment. It has nothing to do with the Premier. The Act makes it quite clear that the Treasurer is responsible for those funds, but under this code of conduct the system will require members to tell lies and they will then be dealt with. Can members imagine a government-dominated committee of privilege having concrete evidence that a Leader of the Opposition told lies to access his funds and not bringing down a report and finding damning the Leader of the Opposition? If members believe that that could possibly happen, they must believe in pixies at the bottom of the garden.

This is an incredibly lightweight code of conduct. It is about two or three pages. The Scottish Parliament's code of conduct is 65 pages. It is intellectually challenged at best and provides absolutely no guidance to members of Parliament. In each of its key areas, it in fact lowers standards and leaves it open for people to tell lies and abuse the system. It should be opposed at every stage.

Sitting suspended from 6.00 to 7.00 pm

MR J.L. BRADSHAW (Murray-Wellington) [7.00 pm]: I support this code of conduct, even though I agree with the member for Pilbara who gave a very good speech before the dinner break on the reasons for this motion for a code of conduct. It is to some extent a political stunt. It takes the moral high ground by making out that it will do the right thing. We can have whatever we like in place, but only the will of the people will make a code succeed; it is not merely a matter of putting a code in place. I do not believe that we need a code of conduct, because commonsense should tell us how to perform. We should not need a code of conduct to tell us what to do, but some people obviously do need to be told how, when and why they should do something.

We all espouse the wonders of democracy and its greatness, but it is a system that lets us down without a code of conduct. A few years ago when I was on the political exchange program I visited China. One of the members of the group asked one of the leaders if China had democracy. He answered yes, that they had elections. When asked about the one-party system, he said that having more than one party is disruptive. I can understand what he was getting at. In a system with more than one political party all that happens is that people keep badgering for seats in the Parliament. In a one-party system that would not happen. People might hold us in higher regard, even though that might not really be the way to go.

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Whatever code of conduct is in place will fail because some people will always try to be one-up on someone else or pull somebody down in the eyes of the public, so that their party may gain some favour in the public arena or so that the Opposition loses favour because it has been denigrated or shown to not be up to the job. Our democratic system is therefore a problem. I can give some examples of why it does not work well, particularly in respect of the Labor Party. Over the years I have noted that if one of the Labor Party members of Parliament is under attack, the party will fight back. For example, a letter to the Premier indicated that the former Minister for Health was a bully and standover merchant and that he was not doing what he should have done as a minister. The whistleblower was Ms Jean Thornton. She wrote about misappropriation and irregular events in the Western Australian Aboriginal Community Controlled Health Organisation of this Government. The Labor Government brought in whistleblower legislation, yet at one of the first opportunities to look after a whistleblower, members opposite denigrated her, exposed her letters to the public and did all sorts of improper things. Such behaviour falls outside the code of conduct. It was wrong and it was sad. I recall that when Labor members of Parliament went before the Royal Commission into Use of Executive Power, the Carmen Lawrence commission, other Labor members of Parliament denigrated the royal commissioner. The commission was set up to make an impartial judgment about what took place with the Easton petition matter, yet members of Parliament attacked the royal commissioner. The attacks that took place on the royal commission were incredible. Again, this is not a real code of conduct that would be adhered to by members of Parliament. If any member of the Labor Party is attacked, its members will retaliate twice as hard and get into those people regardless of whether what they say is right or wrong. That behaviour is wrong.

My concern with developing a code of conduct is that I know some members of this House will not abide by it. Another example of the failure of a code of conduct was the silly comments by the member for Perth about the mile-high club.

Point of Order

Ms M.M. QUIRK: I have the *Hansard* in front of me. Those were not the words the member for Perth used, with all due respect to the member.

Mr R.F. JOHNSON: That is not a point of order; that is a point of view of the member for Girrawheen.

The ACTING SPEAKER (Mr P.W. Andrews): There is no point of order. All members can go back to *Hansard* and check the veracity of the comment.

Debate Resumed

Mr J.L. BRADSHAW: Regardless of what is in *Hansard*, members of this House thought that reference was made to a mile-high club incident between a member of the Opposition and somebody else. That is regardless of what appears in *Hansard*. The member can say what she likes about what is in *Hansard*. The person who said it was not being recorded by Hansard; the reporter was recording the person on his feet at the time. The member involved tried to tell me that he did not say it, but why was there a perception in the House about the mile-high club?

Ms M.M. Quirk: Dirty minds.

Mr J.L. BRADSHAW: The member can call it what she likes; the facts are that the perception in the House was that the member went down that track to pull down and intimidate that person. It was disgraceful and disgusting; it should never have occurred. Some Labor members in this place have this idea of intimidating female members on this side of the House. It has happened on several occasions. The members for Riverton and Perth do it. Interestingly, a few months ago the Minister for Planning and Infrastructure said that some people on her side of the House carry out things that she does not believe are right. I am not one-sided on this matter. Sure, I pick faults with members opposite, but when one of their own says that some Labor Party members of Parliament are not doing the right thing, maybe what I say is correct.

Mr J.C. Kobelke: That's not a fair representation of what she said.

Mr R.F. Johnson: I'm sure she will correct it if that is the case.

Mr J.L. BRADSHAW: I am not saying word for word what she said. She certainly indicated that she was not happy with the way some members on her side of the House conducted themselves.

Mr J.C. Kobelke: She was asked about members generally, and when asked whether it was all on one side of the House, I think she said no. That led you to that inference.

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

Mr J.L. BRADSHAW: I did not say all members on one side; I said some members on that side of the House. The Leader of the House could be right in saying that the Minister for Planning and Infrastructure said the behaviour was from members on both sides. I disagree with some of what the member for Pilbara said. He said that what goes on in this place is of no concern to the general public but that what politicians do in the public arena is of concern to the general public. What we do in this place reflects on us in the public arena.

Last Saturday night I attended the Juvenile Diabetes Research Foundation function at Burswood Casino. It was a fundraiser for juvenile diabetes research. The master of ceremonies was Jeff Newman. I listen quite often to the Curtin University radio station because it plays my sort of music. Jeff's brother Peter is the breakfast announcer. He is followed by Peter Waltham, who hosts the morning show. Just before nine o'clock each morning both Peters talk about topical issues. They obviously pick out items from the newspaper. On a few occasions I have heard them criticise members of Parliament. It gets on my goat a little bit when I hear people criticise members of Parliament because we all believe we are doing the right thing. We all try to do the right thing by the community. I told Jeff Newman that I love listening to Curtin radio but that sometimes his brother gets up my nose when he goes on about politicians. I told him we should try to promote politicians rather than drag them down. He said that politicians should look at themselves and that they deserve to be criticised because of the way they carry on in Parliament. His comments set me back a little at the time. I reflected yesterday and on Sunday on what he said. He is right. The way in which we conduct ourselves in this place on a lot of occasions is a disgrace. Some of what we do is just toing-and-froing. I tried to explain to him that if someone calls a person a dill he will not just sit back and take it - he will say the other person is a dill. However, we should not stoop to that level of debate; we should keep above that. He told me to look at people like Sir David Brand and Sir Charles Court, who did not stoop to those levels. I must say that I do not know because I was not around in those days. It all depends on what is put around in the public arena. We are under much more scrutiny these days with television and video links to the public, particularly during question time. It is important that we try to lift the standards in this place. To be quite honest, I do not think it will ever happen. Putting in place a code of conduct will not make it happen because of the way our democratic system works. Members try to knock other members to gain an advantage.

Something that affected me personally was the attack on my brother in this place during the 1990s with regard to the City of Wanneroo. Some of the things said in this House by members of the Labor Party were disgraceful. There was no evidence to back up what they said. Colleagues of this Government made outrageous statements. They sat back and gloated because they thought they were getting into members on the other side of the House. I do not mind my side of politics being attacked if there is truth or evidence to back up what is said. Members should read what was said during the mid 1990s. A lot of things were said that had no relation to what actually happened. In most cases there was nothing to back up the statements. Many people in Wanneroo said this and that was happening. A certain member shot off his mouth in this place about all the things that were supposed to have taken place. The royal commission showed that, mostly, those things never happened. When one of the prime offenders got to the royal commission, what did he say? Nothing. He had no evidence to back up what he was saying. That is the sort of thing that brings politicians into disrepute.

I will return to what I was saying about the member for Perth. It was interesting to see what flowed from that. A number of letters were sent to members of Parliament. These letters were written by people in the public arena who were less than impressed by what took place in this House on that occasion. I will not say who wrote these letters but I will say to whom they were addressed. The first was addressed to Mr John Hyde and states -

Attn: Mr Hyde

Re: Your Poor Performance in Parliament

I don't know much about you Mr Hyde as a politician, however you've made the biggest mistake that you could have. No professional woman will take you seriously, and I believe many professional men will react in a similar manner. Your foolish comments have lost you any credibility.

It goes on a bit. The next is addressed to Hon Dr Geoff Gallop MLA and states -

Dear Dr Gallop

The Federal Labor Party was recently involved in a debate about the merits of policy versus charisma. Very little was said about the philosophy from which the policies evolved. However I do concede that some months earlier there had been much discussion about political philosophy.

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

For many years politicians have attacked the person rather than the policy. This technique, often used in the Western Australian Parliament, was brought to public attention on the 26th June.

Perhaps you would be good enough to outline, in simple terms, the philosophy behind the policies you wish to implement during your term (s) in office.

That person, who is obviously a Labor supporter, was not impressed by what happened on that day. The next letter states -

Dear Ms. Walker,

I am writing to express my outrage at the crass cowardly attack made on you by John Hyde in Parliament yesterday .

May I take this opportunity to assure you that though we are obviously idealistically opposed I find Mr Hyde's behaviour abhorrent and I am sure most members of the ALP would agree with me that John Hyde and those like him have no place at any level of politics in Australia .

This is the same "man" who in a newspaper article about six years ago describe Mother Theresa of Calcutta as "an Albanian Homo hater"

Another letter states -

Dear Ms Walker

RE: MISCONDUCT OF A LABOR PARLIAMENTARIAN

I was "stunned" to read in Friday's West Australian newspaper of comments directed to you (in Parliament) by Mr Hyde MLA.

As a fellow member of the legal profession, and a former President of the WA Association of Labor Lawyers, I assure you that Mr Hyde's comments were not authorised, nor in any way supported by my associates and colleagues (to the best of my knowledge and belief).

Mr Hyde's denigrating comments were possibly exacerbated by their repetition through the media. This is most unfortunate, and I offer my personal apology for the misconduct of a fellow Labor colleague. As stated, I also reiterate that his comment was completely inappropriate, and should be viewed as the reprehensible misconduct of an individual, and an extreme misuse of Parliamentary privilege.

Another short letter states -

Dear Mr Hyde,

I would like to encourage you to exercise better judgement in your choice of language when dealing with your colleagues in parliament.

They are a few of the letters that have been sent to various people. They were not all sent to the member for Nedlands; some were sent to the Premier and the member for Perth. They demonstrate the concern that people have for what we say in this place. Some of the things that are said in this place can have catastrophic consequences. That is why I urge members to be very mindful of what can happen. All members remember the Penny Easton affair. Penny Easton committed suicide as a result of what took place in this House. I am trying to think of another recent example in which comments that were made had fairly dramatic consequences.

Mr R.N. Sweetman: In Britain.

Mr J.L. BRADSHAW: Those comments were not made in Parliament, or only to a certain extent.

Mr J.C. Kobelke: You are probably thinking of Nick Sherry in the federal Parliament.

Mr J.L. BRADSHAW: Probably. I knew there was another example, I just could not remember it. It works both ways.

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

Mr J.L. BRADSHAW: The members who are now sitting in this House may not be aware of what happened in the 1990s. My brother was accused in this House of murdering three people. How do members think he felt about reading the article on the front page of *The West Australian*? There was no evidence to back up the story.

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An article in which two of the wives said it was rubbish was printed on page 12 or 14 of the newspaper. *The West Australian* did not have the integrity to put those views on the front page; it buried them in the paper. Somebody in here had the poor form to say that. How would members like their brothers, sisters, mothers or fathers to be accused of murdering somebody? I am sure that my brother probably felt like committing suicide as a result of that. He had enough problems with being attacked on other issues, but for him to be accused of murdering people was disgraceful. It is one of those things. I have had this sort of thing happen to me, so I know what it is about. However, why should members of the public be attacked in this place without a member having evidence to support his attack? If there is evidence, I do not mind. If there is truth to the accusation, I do not mind. I do not mind being attacked if there is truth to it. If I have done something wrong, I will admit it and accept the consequences. However, to be attacked without any legitimacy, and for political reasons, is totally wrong. That is the problem I have with this code of conduct: it will not stop that from happening. When there is an opportunity to pull down somebody who is linked politically or involved in this House, it will be done for political reasons. Members opposite can say what they like about this code of conduct, but it will apply only to a member with the integrity and the fortitude to speak the truth and say what he believes.

Yesterday I noticed Mal Bryce walking around Parliament. I read about a particular instance involving him - it was before my time in Parliament - in which he said outlandish things about the Courts. He said that they were into backhanded payments, corrupt accounts or something or other, and he was going to expose them at a public meeting in Belmont or somewhere. Everyone traipsed out to this public meeting, and what did he say? He said nothing. However, in Parliament he had the forum to denigrate the Courts - it would have been Sir Charles Court in those days. It is incredible that purely for political reasons he tried to pull them down. Perhaps somebody whispered in his ear that there was some misappropriation, some wrongdoing or some backhanded payments to the Court family - I do not know. However, a member should have the evidence to make an accusation in Parliament rather than say it because somebody whispered into his ear that it might have taken place. It is wrong to allow members to say a lot of things that are said in this place. For the life of me I cannot see how this code of conduct will fix the problem.

Mr R.F. Johnson: Surely the person who should be leading by example is the Premier. However, he continues to perpetuate disgraceful comments about one of our members - something that the Premier believes happened some years ago. The royal commission found there was no evidence whatsoever, but the Premier still perpetuates the matter every time he is under pressure; yet he is supposed to be leading this debate and has introduced this code of conduct!

The ACTING SPEAKER (Mr P.W. Andrews): Order! The member for Murray-Wellington has the call.

Mr J.L. BRADSHAW: I am not quite sure what the member for Hillarys is on about -

Mr R.F. Johnson interjected.

Mr J.L. BRADSHAW: Yes. If that is the case it is wrong, because there is no evidence to back up what the Premier said.

Last week in Parliament I was annoyed with what the Deputy Premier said when he was under pressure. He said that he had the chief executive officer of Western Power at Parliament House for dinner. He was taking him to the dining room and had hoped he would pass the Leader of the Opposition on the way so that he could speak to the CEO to put matters right, or something along those lines. The Deputy Premier then said that the Leader of the Opposition was probably in the bar. He did not say he was drinking, but saying that a member is in the bar would lead most people to think that he was in the bar drinking.

Mr D.A. Templeman: What about the comments of the member for Nedlands this afternoon about the member for Peel? It is exactly the same.

Mr J.L. BRADSHAW: If she said it I do not agree with it. I think it is wrong.

Several members interjected.

The ACTING SPEAKER: Order, members! The member for Murray-Wellington has the call. Perhaps the member for Nedlands mistook me for someone sitting at the bar - you never know.

Mr J.L. BRADSHAW: We must be careful. If we want to raise our public image, saying that one of us is in the bar is not the way to do it. We all go into the bar to watch the news on television. Sure, it does not mean much to one of us to say that a member is in the bar, but in the public arena it suggests that member is knocking back a few drinks. That is why the Deputy Premier said it; regardless of whether he says that he did not mean that, it

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was the inference to be drawn that counted. As much as I am happy to support this code of conduct, unfortunately I do not believe that it will change anything in this House.

MR M. MCGOWAN (Rockingham - Parliamentary Secretary) [7.25 pm]: I support the code of conduct moved by the Premier earlier today, and I congratulate him and the Government on taking this important step to restore the reputation of members of this Parliament. Being a member of Parliament is an honourable profession; it is a decent and noble thing to do. All of us in this place would have come into this field with some idealism and desire to do some good for our fellow human beings. It is a great pity for all people elected to either of the Houses in this place, to local government or the federal Parliament that our reputation is not as high as it should be; that people have a generally low opinion of us as elected representatives. We are their representatives, and the membership of this place reflects, to a large degree, the general community. It is disappointing and unfortunate that our image and standing in the community is not as high as it could be.

It is also very unfortunate that this debate has not been conducted in the spirit it deserves. The Premier, in his speech, avoided partisan politics completely. He spoke in favour of a code of conduct, referring to the ideas behind it and to ways of restoring and improving our reputation. He did not descend into partisanship or criticism. I am disturbed by the comments of the last two opposition speakers. They used this debate as an opportunity to attempt to score cheap political points. Moreover, they used it in a way that indicated that fault in these issues lies only on the side of the Labor Party. I will deal with that matter shortly.

