

ADJOURNMENT OF THE HOUSE

Ordinary

HON KIM CHANCE (Agricultural - Leader of the House) [9.52 pm]: I move -

That the House do now adjourn.

Busselton Shire Council and Minister for Local Government and Regional Development - Adjournment Debate

HON BARRY HOUSE (South West) [9.52 pm]: I need to air one small episode of the saga involving Hon Tom Stephens in his capacity as Minister for Local Government and Regional Development and his dealings with the Busselton Shire Council before this matter is put to bed. This afternoon during question time the minister responded to a question I posed the previous day. His answer was illuminating, not as a result of what he said, but what he omitted. I wish to complete the picture for the record so the minister may get the message that he has a duty to fully disclose the relevant details to this Parliament.

The minister today contacted the President of the Busselton Shire Council with a request for certain information contained in a question that I posed yesterday, and I have here the reply tabled by the minister this afternoon, under sufferance. Eventually the letter was put on the Table and we received a copy.

Hon Kim Chance: He volunteered to table it; it is not correct to say that he did it under sufferance.

Hon BARRY HOUSE: At the end of the day -

Hon Kim Chance: He sought leave to table it and your side refused leave.

Hon Norman Moore: He wanted it incorporated in *Hansard*.

Hon Kim Chance: It is a matter of record.

Hon BARRY HOUSE: The member can examine the record, but he will see if he reads it very carefully that the minister sought to table the letter and incorporate it in *Hansard*, which was refused. I then sought to table his letter to the shire and the shire's response to the minister, but was refused.

Hon Kim Chance: He had the original.

Hon BARRY HOUSE: He had the original, that is quite right. We finally got the document tabled. The first question was -

“Is the Shire of Busselton suggesting that I have inappropriately used Mr Ross Bromell as an intermediary with the Shire of Busselton”?

The minister's response was no. The tabled document shows a line drawn under that word. The rest of the answer, which the minister did not want to reveal, states -

However, I have some concerns that in local media reports Mr Bromell has indicated that he has some lobbying influence with the Government in respect to funding.

Question 2 states -

“Am I correct in my understanding that the Chief Executive Officer of the Shire of Busselton indicated to me by phone on March 27 that the Council would invite me to open the Billboard Project”?

In the tabled document this question has a large cross next to it. It was not mentioned, not surprisingly, in the minister's reply. The answer from the Shire President of Busselton is -

The Chief Executive Officer advises me that the arrangements agreed with you were that you would make yourself available to open the Billboard Project on receipt of an invitation from Council.

The upshot of all that is that the minister did not receive an invitation from the Shire of Busselton. Question 3 also has a cross against it and was not mentioned at all by the minister. It states -

“Is the Shire of Busselton of the view that I caused considerable embarrassment to the Shire of Busselton's elected officials, staff and Mr Bromell”?

For the record, the answer is -

The incident itself had the potential to cause embarrassment for Council and staff but I am particularly very embarrassed and confused as to why the first line of approach on two occasions was by Mr Bromell.

I am not in a position to speak for Mr Bromell.

Obviously, the shire president is not. I reiterate that I have a lot of respect for the role played by Mr Bromell in the