I heard the member for Murray-Wellington in his contribution profess a secret longing for a one-party State. He said that a code is useless and not worth the effort. It is very difficult to put forward the kind of things we are dealing with in any way other than as a code of conduct. It would be inappropriate and in many ways undemocratic to attempt to legislate rules such as these, strictly in relation to members of Parliament. We could never cover the field or come up with a penalty, punishment or way of dealing with these issues to cover every single permutation or situation that could possibly arise. It is physically impossible, in a drafting sense, to put a mechanism such as this in place. There is the risk of extreme punishments being imposed for extremely minor infractions, if a code of practice, governed by the Parliament's standing orders, is not put in place. The member for Pilbara said that the Scottish example is 75 pages long. The code should not be that extensive. Things that large are difficult to understand, and again they invariably cannot cover the field. The code must be broad, easy to read and easy for members and the general public to access and understand. That is why the code as it stands has been moved by the Premier.

Members have been somewhat critical of the party political system. In my view the party political system is crucial to our style of democracy in our country and our State. In countries that have non-party political systems people inevitably engage in all sorts of horse trading to get what they want. Yesterday we heard about the death of a certain senator who showed us what can happen when a person becomes an Independent and acts on a purely self-motivated basis for a small segment of the population. In Italy and in some parts of the United States there is often horse trading and the party that is elected to govern cannot govern with consistency and put in place the policies on which it was elected. The system of government in Italy - the member for Warren-Blackwood is an expert on this - is totally untenable, because Italy does not have a party political system under which the elected Government can put in place a set of policies that it can stick to and implement. I am a great believer in the party political system of government, because it has given our country and our State a stable democracy.

I believe the code of conduct will help restore in the mind of the public the position of all members of Parliament. In defence of members of Parliament, the Parliaments of the Commonwealth and the States have produced some great members. However, there is a propensity in the community to run down all members of Parliament, based on the actions of a few. Members of Parliament are an easy target in that sense. If one member of Parliament does something wrong, it attracts a lot of publicity and we are all run down. However, at the same time we have produced some great representatives throughout the decades, on both sides of the Parliament. We have many examples of Premiers, and also of members who did not rise to high office, who were true to their times and represented their constituents very well.

Another beauty of our system of government is that we as local members are very accessible to our constituents. A lot of people from the United Kingdom live in my electorate. They often say that their members of Parliament in the UK were distant figures who performed their role in Westminster but were not often seen in their electorates. They say that it is very rare for people in Britain to see members of Parliament, whereas in Australia many of us are out every weekend and on many evenings to meet our constituents and to take up issues on their behalf. In a lot of ways we have a lot to be proud of in our form of democracy, because we have a culture in

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which we, as elected members, do not think that we are superior to or better than the people who elected us but feel that we are one of them. As such, I think that our communities have been well served by their representatives in this place over the years.

A couple of matters cannot be adopted by this code but they relate to issues raised by the code; that is, improving the status of members of Parliament in the community and their position vis-a-vis the citizens of this State. The first aspect I raise is the pay increase for members of Parliament, which is topical as it was handed down yesterday by the Salaries and Allowances Tribunal. The Salaries and Allowances Tribunal hands down a pay increase for members of Parliament once a year. Contrary to the understanding of most radio talkback callers, I have no knowledge of when that increase is handed down and I believe most members do not take much notice of when it is handed down. I did not know it was being handed down yesterday, I had no idea of the amount and I had no input into it. The general public appears to think that we as members of Parliament set the pay that we receive. We do not; it is set independently of us.

A far better system for members of Parliament, in confronting this issue with the public, would be to have our pay tied to the Government's wages policy so that any increase would be the same as it is for those people who work for the Government. The Government's wages policy is contained in the budget and is currently about three per cent. If our pay were tied to that policy, it would be difficult for those people in the public sector seeking pay increases to run the argument that politicians set their own increases and, therefore, get a higher increase. If our pay were attached to the Government's wages policy, it would be easier for us to defend any increase to the broader community. That would be an appropriate way to deal with that issue. The Salaries and Allowances Tribunal should be left to deal with allowances and technology because technology and its requirements change. However, I suggest that the salary of members of Parliament be tied to the Government's wages policy, which would resolve a range of issues for members of this place.

Another aspect of this code of conduct relates to our electorates. My firm view is that the most important role of members of Parliament is to service their constituencies and to be available to the people who elected us. When I arrived in this place almost seven years ago, I was told by a long-standing member to never forget my electorate. That was a very important piece of advice. One important thing that members can do for their constituencies and to reflect their importance is to have their electorate office, depending on geographic practices, in or in the vicinity of their constituencies. A member's electorate office is a resource. Often we as members of Parliament are away from our electorates, either in Parliament or attending committees. Many members are ministers and many opposition members are shadow spokespeople, who are required to perform a range of roles. When their constituents need their assistance, however, they should be able to access their member's electorate office, which should be in the member's electorate.

It appears that eight members of this Parliament have electorate offices not only not in their electorates but also not in the vicinity of their electorates. It is entirely understandable and acceptable that a member would have his or her electorate office in a major shopping precinct if the electorate is a mile away from the electorate in a shopping precinct where their constituents carry out their shopping or social activities. However, it is unacceptable that eight members of Parliament - six conservatives and two Greens - have their electorate offices in West Perth.

Mr P.G. Pandal: I think you are belittling yourself and you will regret making this speech. It is a very stupid speech.

Mr M. McGOWAN: The member for South Perth obviously thinks members should be able to have their electorate offices hundreds of kilometres from their electorates. That is his view, and he can profess it as much as he likes. Eight members - three from One Nation, three from the Liberal Party and two from the Greens (WA) - have electorate offices in West Perth.

Several members interjected.

Point of Order

Mr R.F. JOHNSON: The member should be very careful not to contravene standing orders by adversely reflecting on members in the other place. I believe he is getting very close to doing that.

The ACTING SPEAKER (Mr P.W. Andrews): There is no point of order.

Debate Resumed

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pandal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

Mr L. Graham: I think he is supporting my submission to the Salaries and Allowances Tribunal!

Mr M. McGOWAN: I noticed that the member for Pilbara raised something along that line.

The ACTING SPEAKER: The member for Rockingham needs to bring his speech back to the motion relating to a code of conduct.

Mr M. McGOWAN: I have made my point. Members should be required to have their electorate offices in or in the near vicinity of their electorate.

Several members interjected.

Mr M. McGOWAN: I listened to the members of the Opposition in silence.

The ACTING SPEAKER: The member for Rockingham has the call. If members to my left wish to make a speech, they can ask for the call.

Mr M. McGOWAN: I am also concerned that the Members of Parliament (Financial Interests) Act 1992, which requires us to submit an annual return, contains an enormous loophole. Members who put their assets in a trust arrangement can avoid the requirement to disclose assets. That needs to be fixed. I understand that an attempt to fix that was made when the Bill was before the Parliament. However, the upper House, controlled by the conservative parties, blocked it. In effect, people who have executive power over an area of the economy, whether it be lands or issues to do with certain types of business, can have shareholdings in businesses in a trust arrangement or be the beneficiary of a trust owned by a family member and not disclose that interest. Such members are clearly flouting the intent of the law. That is not what we should do. We should declare all interests. The Act should be drafted in such a way as to ensure that those interests are disclosed. As you, Mr Acting Speaker, pointed out, that is slightly away from the topic of the code of conduct. However, it is something that needs to be addressed by the Parliament in the future.

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

Mr M. McGOWAN: As I said, I was disappointed that the Opposition's two lead speakers used this debate as an opportunity to raise partisan examples of what members of the Government may have said or done at some point. I thought this debate could be an opportunity for us to say that the code of conduct is a good start and a method of raising the standards and the view of members of Parliament in the mind of the public. However, as I knew they would, members opposite decided to be partisan about the issue. I listened to a few speeches to see whether the Opposition would be big-spirited about this. It was not. I did some research in case that would be its attitude. The member for Hillarys and the member for Murray-Wellington raised some concerns about things that members on our side of the House may have said at some time. I have done a bit of research on this.

Mr P.D. Omodei: Did you do it yourself? Be honest.

The ACTING SPEAKER: Members to my left will get a chance to ask for the call.

Mr M. McGOWAN: The best way of determining how members behave in this House is to find out how many times they have been called to order. I admit that in the first two sessions of this Parliament, I was called to order once. My colleague the member for Kimberley also has been called to order once. According to my research, the Premier has not been called to order at all. Members will be interested to know that in the first session of this Parliament the Leader of the Opposition was called to order 32 times and in the second session of this Parliament he was called to order 48 times, yet the Opposition lectures the Government on parliamentary standards. Who came second? The member for Warren-Blackwood has that dubious honour. In the first session of this Parliament he was called to order 12 times and in the second session he was called to order 38 times. Making a big improvement in these stakes - she has not been here for long - is the member for Nedlands. In the second session of this Parliament, she was called to order 33 times. Despite this, the Opposition lectures the Government on parliamentary standards. The first, second and third prize winners are all members of the Opposition. The Leader of the Opposition must have set some sort of record. I might call the *Guinness Book of Records* and give it the figures. I am confident -

Several members interjected.

Withdrawal of Remark

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

Mrs M.H. ROBERTS: The member for South Perth described the member for Rockingham as “you silly boy”. They are unparliamentary comments and it is exactly what the matter under debate is about. I believe he should withdraw those comments.

Mr P.G. PENDAL: I withdraw.

Debate Resumed

Mr M. McGOWAN: Members opposite are laughing because they think parliamentary standards are a joke. I am making a serious speech.

Points of Order

Mr C.J. BARNETT: In the figures that the member for Rockingham is quoting - I cannot remember them exactly - he said that I was called to order 30 or 40 times and that the Premier was not called to order once. Usually in a debating environment, it is expected that members on both sides will be called to order. I would like the Acting Speaker to consider whether by presenting such a biased result, the member may be reflecting on the impartiality of the Chair. It is a serious point.

The ACTING SPEAKER (Mr P.W. Andrews): I have considered the matter and it is not a point of order.

Mr M.J. BIRNEY: I request that the member for Rockingham table the document from which he is reading.

Mr M. McGOWAN: It is not an official document.

Mr R.F. Johnson: It comes from the Premier's office.

Mr P.D. OMODEI: Mr Acting Speaker, I ask you to rule the member for Rockingham -
Several members interjected.

The ACTING SPEAKER: I have given the call to the member for Warren-Blackwood, who I think is raising point of order, but I cannot hear him.

Mr P.D. OMODEI: Thank you, Mr Acting Speaker. The member for Rockingham has said that members on this side of the House are laughing. There are a few smiles on the faces of members on this side of the House. However, it is an obvious attempt to put on the record that members on this side of the House do not treat this matter seriously. That is not a true reflection of what is happening. I ask the Acting Speaker to bring the member's remarks back to the question. What about a bit of truth, member for Rockingham?

The ACTING SPEAKER: It is not a point of order just because members were laughing, which is not a negative thing.

Debate Resumed

Mr M. McGOWAN: In two and a half years, the Opposition has not learnt the difference between a point of order and a debating point.

Several members interjected.

The ACTING SPEAKER: That is enough. Everyone has had some degree of discussion and mirth, but that is enough. Members will hear the end of the member's speech and then they will listen to whoever next seeks the call. I ask members on my left not to interrupt the debate unless they wish to raise a point of order.

Mr M. McGOWAN: As I said, the Leader of the Opposition has some sort of western world record for being called to order - 48 times this session and 32 times last session. Let us look at what the Leader of the Opposition has said. I note that he appeared on a television program the other night during which he complained about something the Deputy Premier said. In my view he was being a little precious, considering what he has to say in this place. He has said that the member for Perth is an insulting fool. He has described government backbenchers as “two absolute lunatics”. He said to the Deputy Premier, “What a conceited little turkey you are”. He said to the Premier, “Is that what the Premier stands for, apart from giving drugs to kids on the street?” He described the member for Armadale as “this erratic, unstable minister who is out there spending taxpayers' money”. The member for Hillarys, who professes to be disturbed by the language of members on this side of the House, described the member for Armadale as an old witch.

Mr R.F. Johnson: What are you quoting from?

Mr M. McGOWAN: I will get it to the member later. Is he prepared to apologise?

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

The member for Warren-Blackwood said to the Premier, "You are a gutless bastard, that's what you are." He said to the member for Armadale, "You're standing up there like a fishwife." He said to the Premier, "Will the Premier visit those communities or will he continue to be the gutless mongrel that he is and stay in power?" I will not repeat what he said to another of our members, but it started with a "d". The list goes on. I find it hard to tolerate members of the Opposition politicising this debate by saying that members of the Government somehow behave inappropriately in this place when it is members opposite who have the record on these matters. Their language is the worst I have heard in my seven years in this place. As far as I am aware, the Leader of the Opposition has been called to order on more occasions than anyone on record in this place. The member for Kalgoorlie described the Premier as a gutter rat and has said a range of other disgusting things. To quote the Opposition, this has been described as a dirty-tricks campaign.

Point of Order

Mr R.F. JOHNSON: I have every reason to believe that the document that the parliamentary secretary to the Premier is referring to and has quoted from is an official document. I believe without any question that it has come from the Premier's department and should be tabled in this House.

Mrs M.H. ROBERTS: First, the member for Rockingham has said that it is not an official document from which he is quoting. Secondly, I point out that although the member for Rockingham would make an excellent minister, at this stage he is not a minister and is not required to table any documents.

Mr C.J. BARNETT: The member for Rockingham has quoted comments allegedly made in this Parliament. He does not have *Hansard* or a copy of *Hansard* with him. He is quoting Parliament indirectly from another document, which I believe has come from the Premier's office. He is a parliamentary secretary. We are talking about parliamentary standards. This is an exact opportunity to test the veracity and the conviction of the Labor Party on parliamentary standards. The member for Rockingham should admit that he has a document prepared by the Premier's office and be man enough and honest enough to table it.

The ACTING SPEAKER (Mr P.W. Andrews): I presume that the member for Rockingham's papers are his own personal papers.

Mr M. McGowan: That is correct.

The ACTING SPEAKER: There is no point of order.

Debate Resumed

Mr M. McGOWAN: They are my papers -

Mr C.J. Barnett: I want to know - did you mislead the Parliament?

The ACTING SPEAKER: In the first place, the member for Rockingham is speaking in his capacity as the member for Rockingham and not as parliamentary secretary, and in the second place, he has assured us that those are his private notes.

Mr M. McGOWAN: The Leader of the Opposition has had the member for Nedlands lean over my shoulder and read my notes while I was trying to make a speech. Talk about inappropriate conduct in this Parliament! Does the Leader of the Opposition condone that sort of behaviour? Does he think that I should sit next to him when he makes a speech and look at his notes?

The Opposition is completely bereft of any qualities of decency. I own up to once being called upon to withdraw a remark. The Leader of the Opposition has been asked to withdraw a remark 80 times during the same period. The Premier has not been asked to withdraw a remark once, although I do recall on one occasion he described the Leader of the Opposition as an old grumpy chops. Let us compare that with the language that the Leader of the Opposition has used. He has used the terms lunatics, conceited little turkey, giving drugs to kids on the street, and erratic and unstable ministers, and all those interjections on the member for Armadale implying some activity in the bar. He gets really upset when the Deputy Premier throws it back at him.

We need to have standards in this place. It would improve our standing in the general community. It is about time that the Opposition stopped playing a little bit of politics with this. I would not have made this speech but for the fact that opposition members have played a little bit of politics with this. They have obligations and responsibilities.

Point of Order

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

Mrs M.H. ROBERTS: Mr Acting Speaker, I thought you gave a clear ruling about five minutes ago that interjections were to cease. Since that time people opposite have made incessant interjections. I suggest that they need to be called to order. Despite the fact that I am sitting close to the member for Rockingham, I am finding it very difficult to hear him.

The ACTING SPEAKER: I thank the Minister for Police.

Debate Resumed

Mr M. McGOWAN: The code of conduct that the Premier has moved is a good and decent one. His speech today was excellent. It pointed out the sorts of things that we are trying to achieve. If members of the Opposition would like to behave themselves - and members of the Government - our standards and the community's view of us would improve markedly.

MR J.P.D. EDWARDS (Greenough) [7.58 pm]: I intended to start with some other comments, but I cannot let pass some of the issues that the member for Rockingham has raised. I believe that he does himself little credit by slinging the sort of brickbats that he has slung. I thought he was going to talk about a code of conduct. All he has done basically is belittle what I thought his leader was trying to put in place. He has done himself little credit. His speech was fatuous and childish. At times in this place we all lower ourselves to that level.

I recall when I first came into this place the Leader of the House calling the Leader of the Opposition a wanker. I have seen my leader stand up and do star jumps. I am not putting blame on anybody, but I think the standards of this place need to rise. As far as the public is concerned, we can all be tarred with the same brush. I may sound a little precious, and I do not mean to, but we have a good book called the standing orders. I believe that we have what is needed in the standing orders. However, I am prepared to accept and support a code of conduct. I question whether this is not merely a feel-good exercise on the part of the Premier. I wonder who dreamed it up and whether it is some public relations exercise perhaps to take pressure off other areas. That is probably the case.

The Government needs to set the example. After all, it is the Government of the day. If it wants standards in this place it needs to set an example. If the Government wants us to rise to the level of the example it sets, it is incumbent upon us to do so and it is incumbent upon the Premier to give the message that we need to raise the standards in this place. The member for Hillarys referred to various Acts of Parliament and their relationship to our conduct in this place. I believe that with the standing orders and the Acts of Parliament we are probably sufficiently well covered.

Mr R.F. Johnson: There's the Criminal Code.

Mr J.P.D. EDWARDS: Yes. I thank the member for Hillarys. It will be interesting to see whether the code of conduct will improve standards.

Some members in this place have intimidated other members, which is reprehensible and unnecessary. Examples have arisen of conflicts of interest and personal attacks on members. Again, that is unnecessary. We need not find ourselves sitting on the lowest common denominator. I would be interested to know how the code of conduct was put together. It seems to lack some substance. I agree with the member for Pilbara that there appears to be some spin and some flim-flam, as described by the member for Hillarys. The code needs more strength if it is to be a proper code of conduct.

I am aware that the Westminster Parliament has a code of conduct and put a Parliamentary Commissioner for Standards in place in 1995. This process probably goes back as far as 1695 when the House of Commons passed a resolution declaring bribery of members to be a high crime and misdemeanour. For centuries thereafter, misconduct by members was handled in an ad hoc and often informal manner when it arose, which was relatively rare. In 1858, the House of Commons passed a resolution prohibiting advocacy for fee or reward, and a further resolution in 1947 banned members from entering contracts or agreements that restricted their freedom to act or speak or required them to act as a representative of outside bodies. A resolution in 1974 confirmed a long-standing convention that relevant pecuniary - namely, financial - interests should be declared in the House and its committees, as well as in communications with ministers and officials. The first register of member's interests was created in 1975 which followed the Poulson case. I am sorry; I am not familiar with that case.

Rules about registering or declaring interests developed gradually thereafter, and were first codified and substantially revised in 1972. The key features of the present arrangement came to being in 1995 following recommendations by the Select Committee on Standards in Public Life, which were as follows -

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- A new Code of Conduct for MPs,
- An improved Register of Members' Interests;
- An independent Parliamentary Commissioner for Standards;
- A strengthened Committee on Standards and Privileges.

There is certainly nothing new about this area. Victoria, Tasmania and New South Wales already have codes of conduct in place. I understand that MPs stand in the same position in relation to the law as any other citizen. The only privilege we have is that, basically, we can say what we want in this place, although we must be careful how we use that privilege. I must refer to comments made earlier by the member for Innaloo about the previous member for Geraldton. Those comments show to some degree what we are talking about in this motion. Facts should not stand in the way of a good story. The member for Innaloo made a comment, and I do not particularly blame him for that remark. Undoubtedly, the member for Geraldton prior to the last state election, Bob Bloffwitch, made some errors of judgment. We did not realise until later that he was a very sick man and really should not have stood for Parliament. Bob Bloffwitch has continued to be a very sick man. He has a brain ailment called, for want of a better expression, galloping dementia, and it could be said that he is nothing more than a vegetable. I do not blame the member for Innaloo for what he said, as such comments are easily made in this place. However, unless members know what they are talking about - that is, unless members are careful - they can imply something they should not imply. I need not say any more on that point.

I now refer to some parts of the Westminster code of conduct. Under this code, members have a duty to uphold the law and act on all occasions according to the public trust placed in them. I think we do that in this place. Again, that is in our standing orders. Members under the Westminster code have an obligation to observe the general principles of conduct that apply to holders of public office, including selflessness, honesty and leadership. I like to think we do that in this place. Under that code, members have a duty to follow the public interest and to resolve any conflict between public and private interest at once in favour of the former, and they have a responsibility not to bring their House into disrepute. Also, members have an obligation to use parliamentary payments and allowances properly and strictly to observe the rules applying to them.

I raise one other issue; namely, the perception of this place in the public eye. I suppose the House's showpiece for the public is question time. It is the opportunity for members of this place to grandstand if they wish or to respond according to how they feel about the questions, answers and comments. I remind members that people sitting in the public gallery watch what we do and how we conduct ourselves. We sometimes leave much to be desired.

Mr E.S. Ripper: Look at the gallery at the moment!

Mr J.P.D. EDWARDS: Granted.

Mr R.N. Sweetman: Everyone has gone online.

Mr J.P.D. EDWARDS: That is right. Despite that, I have concerns about question time.

With those few short general comments I support the code of conduct. However, its substance is light. I am interested to see whether it will make any great difference to how we do things in this place.

MR P.D. OMODEI (Warren-Blackwood) [8.07 pm]: I will make a contribution to this debate by telling the House what I think about this motion. The motion seeks to extend the code of conduct in the standing orders that have been developed in the history of this Parliament. Members sometimes get carried away with their own self-importance. The important speeches made tonight are probably being listened to by 0.001 per cent of the population. Part of the preamble to the motion states -

The electorate is the final arbiter of the conduct of members of the Legislative Assembly and has the right to dismiss them from office at regular elections.

I cannot think of a better way of keeping someone more accountable than that measure. Although there is a perception in the broader community that members of Parliament are generally lower than used car salesmen - we have all heard the clichés - polls in individual electorates show that local members are very popular. If that were not the case, they would not be elected. Members have a collective reputation that is not reflected in individual electorates. That is a truism.

This issue has been used by the Government for the purpose stated by the member for Rockingham; that is, to reflect on what the Opposition does from time to time. I have sat on both sides of the House during my 15 years

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as a member of Parliament. The Westminster system is an adversarial system; it engenders strong debate. I considered whether I should make a contribution to this motion because few members have tested the patience of Speakers, Deputy Speakers and Acting Speakers more than I have. I do that with great passion. I believe in representing my electorate in the strongest possible way. I choose to do that from time to time. I sometimes regret that, but at the same time people in my electorate have from time to time been made to suffer at the hands of government policy and they need to know that they have a representative who is prepared to stand up for them in the Parliament. I do not resile from the actions I have taken in this place. If members look at the conduct of the Parliament over the centuries and not just the decades, they will find that there have been a whole lot of examples. For example, Erskine May's *Parliamentary Practice* - the bible of the Westminster system - shows that these kinds of things have happened in the past.

I found it a little galling that the member for Rockingham used the example of the Italian Parliament. A group of Italian people were in the public gallery at that time and would have been offended by the member's reflections on the Italian Parliament. Italian Parliaments are elected every five years. The coalition that forms government changes from time to time over the years. Coalitions have changed under some Italian Governments on three or four occasions during the life of a Parliament. To say that the Italian Parliament does not reflect the requirements of the people of Italy is not true. In fact, Berlusconi is the leader of the sixth largest industrialised country in the world. Just yesterday we had a visit from the professor who is the head of the province of Vicenza, which is part of the Veneto region of Italy. The group was hosted by the member for Ballajura and me in Parliament yesterday, and they later hosted us and members of that region at a function. That region has the third highest production of all provinces in Italy. One of the reasons the delegation was in WA was that the president of the province is also the president of Fiera di Vicenza, a fair that is held three times a year and displays the best jewellery in the world. I will provide a little anecdote, although I know that I am going a little away from the debate on the code of conduct. Western Australia produces about 200 tonnes of gold a year. Italy produces jewellery from 580 tonnes of gold a year. Members can imagine how big that industry is. They are very proud of what they do. Berlusconi, the Prime Minister of Italy, also heads up the European Union. It is pretty poor form for the member for Rockingham to come into this place and reflect on the Italian Government. He needs to study his facts before coming into this place.

Under the proposal in the motion before the House, members will have a responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity. I am not aware of many members who do not already do that. Under this proposal members will also be required to respect the law, advance the common good of the people of Western Australia, discharge their obligations to the Legislative Assembly, their constituents and the public at large in an objective manner, and disclose interests - we all do that now. We cannot go into every detail. For example, I wonder where the Government Employees Superannuation Board invests its money. Should we find out exactly where it invests all those moneys and should we declare an interest in all the companies in which it invests because, after all, that is where our superannuation is coming from? It is a ridiculous proposal. There needs to be some commonsense.

Mr M.P. Whitely: A line needs to be drawn, but where should it be drawn? Suppose a member owns shares in a company such as Iluka Resources Ltd and gives advice to a minister that advantages that company. Would that member have a duty to disclose to that minister that he is a shareholder of that company?

Mr P.D. OMODEI: There could be a range of reasons. It depends on whether that member has a direct personal interest or whether it is in the interest of the public good. Many members of the Western Australian Parliament probably have private superannuation schemes with managed investment funds that contain Wesfarmers shares. We have been discussing the timber industry in this place over the past two or three years but I have not seen many members get up and declare an interest because they had a share in some managed investment fund that is part of their superannuation scheme. These things can be carried to the extreme.

The member for Pilbara in particular and the member for Greenough raised the issue of the standing orders. I took some time to read *Parliamentary Practice* by Erskine May, which, as I said, is the bible of the Parliament. It states -

Since the first publication of *Erskine May's Parliamentary Practice*, not long after the reform of Parliament in 1832, *Erskine May* has represented the collective wisdom of the Clerks of both Houses. In the course of Parliamentary debate, committee proceedings and the everyday practices of Parliament, appeal is made to the authority of *Erskine May*.

So whenever there is a doubt, people refer to Erskine May -

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It is the indispensable source of reference on matters pertaining to the law, privileges, proceedings and usage of Parliament, giving full and detailed information on the constituent parts of Parliament, its power and jurisdiction, membership of either House, financial procedure, the process of debate - in short, *Erskine May* is a comprehensive and essential work for those concerned with Parliamentary procedures.

I suggest that perhaps the authors or the drafters of this proposal for the code of conduct for members of the Legislative Assembly should have a good look at *Erskine May*. They will find that almost every single thing that has happened or could happen in the Parliament is covered in this book.

The chapter on the penal jurisdiction of the Houses of Parliament deals with the question of suspension and expulsion and provides some very interesting examples. One example of note states -

Expulsion, though it vacates the seat of a Member and a new writ immediately issued, does not create any disability to serve again in the House of Commons, if re-elected. The House's attempts in the mid eighteenth century to be rid of John Wilkes, who was three times expelled and once had his return amended in favour of his defeated opponent only ended, some years later, in the expunging from the Journal as 'subversive of the rights of the whole body of electors of this kingdom' of the earlier resolution that, following his expulsion, he was incapable of being re-elected in that Parliament.

It goes on. This code of conduct motion is another stunt or program by the spin doctors of the Labor Party in Western Australia to create an impression that the Premier has a better image than that of other members of Parliament.

Several members interjected.

The ACTING SPEAKER (Mr J.P.D. Edwards): Order, members!

Mr P.D. OMODEI: I ask members to think back a couple of years to when the now Premier was on this side of House. His constant interjecting was second to none. I do not dispute the fact that I have been called to order in this place a few times. It is my job to keep the people on that side of House honest, and while I continue to sit in this place I will do so. If members opposite do not like it, stiff!

The standing orders of the Legislative Assembly deal with questions and rules for questions. It also says that answers should be relevant. There is antagonism in this House during question time because of the way in which ministers answer questions. Nine times out of 10 the answer has no relevance to the question and ministers can take up to 10 minutes, in some cases 14 minutes, to answer questions. Last week the member for Yokine, the now Minister for Peel and the South West - the demoted Minister for Health - answered a question. Halfway through the answer he went off on a tangent that had nothing to do with the question. It is incumbent upon not only members but also the person sitting in the Chair to maintain some integrity in this place. This is not a reflection on you, Mr Acting Speaker, or the Chair. However, there are times when members need to be called to order not only for interjecting and unruly behaviour but also for the way in which they answer questions. If ministers were to give more succinct answers to questions and stick to matters relevant to the questions rather than go off on tangents attacking the Opposition, there would be much more sanity in this place. I remind members again that, while we might have some raucous behaviour in here after two o'clock on any sitting day, 99.9 per cent of the people outside this place do not even know we are here. Everyone makes a very important speech from time to time, but I know as a member of Parliament, particularly on this side of the House, that a member can make the best speech in the world and still lose the debate every time. Let us not be too precious about what we do in this place. We have a very important role - to make laws for this State. If there is some raucous behaviour, or people get a little emotional from time to time, so be it. Do we want to be a lot of pansies in this place?

Mr R.F. Johnson interjected.

Mr P.D. OMODEI: Maybe that is a very poor choice of words, but must we be sedate and demure in this place? If that is the way the place is run, then I will not be here. I will go back to my spud farm and try to grow some spuds. I know many members think from time to time that that would be a good idea. Like other members in this place, I believe that the standing orders, and *Erskine May's Parliamentary Practice*, which has been around for decades, are more than enough to control the behaviour of members of Parliament in Western Australia. This has been a stunt by the Premier of this State - the very shallow leader of the Labor Party - to draw attention to himself yet again, and make out that he is better than anybody else in this place.

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Mr M.P. Whitely interjected.

Mr P.D. OMODEI: I remind members again, particularly the member for Roleystone with the carping voice in the background, that when he left the Department of Education they were glad to see him go because he was useless. Rather than listen to the carping voice of the member for Roleystone -

Point of Order

Mr M.P. WHITELEY: I was not in the Department of Education; I was actually at an independent school. I let the member for Warren-Blackwood get away with a fair bit, including the occasion last year when he invited me outside to the car park. I let that slide, but the member really does lower the tone of this place and he is a disgrace.

The ACTING SPEAKER (Mr J.P.D. Edwards): There is no point of order. The member for Warren-Blackwood has the floor.

Debate Resumed

Mr P.D. OMODEI: I am trembling in my boots. The member for Roleystone likes to interject and carp at the member on his feet, but he cannot handle it when he gets some back. It is called the counterpunch. The member should have learnt that by now.

This is an important matter. The tactic of the Government was to bring in a code of conduct in an attempt to depict the Premier -

Mr M.P. Whitely interjected.

The ACTING SPEAKER: I call the member for Roleystone to order for the first time, and I ask the members on my right, if they wish to have conversations, to take them outside the Chamber.

Mr P.D. OMODEI: I am trying to say, yet again, that there is more than enough material in the sessional and standing orders of the Parliament to handle the proceedings of this Parliament. I am just a little disappointed that the Government could not resist raising issues about that. How trivial can it get? How many interjections have there been in the Parliament? How far back will it go? Will we go back to the time of the previous Government? How petty can we get? Talk about bringing down the standards of this House! The very action of some of the members opposite in raising these trivial matters has brought down the standard of this debate. I believe this motion has been put before the House deliberately to try to create the story that the Premier of Western Australia is doing something to improve the conduct of members in this Parliament.

Mr C.J. Barnett: I will tell you what the story will be. The story will be that the Premier moved a motion to introduce a code of conduct but did not spend one minute listening to the debate.

Mr P.D. OMODEI: That point is well made. This debate is almost like what we had with Carmen Lawrence - she brought an issue into the Parliament and made a short speech, and she then did a runner and was not part of the whole debate. This is what the Government has done in the debate on cannabis and on a range of other social programs that it has introduced. I am not fooled by what the Government is attempting to do in this place. I believe the Government will be found out in the long run. It is up to all members to determine how they will conduct themselves in this place and what their reputation will be as a result. It is up to our constituents to determine whether they like what we do in the Parliament; and if they do not like what we do, we will not be re-elected. It is as simple as that. Let us not be too precious about this matter. We are in this place to do the business of running the State of Western Australia and to make laws to ensure that people have good health and education systems and are well looked after. We do not need the smart shenanigans of the spin doctors who are trying to make the Premier of Western Australia look good. We need to look only at what occurred last week with the Sky Jetty, when Wilson Tuckey withdrew the money at the end of July because the package was not put together. The Government was afraid that there would be a protest at Kings Park at the launch of the new federation project, so it was prepared to spend \$1 million so that the Premier of Western Australia would not be embarrassed on the front steps of Parliament House.

MR M.P. WHITELEY (Roleystone) [8.26 pm]: A lot has been said about the esteem, or lack of it, in which members of Parliament are held. That last speech, and some of the other contributions that have been made by members opposite, demonstrates the lack of ability and integrity of those members of Parliament. As is the case in a lot of professions, there are good members of Parliament and there are bad members of Parliament. It is incredible that a member would make a speech in support of an issue and then damn it the whole way through. I cannot understand why a member would do that. My approach both inside this Parliament and outside this

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Parliament has been to say what I mean and mean what I say; if I do not mean it, I do not say it. I am not claiming the moral high ground here. There are some eminent members on the other side. The members for Ningaloo and Wagin are two members for whom I have a great deal of respect. They do not resent the fact that they are not on the government benches. They make considered and constructive contributions. They try to raise the level of this Parliament and they try to make us a better Government. They believe that it is their duty to serve the people of Western Australia; and they take that on board and take up issues on behalf of their constituents, and they do a damned good job. I have heard the member for Ningaloo talk about some of the most difficult issues that we face in Western Australia, such as Aboriginal disadvantage. I used to lecture at the Centre for Aboriginal Studies at Curtin University. Frankly, had the member used his straightforward language in that environment it would have got him into a great degree of difficulty, because none of what he said was politically correct. However, it came from the heart, and he made a solid and serious contribution to that issue, and I congratulate him for that. Other members of the Opposition - unfortunately I could probably count them on the fingers of one hand - also make a serious contribution. The member for Kalgoorlie does not go anywhere near making a serious contribution to this Parliament. The member for Kalgoorlie has a certain roguish charm, but the inherent cynicism of his approach to politics belittles him. The way in which he will divide, manipulate and run a scare campaign does nothing to benefit our society or the people whom he represents.

Members opposite have said that there is nothing tangible in this code of conduct, that the contents of the code are already laid out in the standing orders and relevant legislation, and that nothing in the code will improve the behaviour of members of Parliament. There are, in fact, tangible aspects of this code, particularly the obligation on members of Parliament to disclose a conflict of interest. The current obligation to disclose a financial interest is outlined in the Members of Parliament (Financial Interests) Act 1992, which basically states that members must place their financial interests on the record. Every year members of Parliament submit an annual return of their financial interests and they must update that return throughout the year if there are changes to those interests. However, the Act does not go much further than that.

This code of conduct adds extra elements to the Act and makes it more meaningful. The code does not, however, make the Act more meaningful in a way that is useful to me because it is blindingly obvious to me that members must behave in a way that is entirely consistent with this code of conduct. Firstly, for instance, I would not want to speak to a minister about an issue in which I had a pecuniary interest, no matter how tiny that interest, because I would feel uncomfortable about the whole issue and it could be misinterpreted. However, if I were to speak to a minister about a matter in which I had a pecuniary interest, because I felt passionate about the issue and I felt obliged to represent the interests of the people who elected me, I would first declare that financial interest to the minister. That principle is outlined in section (8) of this code of conduct, which states -

Proper relations with Ministers and the public service -

- (a) Members should not approach Ministers, public servants or public bodies on a matter connected with a private interest without appropriate disclosure.

On my reading of that section, one must disclose a financial interest, no matter how small, to the minister if it relates to an issue that affects one's electorate; one should not expect the minister to have to read the annual financial return to find out whether one has a financial interest in the issue. This code of conduct adds a very tangible benefit to this Parliament. I say that against the statement I made previously that it is blindingly obvious that members should do that; members should not need a code of conduct to tell them to do it. Unfortunately, it is not obvious to all members of this Parliament. In fact, some members of this Parliament have demonstrated through their behaviour that they need it spelt out and detailed to them.

I refer to an issue I raised in this place earlier this year about advice provided by the member for Vasse to the former Minister for Planning, Graham Kierath, advice which supported the interests of Iluka Resources Ltd in an issue relating to the proposed Mundijong mineral sands mine. At the time, the member for Vasse was a shareholder of Iluka Resources and had put his shareholding on the public record, in that he had disclosed it in his annual return. I wish the member for Vasse was present in the Chamber so that he could correct me if I am wrong, but to the best of my knowledge, from public statements made by former Minister Graham Kierath and the member for Vasse when I raised the issue in the House, the member for Vasse did not disclose that information to the minister at the time he gave him the advice. The advice was on the value of the mineral resource at the proposed Mundijong mineral sands mine. From memory, Minister Kierath said that he was advised by the member for Vasse that the mineral resource was worth about \$6 billion. The minister said he thought that advice had some credibility given the member for Vasse's long involvement in the mineral sands industry. The Minister for Planning also said on the public record, *Hansard*, that he did not bother to look at the

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evidence given in a Warden's Court case relating to that mineral sands mine. In that case, a witness for Iluka Resources said that the value of the resource in situ was about \$600 million, one-tenth of the value the member for Vasse put on it. It may well be that the member for Vasse was correct and that the resource when processed does have a value greater than \$600 million. However, no evidence was provided of the reason for that inflationary factor. It does not matter whether he was acting in good faith or whether the information was accurate.

No code of conduct specified that members should not approach ministers on matters connected with a private interest without appropriate disclosure. The member for Vasse did not have such a thing to guide him - I do not think he should have needed it but he obviously did - when he decided to give that advice to the Minister for Planning, presumably without disclosing his financial interest. Two things are blindingly obvious to me. First, other than in exceptional circumstances, a member should not get involved in an issue in which he has a pecuniary interest. If a member must get involved in such an issue because he is representing his constituents, when having a discussion with a minister about the matter he should spell out up-front that he has a pecuniary interest in it. That is obvious to me. However, when this issue was raised with the member for Vasse, he said some interesting things. An article in the *Gosnells Examiner* of 13 March outlining the details of this issue and titled "Row over MP's shares" demonstrates that the member for Vasse does not understand that it is a conflict of interest. The member is reported as saying -

It's a very easy accusation to say conflict of interest but I think he needs to come out and explain where the conflict is because I don't see it.

Those are the member for Vasse's own words. He says that he cannot see the conflict of interest in giving advice to a minister that favours a company of which he is a shareholder. It is obvious to me that that represents a conflict of interest. Although I accept the argument that such things should be obvious to most people and, therefore, we should not need this code of conduct, the behaviour of the member for Vasse shows that he does not understand that that action represented a conflict of interest. The issue got some publicity in the member for Vasse's electorate through the *South Western Times*.

Mr M.W. Trenorden: How many shares does he have?

Mr M.P. WHITELEY: It really does not matter how many shares he owned. I do not know. The financial disclosure information does not include the number of shares he owned.

Points of Order

Mr P.D. OMODEI: I raise the issue of relevance to the debate. The member for Roleystone has raised this issue about Iluka Resources Ltd and the member for Vasse on four different occasions. The member for Vasse is not in the Chamber today. It is a cowardly way of raising this issue. Why does the member not refer to the code of conduct, which is the subject of the motion? I cannot remember the member's name because he is so irrelevant. This is the third or fourth time he has raised the issue in the hope that, by repeating it, something might stick.

Mr M.P. WHITELEY: The issue relates to section (8) of the code of conduct, which states -

Proper relations with Ministers and the public service -

- (a) Members should not approach Ministers, public servants or public bodies on a matter connected with a private interest without appropriate disclosure.

I am giving an example of that very behaviour which occurred during the life of the last Parliament, and explaining how this code of conduct will improve the behaviour of members of Parliament.

The ACTING SPEAKER (Mr J.P.D. Edwards): There is no point of order. The member for Roleystone is speaking to the code of conduct under financial issues.

Debate Resumed

Mr M.P. WHITELEY: I wish the member for Vasse were here. However, I cannot be accountable for the attendance or non-attendance of members of Parliament. As I was saying, the member for Vasse wrote to the *South Western Times* in March this year. I do not know the exact date, but I could establish it. In describing his involvement in the situation he said -

I believe my situation to be no different to that of a schoolteacher who, once elected to Parliament, wishes to influence education policy or debate legislation on schooling.

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I am a former schoolteacher and, frankly, I do not have a problem with going to the Minister for Education and Training and telling him what my opinion is. There is no conflict of interest. It is an absolutely absurd parallel to draw. If I asked the Minister for Education and Training to put some extra funding into a school and I did not declare my pecuniary interest in the school, that would be an obvious conflict of interest. However, it is absurd to argue that I should be excused from telling the Minister for Education and Training my opinions on class sizes or on an undercover assembly area because I used to be a schoolteacher. That indicates that the member for Vasse, at least, simply does not understand the concept of conflict of interest. I have given a concrete example of how this code of conduct would improve the behaviour of at least one member of this Parliament to whom conflict of interest issues are not obvious.

The Mundijong mineral sands mine issue has been running for 15 years in the southern part of my electorate. It has a very involved and interesting history. It is ironic that, given the stage of the development, should there be a change of government, a future coalition government Minister for the Environment is likely to be the final arbiter of whether the mineral sands mine goes ahead. Given the current make-up of the opposition front bench, presumably that would be the member for Vasse. There is a lot more information to be released on the Mundijong mineral sands mine. Today I have given members an abridged version, which is incredibly relevant to this code of conduct. Some interest has been shown in this matter, particularly by the *South Western Times* and the *Gosnells Examiner*. I note the interest *The Australian* has taken in the involvement of previous Court government ministers in this matter. I have had a degree of difficulty getting *The West Australian* interested in the issue. Some theories have been postulated as to why that might be the case, but I will not go into the reasons for that now. I hope that a new broom will offer greater opportunities for this type of disclosure. I will come back to that matter later when I get another opportunity to speak on this issue.

I have given a concrete example of how behaviour that complied with the regulations of the previous Parliament would not comply under this code of conduct. That demonstrates a tangible benefit that would result from implementing this code of conduct. It is not just a collection of motherhood statements; it gives tangible guidance to members of Parliament, particularly those who struggle with the blinding obvious

MR M.W. TRENORDEN (Avon - Leader of the National Party) [8.43 pm]: This debate is a waste of time. The member for Roleystone's speech is an example of that. I will ask the member for Roleystone a couple of questions. If he looks at my interests listed on the pecuniary interest register, he will find that I am a shareholder in *The West Australian*. Do I benefit every time I talk about a story to journalists from *The West Australian*? Is that something I should declare each time?

Mr M.P. Whitely: It is disturbing that someone who has been a member for so long and who is leader of a major party should ask such an illogical question. Of course there is no conflict of interest.

Mr M.W. TRENORDEN: Why?

Mr M.P. Whitely: Because you are not seeking to gain a pecuniary interest out of it.

Mr M.W. TRENORDEN: Why?

Mr M.P. Whitely: I thought it was blindingly obvious. This is another example of why we need this code of conduct. The blindingly obvious isn't obvious to some people.

The ACTING SPEAKER (Mr J.P.D. Edwards): Order, member for Roleystone! I remind the Leader of the National Party that his comments should be made to the Chair.

Mr M.W. TRENORDEN: I sold those shares during the year. I had a princely 1 000 shares in *The West Australian*. I sold them for \$5 a share and got \$5 000 from them. Whoopee! They are worth nearly \$6 now. If I sold them now, I would get \$6 000 - half the amount I get paid every month in my cheque to the bank. That is the ridiculous part of the argument put forward by the member for Roleystone. Last year I spoke very strongly about drought assistance for farmers. I have two brothers in the farming industry. Should I declare a pecuniary interest?

Mr M.P. Whitely: Do you want me to answer that?

Mr M.W. TRENORDEN: No, I do not.

Several members interjected.

Mr M.W. TRENORDEN: I asked him one question.

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Mr M.P. Whitely: Do you want me to answer it, because I can? If you were lobbying to get financial support directly for your brothers, you would need to declare it. However, if you were just saying that the industry or a geographical area needed financial support, there would be no conflict of interest.

Mr M.W. TRENORDEN: He is in a drought-affected area.

The ACTING SPEAKER: I remind the Leader of the National Party that his comments need to be made to the Chair, not across the Chamber. I would appreciate it if he addressed his comments to the Chair.

Mr M.W. TRENORDEN: Mr Acting Speaker, I did address my comments to you and I will continue to do so. I do not know the details of the situation with the member for Vasse. However, it could be that he has a shareholding worth \$5 000, \$10 000 or \$20 000 - one or two months salary. Where is the pecuniary interest? What the member for Roleystone is saying is a prejudice against shareholders. That is his argument. Who in this Chamber will own enough shares to make a difference on any of these occasions? A famous case in the previous Parliament of a person who paid a price was the member for Geraldton, who held, from memory, about 70 000 shares -

Mr M. McGowan: He held 89 000.

Mr M.W. TRENORDEN: I thank the member. He held 89 000 shares in Kingstream Steel Ltd, which were worth 9c. I am not defending what he did, because I think that what he did was wrong, but that is not the point. It was not a lot of money. In fact, it was a very small amount of money in terms of his salary. However, it became a major issue and he lost his seat because of it. That is the appropriate price. Members opposite depend heavily on the union movement for their preselection, but it is not something they have to declare. That is the problem with this debate. The code of conduct refers to assisting members of the Legislative Assembly. I would like to ask how. Previous speakers have made the point that the issues in this code of conduct are already covered. Members in this Chamber should uphold those codes all the time. However, the fact is that some members will come into this Chamber every day and fight not to uphold those codes, while others will never break them, even in the hottest of moments. In fact, the vast bulk of people in this Chamber will never break them in the hottest of moments. It is about people and it is about cultures. I will read the last part of the code of conduct, which refers to the procedure for breaches of the code. It states -

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

It means that if people breach the code, the penalty will be nothing. During my 17 years as a member of this place I have never experienced an occasion on which a matter of privilege has not been resolved on party lines. I was involved in a matter of privilege arising from the Public Accounts and Expenditure Review Committee 1989 inquiry into the University of Notre Dame Australia. The chairman of the committee was running its procedure on directions from the Department of the Premier and Cabinet. He was clearly bringing matters to bear on the committee with no intention at all of letting us know where the directions were coming from. The committee report was in the hands of the Press before the report hit this Chamber. As a result, there was a Privilege Committee. The members of the Privilege Committee were selected from the floor of the House. All the members of the Public Accounts Committee knew that the information was being leaked on a daily basis, but the question was who leaked the report. I spent 20 minutes or half an hour giving evidence to the Privilege Committee. Do members know that the only question I was never asked was whether I had leaked the report? Not one person asked me that question.

Mr E.S. Ripper: Did you leak the report, member for Avon?

Mr M.W. TRENORDEN: It was leaked on a daily basis.

Mr M. McGowan: Did you leak it?

Mr M.W. TRENORDEN: It was public information. The Department of the Premier and Cabinet was writing the report on a daily basis.

It was sad because I liked the Chairman of the Public Accounts and Expenditure Review Committee. I will not mention his name because I admire him. He was a Labor member. He is now in a position of prominence and I wish him well. That is not the issue. The issue was that when he was the chairman of that committee it was more important for him to fulfil his party role than fulfil the correct role laid down by Parliament. Because of the issues that were occurring, I thought it rather strange.

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An example of this occurred in the Westminster Parliament in the United Kingdom when a member of Parliament had abused his privileges by getting paid for certain outside consultancy work. His own party voted to censure him and his salary was docked. If Western Australia had a culture like that, today's debate might be worth something.

Mr R.F. Johnson: That was the Conservative Party of course.

Mr M.W. TRENORDEN: I cannot recall whether it was; I have no idea. I do recall that when the matter was before the Westminster Parliament his own party voted to censure him. That has not happened in this place. I do not believe for one moment that once this code is in place, members' conduct will change. That is sad, because it means that the code of conduct is a worthless document. Without the culture and without the attitude that we will do something about it, this code is nothing more than what we used to describe in the insurance industry as groundcover for rabbits. It is sad to say that it probably will be groundcover for rabbits. Instead of providing the ability to expose people, as the member for Roleystone outlined a little earlier, it will probably do the opposite and give people the chance to use such a broadly termed code to duck for cover rather than be exposed to daylight. It depends on which deckchair someone is sitting on as the *Titanic* sinks. The member for Roleystone is entitled to his view, but I think it is bigoted and biased. That is because the member has a bias against people with shares. If members look at my interests on the registry, I have between 20 or 30 shareholdings, none of which is above \$12 000 or \$13 000 in value. I maintain that holding because I was in the finance industry for many years and I have a passion for shares. However, I deliberately do not hold any number of shares that would make a difference. Two months salary is more important to me than any of my individual shareholdings. Am I creating any great problem in holding those shares? The member for Roleystone says I am; I say I am not. That debate will take place in this Chamber forever. At the same time, I have a bias because I say that the member for Pilbara is an Independent because he would not stand up to the people in the union he was involved with in his preselection. I might be biased against his looking after the union that preselected him, in the same that the member for Roleystone is biased against people having shareholdings. I make that point not to bucket the member for Roleystone but to indicate that one's view depends where one stands.

Section (3)(a) of the proposed code refers to behaving improperly or dishonestly. I understand the meaning of dishonestly, but some debate will take place about behaving improperly. My view about what is improper may be very different from the view of other members.

I will do what the member for Roleystone thinks I should not do. I agree that we should behave according to the provisions of this code, but I do not believe this is a serious attempt to implement such a code. The end result will be that, in days or months, someone will breach the code in someone's opinion, and a privilege motion will be moved. The vote on that motion will go down party lines. What a joke!

MS J.A. RADISICH (Swan Hills) [8.58 pm]: I indicate my support for this code of conduct, which is a worthwhile exercise. I also recognise that to a significant extent the code will amalgamate a number of regulations and orders outlined in other regulatory documents, such as the Standing Orders of the Legislative Assembly, the Electoral Act, the Members of Parliament (Financial Interests) Act, the Criminal Code, the Public Sector Management Act, the Salaries and Allowances Act and possibly other legislation and regulations. A benefit of implementing this code is that it will consolidate aspects mentioned in those documents and bring together and outline broadly the scope of our roles and responsibilities as members of Parliament. By consolidating those responsibilities into one document, it will provide easy access for reference by members of Parliament when necessary. Also, it would be a helpful aid to other people interested in governance and accountability issues.

I am more than happy to abide by this code. I am in a fortunate position in that it is easy for me to do so because I have no interests to disclose, even with our financial interest disclosure that is due shortly. As the member for Hillarys mentioned earlier, we all take care to fill out our returns as accurately as possible. I am lucky that I have no shares, investments, directorships or holdings such as those that other members may have, which make their task of completing these disclosure requirements onerous.

The code before us this evening refers only to members of the Legislative Assembly. My view is that in future we should give some thought to expanding the code to also include members of the Legislative Council -

Mr R.F. Johnson: We can't do that. This House cannot tell them what to do.

Ms J.A. RADISICH: The Western Australian Parliament can do so. It would be worthwhile -

Mr C.J. Barnett: It can't - wrong!

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Mr R.F. Johnson: This House cannot intervene in the operations of the other place. It is a sovereign place.

Ms J.A. RADISICH: I certainly think that members of the Legislative Council should take it upon themselves, if we cannot do it jointly, to institute a code that applies to members of the Legislative Council, as we have done in this place. I say that because the responsibilities that members of the Legislative Council have are the same responsibilities that we have as elected representatives. Admittedly, the roles may be slightly different because members of this House have a greater constituency focus, which is not necessarily the focus that members of the Legislative Council have, or certainly not to the same extent. In respect of our access to government ministers and influence on decisions in response to the needs of our communities, members of the Legislative Council have the same access and influence and the same ability to pass and amend legislation that affects the entire Western Australian community. To that end, it would be worthwhile instituting some form of code of conduct in the other place.

I will make some brief comments about the minority report attached to the report of the Procedure and Privileges Committee tabled by the member for Wanneroo on 27 February. The minority report is particularly disappointing. As the member for Rockingham outlined earlier this evening, there is no question that our electorates and the constituents we represent are the reasons we are all here. They are the most important aspect of the different jobs we do in our working day. Sometimes, unfortunately, our constituents do not always agree with us and we do not always agree with them. As members of Parliament with our own ideologies and values, we work to advance to the best of our abilities the interests of our electorates and those of the people who live and work in them. By and large, that applies to, if not every member of this House, 56 out of 57 members. That is just an estimate. It is always a question of leadership versus responsiveness in how we represent our constituents. Members do it with great passion - as the member for Warren-Blackwood said earlier - and to the best of our abilities.

The minority report claims that the code of conduct does not accurately reflect the fact that the primary role of members of Parliament is to reflect the wishes and concerns of our constituents. I wholeheartedly dispute that contention. The primary responsibility is outlined in the preamble of this motion and the second part of the code. It makes redundant the comments and recommendations of the minority report. Some comments are made in the report that I assume are attributed predominantly to one of the co-authors, the member for Mitchell. I will quote one sentence from the report -

Dan Sullivan MLA even gave notice during the last Parliament that he would resign from his party if an important local constituency matter was not resolved.

To me, that seems like a promise. Admittedly, I was not a member at the time; however, I understand that the member has made other promises to his electorate in this Parliament that he has not fulfilled. I stand to be corrected. The member made a promise about his superannuation. He may have made other promises that the members for Bunbury and Collie can assist me with. Breaking a promise is not a very good way of maintaining and improving the professional standards -

Mr C.J. Barnett interjected.

The ACTING SPEAKER (Mr A.P. O’Gorman): Order, Leader of the Opposition!

Ms J.A. RADISICH: It is not a very good way of improving the professional standards we all try to uphold and improve. As I mentioned, the best way for me to describe that is as disappointing. We can change the culture. The member for Avon mentioned earlier that he did not believe that having a code of conduct would change anything. Providing a basis for our culture and the way in which we accept our responsibilities can only serve to add building block upon building block to make sure that we uphold and improve those standards for the future. In doing so, we will hopefully gain or regain the respect of the communities that we represent and reinspire civic responsibility.

As was mentioned earlier, some people have a poor view of members of Parliament and politicians. However, I am sure that many members have been told during personal conversations with constituents that they appreciate the work we do and that they know we work hard and for long hours, despite the conflicting yet simultaneous contention from some members of the community that politicians do not do the right thing and break promises. That is something we all have to work on to ensure that it does not happen in the future. That could be underlined by the code of conduct, which we will hopefully pass this evening.

Finally, I refer to the contention in the minority report that the ALP is authoritarian and to similar accusations. Those accusations are quite ridiculous and baseless and have no legitimate place in the addendum to the report of

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the Procedure and Privileges Committee. Those assertions about the ALP were inappropriately included in reference to the code of conduct and in relation to members of the Assembly.

MR M.J. BIRNEY (Kalgoorlie) [9.06 pm]: I am pleased to give my opinion on this code of conduct. I will say at the outset that I am somewhat confused about why we are having this debate. I have read through the code of conduct and have come to the conclusion that it is just words; it has no practical use. Moreover, most of the things contained in this code of conduct are already contained within the law. Most things in it relate to members of Parliament breaking the law. We all know that stiff penalties are imposed on members of Parliament who break the law, so why are those matters contained in this document? I will read out a couple of sections of the code. Section (3) states -

A conflict of interest exists where a member participates in or makes a decision in the execution of their office knowing that it will improperly and dishonestly further the Member's private interest . . .

Whoopee-do; big deal. Who does not know that? Section (4) is entitled "Bribery". Who does not know that bribery is against the law? Why is that included in the code of conduct? Section (5)(b) deals with gifts and states -

Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the member . . .

Who does not know it is illegal to be corruptly influenced? Once again, why is that included in the code of conduct? Section (6) relates to the use of public resources and states -

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

Those guidelines and rules are already in print and we are already required to abide by them. Why is that in this document? Section (10) states -

Members must not knowingly mislead the Parliament . . .

That is covered by the standing orders. This document is a sham; it is a farce. It is designed to make the Premier look good in the public but it has absolutely no substance. Members should remember that this is the same Premier who last year spent in excess of \$10 million on wages for public relations and media stuff. The very same fellow has produced this code of conduct. I may be a little cynical but this code of conduct is just an extension of the \$10 million that was spent by the Premier last year on public relations and media stuff. This fellow is all show and no go. He is quickly getting a name in public as the glossy Premier; the bloke who shows up for the photo shoot and then takes off and retreats back to his bunker. This document is an absolute load of rubbish. We already apply most of the rules that are contained in this code of conduct. It is simply superficial for the Premier to put all these words - that is all they are - into this document in an attempt to convince the public -

Several members interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): The member for Kalgoorlie has the floor. Two members in front of me are having a conversation across the Chamber, which is not acceptable.

Mr M.J. BIRNEY: We all remember the two words that the Premier used ad nauseam during the election campaign; the "A" word, accountability, and the "T" word, transparency. He obviously thinks he needs to do something to convince the public that now he is the Premier he is accountable and transparent; hence, this document. A document full of words and things that we already do. A document full of guidelines and rules that are already in print in another format. It is a superficial attempt by this Premier to make people believe that he is doing something about those two words that he used so often; accountability and transparency.

Section (2) of the code of conduct deals with the conduct of members and states -

Members shall accept that their prime responsibilities are to -

. . .

(b) Represent the interests of their own electorate . . .

I wonder whether members of the Country Labor Alliance have already breached this code of conduct by voting in favour of one vote, one value. I am sure they have. I would love to see the Procedure and Privileges Committee look into that very matter. Regardless of a member's view on one vote, one value, nobody can argue

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that one vote, one value is good for country electorates. Members might be able to mount a moral argument, as the Labor Party has, to say why one vote is worth more than another, and those arguments have gone backwards and forwards. However, nobody on the Government's side has said that one vote, one value is a good thing for a country electorate. Indeed it is not. When the Country Labor Alliance voted in favour of one vote, one value it breached the section of the Premier's code of conduct that states -

Members shall accept that their prime responsibilities are to -

. . .

(b) Represent the interests of their own electorate . . .

In that instance those country members of the Labor Party represented the Labor Party first and their electorates second. That is a very clear breach of the second part of the code of conduct before it has even been passed by this place.

There is no doubt that debate in this Chamber is often robust and sometimes inappropriate. I am reminded of the words of Sir James Killen, a former conservative Minister for Defence and a well-known raconteur and person of great wit and intelligence. About four months ago when I was in Adelaide I was sitting at a table with him having some lunch. He said to me that he did not understand the Parliament of today. He said that in his days the interjections were always witty and had some amount of humour or a point of interest to them. He said, "These days, you mob just shout at each other." I am the first to admit that I am guilty, on the odd occasion, of engaging in that kind of debate across the Chamber, as are many other members in this Chamber. Sir James Killen made a very good point, and my father was in Parliament with him. He entered the federal Parliament in 1974, and he used to make this very same point to me. All through my formative years he would tell stories about the wit and humour and the points of interest that were made in his day in Parliament in the 1970s and early 1980s. It was the very same point that Sir James Killen made, and it hit home. It is still with me here today. It is sad that, on occasions, this Chamber does degenerate into name-calling and shouting, and from time to time takes on the appearance of a school playground.

Even though we, on opposite sides of the Chamber, are ideologically opposed, from a personal point of view I actually quite like many of the Labor members of Parliament. I have always adhered to the rule that, in the Chamber I give it my best and promote my point of view the best I can, but as soon as I walk outside the Chamber things change. I have always attempted to be polite and courteous to members opposite when I encounter them in the bar or in the corridor. Generally speaking, most members of Parliament are prepared to do that. Sadly, some are not, and they do bear a grudge for things that happen in the Chamber. That is terribly unfortunate. It is a very difficult proposition for members to walk around this place - which, after all, is our workplace - trying to avoid certain people with whom they have had a run-in in the Chamber. That makes for a particularly uncomfortable workplace. I am sure the few members who do that will not be enjoying their time here at all. However, this is a robust environment, as it should be, and we all attempt to make some points and to promote the views we hold near and dear, but there is no doubt that, from time to time, the place does degenerate.

It is interesting that the Premier has introduced this code of conduct when his party has run up a whole list of misdemeanours in the very short time it has been in government. I remember the member for Nollamara calling a member on this side a wanker, and the Attorney General calling somebody on this side a patronising turd. This is the person who holds the highest law office in Western Australia, calling somebody a patronising turd. I remember the Attorney General handing over that infamous affidavit in the Lewandowski-Mickelberg matter to a person who theoretically should have been one of the key witnesses in that case - the then Minister for Health, now the Minister for Small Business. If that is not a breach of the code of conduct I must have read this document upside down.

Mr R.C. Kucera: What about the things you heard hanging around my yacht club?

Mr M.J. BIRNEY: The member should not bring that up, because if he likes, I will put on record the allegations made against him at his yacht club. If he would really like me to do that, I will. I have not made those allegations public -

Mr R.C. Kucera: Shall we talk about your going to weddings?

Mr M.J. BIRNEY: What? If the member would like me to -

Several members interjected.

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

The ACTING SPEAKER (Mr A.P. O’Gorman): Members! The member for Kalgoorlie -

Mr M.J. BIRNEY: Thank you, Mr Acting Speaker. I was simply saying that, to date, I had not made public those allegations against the Minister for Small Business at his yacht club, and that was not my intention, but if he continually invites me to do so, I will at his request.

As I said, there is a long list of misdemeanours that have been committed by members of the Labor Party. For instance, I remember well the member for Riverton staring down our female members of Parliament. That story appeared in *The West Australian* about a year and a half ago. He walked over to within vision of our female members of Parliament and attempted to intimidate them. Is that a breach of the code of conduct? I remember a certain minister who bumbled along attempting to implement a policy that would deliberately exclude a builder in this State from tendering for contracts put out by the Western Australian Government because it had a non-unionised work force. Would that be considered to be a breach of the code of conduct? I certainly think it would be. How on earth could a minister get away with that? That minister is no longer in charge of that portfolio. However, not once did we hear the Premier say that the reason that minister is no longer in charge of that portfolio is that he breached the code of conduct. Instead, we had a sort of general reshuffle in which the Premier said he was lining up the talents and skills of ministers with certain portfolios. I would like the Premier to say in this place that the reason that bumbling minister is no longer in charge of that portfolio is that he breached the code of conduct.

Mr M.P. Murray: Are you also going to remember Wilson Tuckey?

Mr M.J. BIRNEY: I am getting to him.

Who can forget the member for Perth and the stupid, ridiculous sexual innuendo that spewed out of his mouth some weeks ago? I wonder whether that -

The ACTING SPEAKER (Mr A.P. O’Gorman): I remind the member that, at the time, some of the indiscretions that he is speaking about were ruled out of order. They are still out of order and are unparliamentary. I caution the member to be careful about how he goes on.

Mr M.J. BIRNEY: I seek some clarification, Mr Acting Speaker, because I am not sure what you are saying.

The ACTING SPEAKER: Clearly some of the references that the member made earlier were with regard to issues that were ruled out of order by the Speaker or the Deputy Speaker at the time, and they are still unparliamentary.

Mr M.J. BIRNEY: I am still not sure what references you are referring to, Mr Acting Speaker. Could you please be a bit more specific?

The ACTING SPEAKER: I am just cautioning the member for Kalgoorlie that when something has been ruled unparliamentary, to keep bringing it up is still unparliamentary. That has been the ruling previously on a number of the issues the member has raised. I am cautioning the member as to how he proceeds.

Mr M.J. BIRNEY: Thank you, Mr Acting Speaker. I am still not sure what you are referring to, but I will move on.

Who can forget the comedy of errors that took place in this Chamber last year when the member for Innaloo attempted to have a charge that had been brought against his son dropped? That is a very interesting story. I recall the Minister for Police and Emergency Services only two days ago going on ad nauseam about Wilson Tuckey’s attempt to -

Mr J.R. Quigley: Your leader said publicly that I had not done anything wrong and he would not attack me over it, and *The West Australian* even wrote an editorial to that effect, because I wrote as Jack’s dad from 315 West Coast Highway, Trigg. I was not a goose like Wilson Tuckey, who used ministerial letterhead to bring about a wrong outcome.

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

Mr M.J. BIRNEY: I recall the minister going on ad nauseam about Wilson Tuckey and his attempt to have a fine that had been brought against his son in South Australia overturned. I say for the record that I hold the same view as the Prime Minister about that matter. I think it was an inappropriate action. I say that right up front. However, what I also find to be inappropriate was the action of the member for Innaloo last year in attempting to have a criminal charge that had been brought against his son dropped. For the benefit of members -

Mr J.R. Quigley: Get your facts straight! Do not mislead the Parliament. I asked for an investigation.

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The ACTING SPEAKER: Order, member for Innaloo!

Mr M.J. BIRNEY: I am very pleased the member for Innaloo has asked me to get my facts straight, so I shall quote from the fact sheet that I put together at the time. It might be beneficial for members, particularly the member for Innaloo, to listen to what I am saying. I am referring to the Australia Day celebrations two years ago, when the member for Innaloo's son was arrested for allegedly fighting. The member for Innaloo, who at that time shared an office with the Minister for Police, subsequently contacted the Deputy Commissioner of Police, Mr Bruce Brennan - who was described by the member for Innaloo on Channel Seven news as a friend - in an attempt to have the charges brought against his son dropped.

Mr J.R. Quigley: I asked for further investigation; read the letter.

Mr M.J. BIRNEY: A letter was then sent from the member for Innaloo to the Deputy Commissioner of Police, this time in a -

Point of Order

Mr J.R. QUIGLEY: The member is misleading the Parliament. There was no letter from the office of the member for Innaloo. The member for Kalgoorlie knows that and is deliberately misleading this Chamber.

Mr R.F. Johnson: There is no point of order.

Mr J.R. QUIGLEY: The member for Kalgoorlie is deliberately misleading this Chamber, as he is wont to do. He knows that is false.

The ACTING SPEAKER (Mr A.P. O'Gorman): There is no point of order.

Debate Resumed

Mr M.J. BIRNEY: I did not think there was a point of order, Mr Acting Speaker. The member for Innaloo, Mr John Quigley, sent a letter to the Deputy Commissioner of Police, this time in a threatening manner. Those are not necessarily my words; they are the words of the Commissioner of Police, Barry Matthews, who said on the ABC that the letter was inappropriate and threatening. News that the member for Innaloo had contacted the Deputy Commissioner of Police had then, presumably, leaked from within the Police Department. Interestingly, the Premier went to ground for 12 hours, presumably in an attempt to monitor the fallout before going on record to say anything about what the member for Innaloo had done. Television stations then interviewed the member for Innaloo, who, indignantly and perhaps somewhat unwisely, advised the reporters that he could, if he so chose, write a letter to the Deputy Commissioner of Police.

Mr J.R. Quigley: That is correct.

Mr M.J. BIRNEY: The issue then blew up and was picked up in a frenzy that day by all media outlets, including talkback radio.

The member for Innaloo and I were then scheduled to undertake a live debate on the Baz and Barra radio show on this issue. I duly fronted up for that debate but the member for Innaloo was missing. The Baz and Barra show announced on radio that the member for Innaloo was missing because the Premier's office had told him not to debate this issue with me publicly on radio. Why do you think that was, Mr Acting Speaker?

The member for Innaloo then mounted his defence on all radio stations by saying - this is very important - that he wrote to the Deputy Commissioner of Police as John Quigley, private citizen, not as a member of Parliament. He continued by saying that he wrote the letter on plain white paper and not on his official John Quigley, MLA letterhead. I expect that was the point of order that the member for Innaloo was making. He then proudly displayed a copy of the letter to the TV cameras to show that he had not written that letter as a member of Parliament.

Do you know what I did, Mr Acting Speaker? I got a frame-by-frame video of that letter when the ABC zoomed in on it. Guess what? It identified the member for Innaloo very clearly as a member of the Legislative Assembly. When I announced that publicly, the member for Innaloo did not dispel that fact; he wanted to know how I knew that and who had leaked the letter to me. That is what he was on about as soon as I went public with that information. However, the interesting thing was the action taken by the Premier. The Premier, after hiding for 12 hours since the story broke, went public and backed the member for Innaloo, effectively driving a stake through the heart of his pre-election accountability platform and, of course, espousing a great degree of hypocrisy.

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The member for Innaloo then contacted the Western Australian Police Union saying that he would end the career of the young constable who had leaked the issue to the media. Had the Premier bestowed that specific power on the member for Innaloo? Had the Minister for Police, who shared an office with the member for Innaloo, given him that power somehow? I suspect not. He then stated publicly - on TV- that he would get the person who leaked that information. He still could not work out how I knew that he had identified himself in his letter as a member of the Legislative Assembly. I heard through the grapevine that he said he would drag me before the royal commission to find out how I got that information. Perhaps somebody from the Police Service leaked it to me. Perhaps the Anti-Corruption Commission released it. Perhaps some dark deep throat gave it to me. It was none of those things; I saw it on TV. I watched the story frame by frame and I could see that in the letter he had identified himself as a member of the Legislative Assembly. He looked like a rabbit caught in the spotlight. A senior Perth lawyer contacted me and said that although the legal fraternity in Perth was of the opinion that nothing illegal had taken place - I am prepared to accept that - it was aware that the member for Innaloo had acted improperly, and that as a lawyer he would undoubtedly be aware of this. The entire legal fraternity knew that his behaviour was improper.

Mr R.F. Johnson: What did the Premier do?

Mr M.J. BIRNEY: The Premier did nothing. He went into hiding for 12 hours. Presumably he listened to talkback radio to learn how it would pan out and what people thought about the member for Innaloo contacting the second-highest police officer in this State in an attempt to have criminal charges against his son dropped. The Minister for Police and Emergency Services had the audacity to stand and berate Hon Wilson Tuckey for attempting to have his son's fine overturned; an action that in my opinion he undertook foolishly. The member for Innaloo is the Premier's star performer. He was backed by the Premier in a recent factional fight within the Caucus. His star performer has conclusively breached the Premier's code of conduct. I am sure members will agree that I have made that point very clearly.

Mr P.B. Watson: If you feel so strongly about this issue, do you think Wilson Tuckey should have resigned? Answer it.

The ACTING SPEAKER: Order, member for Albany!

Mr M.J. BIRNEY: Is there any oxygen on that side?

I draw members' attention to section (3)(b) of the Premier's code of conduct. For the record, this is not a political statement. This is a very important point and when I conclude I will move an amendment. It would be helpful if particularly the Leader of the House listened. Section (3)(b) deals with disclosure of conflicts of interest and states -

A conflict of interest also exists where the member executes, or fails to execute, any function or duty knowing that it will benefit their or another person's private interests directly or indirectly.

We are all guilty of breaching that provision every day of the week. Every single day we are visited by people, mostly unknown to us, who have a particular problem or issue they would like us to resolve. Very often a successful resolution of that issue or problem benefits that person's private interests. For instance, a developer, who was unknown to me prior to his contacting me, wants to spend about \$4 million in my electorate on a newsagency cum supermarket cum service station. He also wants a lotto agency to be able to operate at that site. He approached me to see whether I would support his application for a licence. I considered his case and decided it was a good argument. I made representations to the Government on his behalf for a lotto licence. As I said, the fellow was completely unknown to me until he approached me. I looked at his argument and thought it was a good one. I thought the people of that area could benefit from having a lotto machine close by. Currently they must drive many kilometres into town to buy a lotto ticket. If the Lotteries Commission took on board my representations and awarded him a lotto licence, he would directly benefit. Presumably, I would then have breached the Premier's code of conduct by making representations on behalf of that person.

A chap in my electorate wants to establish a winery in Kalgoorlie, which is a great idea. It would be fantastic for Kalgoorlie-Boulder. He requires some of the land he is chasing to be vested differently from the way it is currently vested. I have contacted the Minister for Planning and Infrastructure with a view to getting her support to change the vesting of that land. If the minister agrees with my representations, I will have benefited this person's private interests. He is not a friend of mine. I do not know him particularly well. However, I would have benefited his private interests. Presumably, in doing so I would have breached the Premier's code of conduct.

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People who have been out of work for six, 10 or 12 months have come to see me out of frustration and have asked me whether I can find them a job. From time to time I have rung a few mates who own big businesses and asked them whether they can employ a chap who has hit hard times. On occasion they have done so and the person has gotten a job as a result. Presumably, that would benefit that person's private interests. However, it is not improper or dishonest. That is the key. That is why I wish to move the following amendment to include the words "improper" and "dishonest" to ensure that no members get caught by the Premier's code of conduct on a daily basis.

Amendment to Motion

Mr M.J. BIRNEY: I move -

Section (3)(b) - To insert after "will" the words "improperly and dishonestly".

MR R.F. JOHNSON (Hillarys) [9.46 pm]: I support the member's amendment. This is a genuine amendment. There are no politics involved in this amendment whatsoever. I urge government backbenchers to carefully read the section to which we refer and to think about what they do from time to time. If they assist anybody in their electorates in a rezoning effort or -

Mr A.J. Dean: We do it every day.

Mr R.F. JOHNSON: Unless the member changes this motion, he will be found guilty under the code of conduct because the person who gets some land rezoned will have gained a financial benefit. The member would not benefit financially but his constituent would. The member should read the motion very carefully.

Ms M.M. Quirk: You are reading it wrongly.

Mr R.F. JOHNSON: The member for Girrawheen is interpreting it in an innocent way, but the law does not describe things innocently. I suggest that the member for Girrawheen - who is a lawyer - read this amendment. There are no politics involved in it. If we are to make this a good code of conduct, let us do that. We will all support it. However, we should not pass a substandard code of conduct motion.

By adding the member for Kalgoorlie's amendment, we will do nothing to detract from that section of the motion. It will enhance it and make it clear that members cannot do anything that will indirectly or directly unlawfully - I forget the other word, I do not have the amendment in front of me - or improperly benefit members financially. That is all the amendment does. Surely the code of conduct should ensure that members do not act improperly and dishonestly. If the Government does not add those words, that section will not make sense. If they are doing their job correctly, every member of Parliament will try to assist people in their communities. I will try to assist them. Some of those people will benefit financially. If I am successful in representing a person who receives benefits from Centrelink or a disability pension, that person gets a financial benefit. I do not, but the person I am representing does. This code of conduct would make members opposite and me guilty of contravening the code of conduct. I am looking at the Deputy Premier and the Leader of the House, who I think is reading this very carefully. The Premier is missing in action again. He has been missing since he made his five-minute speech to start the debate. He should be in this Chamber, particularly to hear the debate on this important non-political amendment. It is downright good commonsense and will affect every member in this House.

I do not want to sit down yet because somebody must speak to this amendment. We must keep this amendment going until we see some sort of sign from the government benches that members opposite appreciate the amendment moved by the member for Kalgoorlie. It is our daily job to help our constituents, but there is no conflict of interest for members in doing so. However, if we do our job properly and are successful, section (3)(b) of the code of conduct will affect us all. I am sure that you, Mr Acting Speaker (Mr A.P. O'Gorman), do the utmost to achieve a successful outcome for the constituents in your electorate. Members should not look at the top end of the scale; that is, the people who want to rezone property to make a big financial benefit. They should look at the lower end of the scale. We do more for those people every day than we do for people who want to rezone property, which might be fully justified but which needs the assistance of a member. Members should look at the lower paid people in their communities and the people who receive social security and disability benefits.

The code relates to not only members in this Parliament but also people whom members help. Many people in my electorate are disabled. I suggest that there are people with disabilities in every electorate represented in this Parliament. At some stage or another, members will be asked to assist those people because they do not have the wherewithal or the ability to speak up for themselves in a proper and coherent way, so we do that job. Every

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member has done that job. We have helped people with Homeswest housing. We have tried to get state assistance for people who are in desperate need of housing. We have all done it; at least, I hope we have all done it. I have done it for people in my electorate. We all like to be successful in those challenges and tasks, because we feel we achieve something for somebody who very much deserves it. If we achieve those benefits for those people, they will receive a financial benefit, albeit an innocent financial benefit. That is not explained in the code of conduct currently before the House.

I ask members of the Government to accept this amendment. I know the Leader of the House would not accept mine and he may not accept others, but this is a genuine attempt to improve the code of conduct. As I have said, most of it is flim-flam, but this is a genuine attempt -

Mr M.J. Birney: I suspect that the reason those words have been omitted is that this code of conduct has been put together in a rush in order to meet a media deadline.

Mr R.F. JOHNSON: The member is absolutely right. I am convinced of that and I made the same comment earlier. This Parliament is not here for the benefit of the Premier and his spin doctors. This Parliament is here for the benefit of Western Australians and, in many instances, people who are less able to look after themselves - those at the lower end of the socioeconomic scale who desperately need our help.

In the absence of the Premier, the Deputy Premier is the most senior person in the House at the moment. I have a lot of respect for the Deputy Premier. He used to be the Minister for Community Development acting for those very people to whom we are referring in this amendment. Members should be doing their best to help them. There are no politics whatsoever in this amendment. It is very clear-cut.

If the member for Albany wants to make a joke of it, he can.

Mr P.B. Watson: I was talking to the member for South Perth.

Mr R.F. JOHNSON: The member should not be talking. He should go outside and talk.

Mr J.C. Kobelke: I think the Government will accept the amendment, but some matters should be looked at. Some technical issues mean that it cannot be moved at this stage.

Mr P.G. Pendal: You mean you must ring Kieran and ask him.

Mr R.F. JOHNSON: That was a good interjection.

Mr E.S. Ripper: There are issues associated with the House.

Mr R.F. JOHNSON: It is an amendment to the motion.

Mr J.C. Kobelke: You have not got your act together. You are a total shambles. I am trying to help you out.

Mr R.F. JOHNSON: We are not a total shambles. The Leader of the House should not be rude in order to justify the Premier's lousy flim-flam of a motion for a code of conduct. This is a genuine attempt to make the motion a proper one and to look after the interests of each member of Parliament; otherwise, we will all be guilty.

Mr E.S. Ripper: The Government is saying that it will support the amendment. However, there are some problems with the standing orders of this place and the fact that a previous amendment was moved. It may mean that we need to suspend standing orders in order to do what you want to do, but we are saying that we support the amendment.

Mr R.F. JOHNSON: On the assurance of the Deputy Premier, in the absence of the Premier, and the assurance of the Leader of the House, I will resume my seat so that we can deal with this properly.

Acting Speaker's Ruling

The ACTING SPEAKER (Mr A.P. O'Gorman): I will just clarify the position. Standing Order No 132 reads -

No amendment will be proposed -

- (a) in any part of a question if a later part either has been amended, or has had an amendment moved to it . . .

I understand that an amendment has already been moved to a later part of this motion. We would have to suspend standing orders to deal with this amendment.

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

Points of Order

Mr M.J. BIRNEY: On a point of clarification, at what stage can we suspend standing orders in order to move that amendment?

The ACTING SPEAKER: The House can suspend standing orders at any stage, but it is up to the members of the House.

Dr J.M. WOOLLARD: As we have not suspended standing orders, can I speak on the motion that is currently before the House?

The ACTING SPEAKER: Yes, the member can still speak on the original motion that is before the House, but standing orders will have to be suspended before the member can speak on the amendment. Therefore, the member can speak on the original motion but not the amendment.

Mr R.F. JOHNSON: Can I move that the amendment moved by the member for Kalgoorlie be postponed until a later stage so that it can then take effect after this particular action when we will need to suspend standing orders?

The ACTING SPEAKER: The member need not move the amendment in the way that the member is proposing. Members can still speak to the original motion, and the amendment can be proposed at any time.

Mr M.J. BIRNEY: Am I therefore permitted to move to suspend standing orders now in order that the amendment might be put?

Mr J.C. Kobelke: If you leave it till tomorrow, we will have the numbers here and we will be able to check the wording of the amendment.

Mr M.J. BIRNEY: What does the Leader of the House mean by “we will have the numbers here”?

Mr J.C. Kobelke: We need an absolute majority. I also want legal advice on the wording. We will then support the amendment.

Mr M.J. BIRNEY: There is no need to do that. Mr Acting Speaker, am I permitted to move for the suspension of standing orders now or not?

Mr E.S. Ripper: You have the Government’s agreement that it will support the amendment. Why not accept the proposition of the Leader of the House?

Mr M.J. BIRNEY: I cannot understand why we do not just get this over and done with.

The ACTING SPEAKER: The member for Kalgoorlie can move to suspend standing orders now, but I understand that the government side has agreed to look at the amendment, which can be moved at any time during the debate on the original motion.

Mr M.J. BIRNEY: There are the words “improperly or dishonestly”. I do not see that the amendment needs looking at. I am happy to move to suspend standing orders so that I can move the amendment standing in my name that is currently with the Clerk. Is that appropriate or inappropriate?

Mr E.S. RIPPER: On a point of order, the member for Kalgoorlie did not have the call, so he is not really in a position to suspend standing orders from the point of view of someone in the process of taking a point of order. This is not really a point of order. I respectfully suggest that the Leader of the House and the manager of opposition business discuss the matter behind the Chair rather than members’ seeking to do so through points of order.

The ACTING SPEAKER (Mr A.P. O’Gorman): The member for Kalgoorlie is entitled to move to suspend standing orders. He needs an absolute majority and may move the motion at any time. However, the Leader of the House has indicated a willingness to accept the amendment, given some time to identify its ramifications.

Mr M.J. BIRNEY: We are talking about inserting two words.

Mr J.C. Kobelke: Know your standing orders.

Mr M.J. BIRNEY: In the interests of expediency, I have already moved to suspend standing orders so the amendment in my name before the Clerks can be dealt with. I cannot see any reason to prolong the process. It is a simple amendment.

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

The ACTING SPEAKER: The ruling has been made on whether the member can move to suspend standing orders. However, it is necessary that the motion be in writing to the Chair. The House can proceed on that basis. The motion before the House is the original motion. The amendment is not before the House at this stage because it is necessary to suspend standing orders to bring it before the House.

Mr M.J. BIRNEY: On a point of order, I thought I just moved to suspend standing orders.

The ACTING SPEAKER: The member took a point of order and was debating the points of order. If he wishes to suspend standing orders, he must seek the call and then suspend standing orders.

Mr M.J. BIRNEY: About three minutes ago, I stood up and said "Mr Acting Speaker!" I said I move to suspend standing orders. I did not say "point of order" when I stood up. You acknowledged me, Mr Acting Speaker, and I moved to suspend standing orders.

The ACTING SPEAKER: I was under the impression that the member was making points of order at the times he sought the call.

Suspension of Standing Orders

MR M.F. BOARD (Murdoch) [9.54 pm]: I move, without notice -

That so much of the standing orders be suspended as is necessary to enable the following amendment to be moved forthwith -

Section (3)(b) - To insert after "will" the words "improperly and dishonestly".

The reason the Opposition wants to deal with this is that the Government, as a matter of priority, has brought the proposed code of conduct before the House. The Opposition has argued that the code is in many ways already covered by previous considerations of this House, the way in which the business of this House is conducted and the standing orders of the House. However, having read the code, it has become obvious to the Opposition that section (3)(b) is worded incorrectly. It is so badly worded that it must be amended. So as not to conflict with standing orders covering the handling of amendments, the House needs to suspend standing orders in order to deal with the amendment. The suspension of standing orders will allow the House to deal with the amendment.

It is quite obvious that the Government has erred in the wording of section (3)(b) of the code, which states -

A conflict of interest also exists where the member executes, or fails to execute, any function or duty knowing that it will benefit their or another person's private interests directly or indirectly.

It does not refer to a financial interest. It is very important that we deal with this now. That is the reason for moving to suspend standing orders.

Mr E.S. Ripper: The Government will be happy to accept the amendment.

Mr M.F. BOARD: We understand that.

Mr E.S. Ripper: The member will have to keep speaking until 29 members can be found to enter the House.

Mr M.F. BOARD: We hope the Government has the numbers. The Treasurer looks very concerned about the numbers. The Opposition is very interested in what the numbers might be.

Mr E.S. Ripper: We expect the Opposition to have its numbers.

Mr M.F. BOARD: The Treasurer may find that we have our numbers and the Government may find itself in a difficult circumstance.

The reason we are moving for a suspension of standing orders is the judgment of the Acting Speaker. The amendment is important if we are to make any sort of sense of the code. We must do it while members are present and concerned about this.

While I have the opportunity, I must observe that many speeches have been made tonight about the code itself. Many members have been passionate about the need for a code. The Opposition has an amendment that it wants to move in the interests of making the code more acceptable and reasonable, notwithstanding that the Opposition believes the code to be a political stunt. The Opposition knows that the Government has the numbers to push some propaganda through the Parliament. The Opposition wants to make that propaganda sensible to the community and something by which members can live. The wording of section (3)(b) means that in the interests

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of the community members would be working against their own code every day of the week. It is nonsensical wording that needs to be amended.

MR J.C. KOBELKE (Nollamara - Leader of the House) [9.58 pm]: The Government will support the suspension of standing orders so that the amendment can be dealt with. I will not speak to the amendment because that is not currently before the House. We are dealing with the suspension in order to deal with the amendment. We have seen again tonight the Opposition's appalling lack of understanding of standing orders. The Opposition has taken this matter very lightly. The member for Kalgoorlie has rightly put his finger on an issue that is uncertain. I do not agree with what he had to say; I think he misunderstands it. However, he has indicated correctly that we are dealing with an issue that may cause misunderstanding. On that basis, the Government will support the amendment. I will say more about that when we deal with the amendment. The Government suggested that the suspension would be best undertaken tomorrow, because a slightly different wording could affect other wording. The issue is a fine point. On that basis, the Government will proceed with the amendment as proposed. In order to do that we need to suspend the standing orders. The Opposition has again shown that it does not have its house in order. It moved its amendments in the incorrect order. This amendment should have been moved prior to the earlier one.

Mr M.J. Birney: You should have put it in there to start with.

Mr J.C. KOBELKE: We again see that the member for Kalgoorlie, using his own words, is all puff and no go. He does not understand the standing orders. The Opposition has moved two amendments, but it moved them in the wrong order. The Government will help dig the Opposition out of the hole by supporting the suspension of the standing orders.

Question put and passed with an absolute majority.

Amendment to Motion

MR M.J. BIRNEY (Kalgoorlie) [10.01 pm]: The Leader of the House said that he wanted some more time because he thought that there might be -

The ACTING SPEAKER (Mr A.P. O'Gorman): The member for Kalgoorlie needs to formally move the amendment.

Mr M.J. BIRNEY: I move -

The amendment standing in my name that is currently with the Clerks.

Mr J.C. Kobelke: That is not correct. You have to move under section 3(b) to insert after "will" the words "improperly and dishonestly". That is what you have to say. You will learn one day. It may take you a few years, but you will get there.

Mr M.J. BIRNEY: I move -

Section (3)(b) - To insert after "will" the words "improperly and dishonestly".

The Leader of the House indicated that he might want another look at that wording as he may want to make slight changes to it. That is interesting given that I have used the wording from section (3)(a), which states -

A conflict of interest exists where a member participates in or makes a decision in the execution of their office knowing that it will improperly and dishonestly further the Member's private interest or another person's private interest directly or indirectly.

I have taken those words directly out of section (3)(a) and have sought to insert them in section (3)(b). How on earth could the Leader of the House want more time to consider slight changes to the wording? Does he also want to consider slight changes to the wording of section (3)(a)? They are his words, or at least they are the words of the Premier. I trust that the Leader of the House is all show and no go and will simply vote for these words, because they are his own.

MR J.C. KOBELKE (Nollamara - Leader of the House) [10.02 pm]: The Government will support the amendment moved by the Opposition to section (3)(b). However, the member for Kalgoorlie's comments show his lack of understanding and how little work the Opposition has done on this issue. Section (3)(b) must be read in the context of section (3)(a) and (3)(f). Section (3)(f) states -

A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

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If a member is helping a constituent who is a single constituent, he is still a member of the class of constituents.

Mr M.J. Birney: It says where the member is affected.

Mr J.C. KOBELKE: The member for Kalgoorlie seems to know everything, but when he gets to his feet it is clear that he does not know even the basics of standing orders. He might like to listen for a moment.

Mr M.J. Birney: Will you take an interjection?

Mr J.C. KOBELKE: The member for Kalgoorlie does not take interjections.

Mr M.J. Birney: Yes I do.

Mr J.C. KOBELKE: He does not take interjections. He might like to listen for a moment on the basis that he may gain a little understanding of what he is speaking about. The point raised was one that I had already considered. I foresaw that there could be an issue in that some members might feel that it caught people who should not be caught. It must be read in conjunction with paragraph (a), which relates to participating in or making decisions in the execution of a member's office. Paragraph (b) relates more to when a member executes or fails to execute any function or duty. The two paragraphs are otherwise basically the same, except for the point of this amendment; that in paragraph (a) it is a matter in which a member will improperly or dishonestly further the member's or another person's private interest, whereas in paragraph (b) it is simply to benefit the member's or another person's private interest directly or indirectly. The issue is whether the insertion of the words "improperly and dishonestly" is the best way of qualifying that. That has been taken from section (3)(a), which relates directly to the member's participation in making a decision in the execution of his office, knowing that that would happen. I would have liked time for legal advice on section 3(b) because I honestly do not believe that using the words improperly or honestly is the best we could do. However, I will accept the Opposition's amendment. It improves the motion by giving the section greater clarity, so it is a valid change. Perhaps the motion should have used the word "improperly" or the words "improperly or dishonestly". However, we will understand what the code is about after having talked more about the lack of understanding of the code apparent in the contributions by many members opposite. The issue at the moment is that this is a guide. Therefore, getting the finer legal detail right is not very important in the overall context of this debate. On that basis, this amendment provides further clarity and, therefore, it is a sound move to support it. I thank the Opposition for bringing this amendment forward, but the way the Opposition has handled it again shows its total lack of understanding of the standing orders and how we could have progressed this in an even better way by dealing with it tomorrow. However, the Opposition is in a hurry to deal with it today. On that basis, we will support the amendment.

MR R.F. JOHNSON (Hillarys) [10.07 pm]: I cannot allow the comments of the Leader of the House to go by without rebuking him for making some of them. He has accused members on this side of the House of not knowing what they are doing and of not being able to read this motion properly. He has made a spurious attempt to link the amendment moved by the member for Kalgoorlie to section (3)(f). The member for Kalgoorlie clearly said by way of interjection, which the Leader of the House was not prepared to accept, that it has nothing to do with section (3)(f) because -

Mr J.C. Kobelke: It has! Can't you read English?

Mr R.F. JOHNSON: I can read it very clearly and for the benefit of the Leader of the House I will read both of them out -

Mr J.C. Kobelke: Section (3)(f) qualifies (3)(a) and (3)(b).

Mr R.F. JOHNSON: No it does not. Section (3)(f) says -

A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

Is the section referring to a member of the Labor Party or a member of a union? No, it is referring to a member of Parliament. We are not taking about a member of the community, which is referred to in (3)(b).

Mr J.C. Kobelke: It still qualifies it.

Mr R.F. JOHNSON: No, it does not.

Mr E.S. Ripper: Section (3)(b) refers to a member and someone else; therefore, (3)(f) qualifies it.

Mr R.F. JOHNSON: Exactly. We are concerned -

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

Mr E.S. Ripper: So it does qualify it.

Mr R.F. JOHNSON: No, it does not. We are very concerned that the Premier is including in his wishy-washy code of conduct that a member of public could be adversely reflected upon when he has done nothing wrong, which is what (3)(b) does. That person has approached a member of Parliament for assistance and that member has, in good faith, assisted him. At the end of the day, that person might receive some financial benefit. He might get his disability pension or some assistance from the ministerial office that intervenes to help that constituent.

Mrs C.L. Edwardes: Not from this Government.

Mr R.F. JOHNSON: Well, the chances are pretty slim, but that is the idea and the principle we are considering. I do not want to prolong this discussion, but I could not let the words of the Leader of the House go unanswered. He is absolutely wrong and it just shows that the Premier got it wrong. We do not need legal advice simply to add some words to this motion. As the member for Kalgoorlie quite rightly said, we are using exactly the same words that are used in section (3)(a); that is, improperly and dishonestly. We are trying to highlight that members of Parliament and, by extension, one of their constituents might be deemed to be doing something that is improper or dishonest. Let us make it clear and enhance the code of conduct, which is what we have been trying to do. I appreciate that the Deputy Premier and the Leader of the House will accept this amendment. Quite frankly, they would have had a helluva job if they did not. Their spin doctors would have had an impossible task trying to spin something out of this, which is a tremendous amendment and makes some sense.

Mr M.J. Birney: If they had not accepted that amendment, as from tomorrow we all would have been in breach of the Premier's code of conduct - every one of us.

Mr R.F. JOHNSON: I have a lot of time for the member for Kalgoorlie. He is a bright young man and will go places. The contribution that he has made so far to this Parliament, which I am convinced he will continue to make, will one day -

Ms J.A. Radisich: How many days?

Mr R.F. JOHNSON: Sometime in the future, quite a while from now, when he has gained more experience in this House. He has the potential to become a future leader. He has obviously put a lot of thought into this matter. With the win for commonsense put forward by the Opposition, I hope we will now go to the vote on this amendment.

Amendment put and passed.

Motion, as Amended

DR J.M. WOOLLARD (Alfred Cove) [10.10 pm]: I will be supporting the code of conduct, and the amendment put up by the member for Kalgoorlie, although I am really disappointed because once again it is a half-hearted attempt at a code. This code really contains nothing but motherhood statements. I wonder how many hours have been spent in the Chamber today on these motherhood statements. The debate is meant to be about important issues, not personal attacks and point-scoring, with the testosterone flying across the Chamber. Why is the Government putting this on the Table now? Is it because, as some members have mentioned, the Government is not doing very well out there in the community as a result of some of the decisions it has been making, and it is now trying to win back some credibility? The code of conduct talks continually about members discharging their obligations to the Assembly. It refers to members at every point, but I wonder why it does not refer to parties. Why does it not look at the parties and the decision that this government party is making in the interests of people in the electorates of government members? Why does it not look at decisions the Government is making? It looks at individual members because of decisions like the go-ahead that has been given for the redevelopment of the Raffles site. That cannot be pinned on a particular member, but the Government as a whole has supported that development against the Swan River Trust Act and the Heritage of Western Australia Act. All these things just get ignored. This is a code of conduct for members, but what about a code of conduct for the party?

Ms A.J. MacTiernan: I am wondering if you would enlighten the House on when the Government made a decision on the Raffles site.

Dr J.M. WOOLLARD: I refer the minister to section (10) of the proposed code, which refers to misleading Parliament or the public. This Government has misled by omission. The minister knows full well that the

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Minister for Heritage did not adhere to the Heritage of Western Australia Act with those decisions. She did not look at the Swan River Trust Act; therefore, this Government has been misleading by omission.

Point of Order

Mr P.W. ANDREWS: The point is simply one of relevance. The member is not discussing the code of conduct.

Dr J.M. WOOLLARD: When it does not suit government members, they say that I am not speaking to the issue. I am speaking to the issue, and I am speaking to the points in this debate.

The ACTING SPEAKER (Mr A.P. O’Gorman): There is no point of order. I take it that the member for Alfred Cove is getting back to the code of conduct, and was providing the House with an example.

Debate Resumed

Dr J.M. WOOLLARD: Thank you, Mr Acting Speaker. I have not done a full costing, but it would be interesting to know how much it costs the community when we sit in this Chamber and waste taxpayers’ money on debating motherhood statements like this. That money could be spent on the issues that the community really cares about, such as health. Talk about representing the interests of constituents! What has the Government done about its promises on health? The Government did not come across the line by saying it would bring in a code of conduct. The Government said it would fix the crisis in health. It has not been fixed. The Government said also that it would fix the problem with crime. I still have people coming into my office with bruises, fractured wrists and broken bones. What has the Government done about its promises on education? The code states also that members shall accept that their prime responsibilities are to represent the interests of their own electorate and their constituents. However, when it does not suit the Government, it has a change of policy! The Government is now trying to sell off community assets left, right and centre. It started with - can members remember the name - Duncraig House. The Premier told me that the Government had had a change of policy. The Government is not happy just with that. The Minister for Planning and Infrastructure is currently scheming with the City of Melville to sell off land at Wireless Hill Park so that we will get what she calls a node of development - another high-rise tower - at Wireless Hill Park. I cannot see how this fits in with representing the interests of the electorate. The Government got across the line on the promises that it made to the community before the election. What is the Government doing to keep those promises? I have mentioned that the Government has not looked at health or education. The Minister for Education and Training has 22 schools on his hit list. He is planning to sell off school land and put the money into school improvements. When the Government came across the line it did not say to schools that it would sell their ovals so that they can have new classrooms.

I will support this half-hearted attempt to have a code of conduct for members of the Legislative Assembly. Section 3(a) of the motion states that a conflict of interest exists if a member makes a decision that will improperly and dishonestly further the member’s private interest. Again, why is it just member, member, member? This Government did not get across the line with promises about members. If we want to talk about members, we should look at how much time has been spent in this House today debating this code of conduct - this motherhood statement. How much time has the Government spent on trying to stop smoking in public places? The Leader of the House knows that a lot of people in the community would like smoking in public places to be stopped. They would like workers in the hospitality industry to be protected from poisonous tobacco smoke. Are we discussing that? Are we trying to protect those people? No. We are talking about a motherhood statement that everyone in this House will agree with, not about issues that affect people in the community and that will help people in the community. Perhaps we should have a hands-up of how many members in this House smoke. Is the Leader of the House unwilling to discuss the smoking issue because many members on the government benches smoke?

Several members interjected.

The DEPUTY SPEAKER: Order, members! The member for Alfred Cove should come back to the point at hand, which is that the motion as amended be agreed to. I have allowed a fair bit of latitude but she was getting off the subject at hand, and if the interjections cease, members might get home at a decent hour.

Dr J.M. WOOLLARD: The code of conduct refers to the financial interests of members. I wonder whether in the part of the code relating to members representing their constituents, this Government will follow the example set by the Blair Government in the United Kingdom in which Labour Party backbenchers there cross the floor when they disagree with the Government. I presume this code of conduct gives backbenchers the opportunity to cross the floor when a Bill on the Table will be of no benefit to their constituents.

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

Another matter missing from this code of conduct relates to the behaviour of members and sitting times. Members in this place know that often it is the testosterone in this Chamber that dictates the sitting hours. However, Madam Deputy Speaker, you and I both know that we do not see members on both sides of the Chamber at fisticuffs with each other at 11 o'clock in the morning or at three o'clock in the afternoon. I hope that in future the female members of Parliament will address the aggressive behaviour and language used in this Chamber.

Mrs C.L. Edwardes: More women members of Parliament.

Dr J.M. WOOLLARD: The member for Kingsley suggests that more women might be attracted into politics if this code of conduct addressed the serious behavioural problems in this Chamber. If more women members of this Chamber spoke on legislation, rather than sat in the background, the Bills passed by this Parliament would be very different. Although I support this motion, I am very disappointed that a great deal of time has been wasted today.

Several members interjected.

Dr J.M. WOOLLARD: I will repeat that because there were some rather loud interjections. Although I support this motion, I am very disappointed at the time that has been wasted in this Chamber today debating a code that amounts to a motherhood statement. Serious aspects of such a code of conduct have not been included in the motion. It is yet another government document that has been put on the Table without proper consultation. Yes, the Government has the numbers to pass the motion, but I do not believe any member would oppose the motion because it is very much a motherhood statement. It is, however, a shame that there was no consultation on the motion so that the code could benefit this Parliament and the community of Western Australia.

MR T.K. WALDRON (Wagin) [10.24 pm]: I had not intended to speak on this motion; however, I would like to make a couple of brief comments. I feel that most members in this place behave themselves pretty well. Most members respect this place; however, sometimes in the heat of battle people can go too far.

Mrs C.L. Edwardes interjected.

Mr T.K. WALDRON: They reckon bald men have a lot of testosterone. I do not know what it means, but if it works, I am there!

Several members interjected.

Mr T.K. WALDRON: Unfortunately, I am by myself tonight.

Several members interjected.

Mr T.K. WALDRON: In my different roles over the years, I have had a few experiences with codes of conduct. Although codes of conduct are fine, their real value comes through the process of developing them. The real benefit is obtained through the process of involving everyone who is a part of that field or whatever it might be. The most important thing about a code of conduct is that people have ownership of it. That occurs when people are involved in the creation of the code of conduct. We did not have the opportunity to be involved in the creation of this code of conduct. The issue of consultation was just mentioned. There could and should have been more of that. We should have had more involvement in this process. It would have been good if all members were involved in the process of creating the code of conduct. When I managed country football, codes of conduct regarding behaviour on the field were developed for the country football leagues and clubs across the State. We held forums for consultation. We got people together, and the process of consultation refocused everyone by making them think about how they should behave and what they should do. That process worked, and we developed codes of conduct. However, the reality is that although the codes of conduct pinned to the walls were great, their impact faded fairly quickly. I think the standing orders generally cover behaviour in this place; however, we should have gone through the process of creating this code of conduct.

I finish by saying that I agree with the member for Avon about the procedures for a breach of the code. What will happen if the code of conduct is breached? I do not understand the last part of the motion, and I do not feel that it has much teeth.

Mr R.F. Johnson: If the breach is by a government member, the code will never see the light of day.

Mr T.K. WALDRON: If the code of conduct is revised, all members should be involved. That would have the realistic effect of refocusing everyone's attitudes about their conduct. That would be a benefit for all of us.

Dr Geoff Gallop; Mr Rob Johnson; Acting Speaker; Mr Larry Graham; Mr Mark McGowan; Mr John Bradshaw; Ms Margaret Quirk; Mrs Michelle Roberts; Mr Phillip Pendal; Mr Colin Barnett; Mr Matt Birney; Mr Paul Omodei; Mr Jeremy Edwards; Mr Martin Whitely; Mr Max Trenorden; Ms Jaye Radisich; Mr John Quigley; Dr Janet Woollard; Mr Eric Ripper; Mr Mike Board; Mr John Kobelke; Mr Paul Andrews; Deputy Speaker; Mr Terry Waldron; Mrs Cheryl Edwardes

MRS C.L. EDWARDES (Kingsley) [10.27 pm]: I also support the motion as amended. In so doing, I pick up on the point the member for Wagin raised about how a code of conduct should be developed. I will also talk about what a code of conduct does and some of the failings that might never be addressed in a code of conduct that revolves around people.

First, as I have done in this place before, I will comment on the behaviour of members when the member for Alfred Cove is on her feet. It makes no difference whether members like or do not like what she says. She is a member of Parliament duly elected by her constituents. When she stands in this place, she represents those people. In consistently trying to stop her through points of order and the like, members get very close to breaching the privilege of this House. It is a very serious issue, and it should be mentioned when that line is about to be crossed. There will always be people, not the least of whom are members of Parliament, whom members do not like. We all have a role to play, particularly in this Parliament. As the member for Alfred Cove sees it, her role is to question the Government on the processes and issues that her constituency wants her to raise.

Following on from the member for Wagin, I will address the issue of how a code of conduct is established. Some members are confused about whether this code of conduct was made by the Parliament or whether it is the Premier's code of conduct. The Deputy Premier said that when the Labor Party went to the election, it promised to introduce a code of conduct, which it is implementing. The point raised by the member for Wagin is that the ownership of it is particularly important. How the code of conduct is developed is even more important. If the Government were really serious about establishing a code of conduct for members of Parliament, it should have developed it from the grassroots, not from the top down, because it never works that way. That applies to any association, organisation or whatever. That is highlighted even further by the way the Premier announced last year that he would introduce his code of conduct to Parliament. This afternoon when the Premier raised the motion, he gave a very short speech that was delivered without feeling or passion. The way he presented the code of conduct could be described as robotic. If the Premier places importance on and is only worried about issuing media releases on the code of conduct, he has lost the point of the exercise, which is to make changes and improve some of the behaviour for which members of Parliament generically are criticised in the public arena. If that is not what it is about, it is a waste of time.

What do the words of the motion say? Is it a testing tree? Is it something that members of Parliament can hold up and say, "Oh, I think someone has come to me and has offered me a bribe. Therefore, when I read section (4), I know that I cannot do this"? I do not think so. This code of conduct is not a general framework against which members of Parliament can test any particular behaviour or practice. It will not do that because there is nothing new in it that will help guide members of Parliament.

Mr M.P. Whitley: What about section 8(a)?

Mrs C.L. EDWARDES: I will get to some of those issues. Members will not be able to test a decision that comes before them. A better test than this code of conduct would be for members to ask themselves what their family or peers would think about their conduct if they read about it on the front page of *The West Australian* tomorrow morning. That would be a better test of whether a member's behaviour is likely to be acceptable to members of the public than the test that is being put forward today.

Some people would suggest that the issue of ethics is a vogue topic today. Since the Arthur Andersen issue in the United States, the issue of corporate governance and ethics has been a topic of much debate. Many organisations and associations are working out how to establish a code of ethics or a code of conduct. A 1994 report of the Committee on the Independent Commission Against Corruption referred to pecuniary interest provisions for members of Parliament and senior executives and a code of ethics for members of Parliament. It has a whole section on how a code should be developed. One of the ways put forward by the committee by which it could be effectively implemented was for it to be preceded by an ethics audit. Members of Parliament need to work out the nature and the boundaries of any code, and those who are to be bound by the code must participate in the development of the code. This debate does not allow us to be involved in the development of the code of conduct. It allows us to debate the motion and to talk about the matters contained in the code of conduct, but it does not give us any ownership of the code. The report states that Commissioner Temby brought to the committee's attention the following fact -

The Commission has found that workshops, in which ethical scenarios are explored and discussed, are useful in focusing issues. What seem at first to be simple and general issues, when explored further [turned] into ethical dilemmas, [which] highlight the difficulties.

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Could any real, positive guidance be gained for us as members of Parliament in the development of a code of conduct or a code of ethics that would help us in our day-to-day lives in both a professional and a personal sense? I am sure there could be. Again, however, we have a confusing scenario presented to us. Are we talking about the Parliament's code of conduct for members of Parliament or about the Premier's code of conduct? He would have us believe that it is the Premier's code of conduct.

ICAC also referred to what it believes a code should constitute. It put forward the view that the code should serve the purpose of acting as a guide for members. The report states -

In the words of the Commission:

Our perception of the Code is that it is not rules of behaviour, it is guidance for decision-making in those areas that are difficult to make decisions about -

I do not think anything that is before us today will give us any guidance for making decisions in those areas that are difficult to make decisions about. It continues -

and that [at] present everybody experiences them with a dilemma, so we would not be looking at rules. In terms of enforcement, the supremacy of Parliament in the system of government means that it is really for the Parliament to decide on the means of enforcement.

I thought that in the development of a code, it should be for the supremacy of the Parliament to develop the code. A committee brought forward a code but the Parliament has not been able to work through it. Instead, the Premier has made his announcement and that is before us today.

I will refer to some of the recommendations in the WA Inc royal commission report. It is very important that the independence of Parliament be maintained. If the Parliament does not remain independent of the Executive, there will be a blurring of the lines. That was seen back in the 1980s. When the Premier brings forward his code of conduct for members of Parliament, there is a blurring of the lines about whether the Executive is running the Parliament or whether the Parliament has the independence to develop its own code of conduct for members. Some might say that that is tinkering at the edges. However, it is very important for us as members of Parliament and for the Parliament as a whole to constantly ensure that we stay independent of the Executive.

Mr J.C. Kobelke: If I get a chance to contribute to the debate, I will refute that. I think the evidence of how it has been developed shows that the Premier has done everything possible to encourage all members of the Assembly to become intimately involved in the development of the code.

Mrs C.L. EDWARDES: I am pleased that the Leader of the House has made that interjection, but I dispute that. The facts reflect that there has been no consultation. In fact, ICAC sent out a discussion paper to the public. I thought that at one stage in his election policy the Premier promised full public consultation.

The member for Pilbara raised a very important point on section (11) and the participation in political parties. Does this section mean that we will now be able to put party insignia on the walls of our electorate office? If it does, I do not agree with it. I was elected by a certain percentage of the constituents in the electorate of Kingsley, but whoever voted or however they voted, I represent every one of the constituents in the electorate of Kingsley. I will not treat people who come into my office in any partisan way. I would resist absolutely putting the Liberal Party insignia on the wall of my electorate office.

Ms J.A. Radisich: You are not allowed to anyway.

Mrs C.L. EDWARDES: The member should read section (11).

Ms J.A. Radisich: I will read section (11).

Mrs C.L. EDWARDES: If section (11) does not mean that, what does it mean? Does it mean that members can hold party political branch meetings in their electorate office? Does it mean that members can conduct all manner of party political matters from their electorate office at taxpayers' expense? If that is not what it means, why is that section included in the proposed code of conduct?

Ms J.A. Radisich interjected.

Mrs C.L. EDWARDES: The member should read it. The next time a member of Parliament is criticised for sending some party political matter on a fax with an electorate letterhead, one of the Labor Party members will say that it is permitted under section (11). That is what section (11) will allow members to do. That proposition has not gone to the public for discussion.

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Mr E.S. Ripper: Would that not be covered by section (6)?

Mrs C.L. EDWARDES: Section (6) reads “according to any guidelines or rules about the use of those resources.” At the end of the day, section (11) does not read down section (6).

Mr E.S. Ripper: The guidelines are for the tribunal’s determination.

Mrs C.L. EDWARDES: We cannot legislate or regulate for ethics or honesty. That has been said in this Parliament on numerous occasions. To some extent it is an indictment of all members of Parliament that a code of conduct is seen as a necessary tool to ensure that we not only do right but also are seen to do right. I would have thought that all of us in this place know right from wrong. Members of Parliament are very much in a position of trust. We are elected by the people. We are not in a business community in which we get appointed or selected and can easily be sacked. We are subject to an election cycle. Unless a member commits a crime under the Criminal Code, he or she is not disqualified from standing for election. The 1992 volume 2 report of the Royal Commission into Commercial Activities of Government and Other Matters refers to some of the checks that need to be put in place to ensure integrity in conduct and what the commission saw as being absolutely essential for openness and accountability. The royal commission emphasised that the accountability of government and of the administrative arms of government is at the heart of the matter and that our inherited system of representative democracy has traditionally given the Parliament the central role in securing the Executive’s accountability to the public. That is a very important issue.

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

I refer again to the trust principle referred to at paragraph 4.4 of the report of the Royal Commission into Commercial Activities of Government and Other Matters. This reference related to an address to state officials in the United States in the case of *Driscoll v Burlington Bristol Bridge Co*. It reads -

“[Public officers] stand in a fiduciary relationship to the people whom they have been elected or appointed to serve . . . As fiduciaries and trustees of the public weal they are under an obligation to serve the public with the highest fidelity. In discharging the duties of their office, they are required to display such intelligence and skill as they are capable of, to be diligent and conscientious, to exercise their discretion not arbitrarily but reasonably, and above all to display good faith, honesty and integrity . . . They must be impervious to corrupting influences and they must transact their business frankly and openly in the light of public scrutiny so that the public may know and be able to judge them and their work fairly. When public officials do not so conduct themselves . . . their actions are inimical to and inconsistent with the public interest.

The real issue in that regard is not a code of conduct, but leadership - that is, setting an example. Some examples we have seen in the past would suggest to new members of Parliament that all is fair in the game of politics and in this Parliament.

Again, the WA Inc royal commission raised the issue of openness. The commission wholeheartedly endorsed the observation made by the then Chief Justice of Australia. The royal commission report reads -

Both the democratic and trust principles to which we referred in chapter 1, if they are to have real meaning in this State, demand that government be conducted openly. They require that the public be informed of the actions and purposes of government, not because the government considers it expedient for the public to know, but because the public has a *right to know*. Openness in government is the indispensable prerequisite to accountability to the public. It is a democratic imperative. The right to vote is without substance unless it is based on adequate information. If government is to be truly government for the people, if the public is to be able to participate in government and to experience its benefits, the public must be properly informed about government and its affairs.

This entire issue is not addressed in the code of conduct, yet a valuable report - to which I would like to see members in this place refer more often - gives a very good framework upon which to base decisions. This one refers to the provision of information. It states -

If secrecy has its place, the deliberate deception of Parliament and the public does not. The Commission notes that public deception will often involve the connivance of a government’s media advisers. These advisers, as we will indicate, must bear some of the blame for the disinformation which was a significant feature in some of the events that were described in Part I of the report.

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That has not changed today. Again, it relates to the role of Parliament and its members. If the Government is serious about a code of conduct, it must be serious about the way in which information is provided in this House. The report continues -

Importantly, it requires a willingness to expose miscalculation and failure as well as to publicise innovation and achievement.

Those aspects should be in the code - they are missing. The practice of open government requires a responsible approach to government on the part of the public, and particularly on the part of members of Parliament. The report continues -

For their part, the responsibility asked of members of Parliament is of a different kind. The Commission recognises the “watchdog” role of an Opposition. It recognises, too, the legitimate and natural desire to use the Parliament to embarrass opponents and to obtain electoral advantage. It would be quite unrealistic to suggest that this desire should be suppressed . . . Parliament is the primary instrument through which the public should be able to obtain much of its knowledge about the conduct of government in all of its manifestations.

Most of the commission’s recommendations were made to enhance the role of Parliament. The report continues -

But to be effective they will require a high degree of public responsibility from parliamentarians themselves.

If the Government is really serious about wanting members of the public to have some confidence in the integrity of members of Parliament, it must give consideration to how this Parliament operates. It continues -

Parliamentary conduct cannot be allowed to subvert Parliament’s proper role in the securing of full, fair and accurate information from the Government and from the officers and agencies of government. Its role includes the critical and responsible examination of that information on behalf of the public.

If the Government is really serious about the public’s view of members of Parliament, it must accept that this is the one area that is missing from the code of conduct. Information is the key to accountability. It is the role of this Parliament to ensure that the Executive Government is accountable to the public. It is absolutely critical that that is the case. The report continues -

As the Commission has emphasised, accountability can only be exacted where those whose responsibility it is to call government to account are themselves possessed of, or able to obtain, the information necessary to make considered judgments. Information is the key to accountability. . . . accurate information is its lifeblood. Without it, Parliament can be neutralised, the public left vulnerable.

That is our role as members of Parliament. The report goes on in further detail and then highlights question time as being critical to information gathering by members of Parliament.

The DEPUTY SPEAKER: Order! The level of conversation in the Chamber is making it difficult to hear the member with the call. Members should be cognisant of the fact that Hansard and I are trying to do a job, as is the member with the call. Conversations should be held elsewhere.

Mrs C.L. EDWARDES: The report states -

Whatever else can be said of question time, it today provides the crudest form of accountability exacted by the Parliament.

That was written in 1992. It sounds familiar. It continues -

The manner of its conduct, the apparent acceptance of evasion and equivocation in providing answers, and the governmental manipulation of it for its own purposes, can leave the public with little reassurance that it presently serves the accountability purpose the traditional view attributes to it in anything other than a fortuitous way.

The report goes on to quote a public servant who was asked to draft answers to questions. He said -

. . . I spent the better part of six years drafting parliamentary questions as well as receiving and evaluating the answers or rather the non-answers to those questions . . . There was some degree of

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anticipation that applied to answering parliamentary questions. That anticipation would extend to, if you like, issues that weren't addressed in the questions themselves.

That means that members receive an answer that is too smart by half -

In short, those answers - or particular questions were answered in a way that were more an art form than an exact science.

Q: Does that mean that you accept that the answer was inaccurate as drafted by you.

A: Yes, I accept that.

I do not think anything has changed today. I get back to questions on notice -

Mr E.S. Ripper: Was it any different under the coalition Government?

Mrs C.L. EDWARDES: I will get to that. When members receive answers to questions on notice, I suggest that, in the main, most ministers take the full 90 days to provide an answer. Some ministers do not, and some are pretty good at answering questions straight down the line, not being evasive or providing tricky answers because a bit of information was not included in a question. Some ministers take the full 90 days to answer a question on notice and then reply with a template answer. Although the ministers of the previous Government may have provided some template answers, I suggest that the ministers of this Government are making an art form of it. Who writes these answers? Some ministers do not give the template answers. That is how I know that some ministers are really interested in providing the information that is being requested of them, which is very important and was referred to in volume 2 of the WA Inc royal commission report.

That is very much linked to the credibility of the conduct of members of Parliament, because ministers are members of Parliament. People cannot become ministers unless they are members of Parliament. Ministers are elected by their constituents. Their conduct reflects on us all. If ministers evade or avoid answering questions, take the full 90 days to answer questions, are too smart by half in answering questions, take 14 minutes to answer a question, or deviate onto some subject matter about footwear that has nothing to do with the question, they are avoiding the issue of accountability to this place. Avoiding accountability to this place has far more to do with the conduct of members of Parliament than has the code of conduct that we are debating this evening. This code of conduct does very little. It does not provide a framework that members of Parliament will be able to refer to on a daily basis.

I turn to outstanding questions on notice that were asked on 3 June and do not have to be answered until 2 September. I expect a flurry of answers to all 47 of those questions on Thursday, because next Tuesday will be too late. Is that what will happen? The full three months runs out next week. Is that what was expected by the commissioner? I do not think so. He was recommending change and reform. As such he linked it to the conduct of members of this Parliament, the running of this Parliament and holding the Executive to account. Information is the key to accountability. If ministers were to start providing information and answers to questions in the way in which they are meant to be provided, they would have a far greater level of credibility in the community than this code of conduct, which was presented as a motion by the Premier, would ever provide.

Debate adjourned, on motion by Mr. J.C. Kobelke (Leader of the House).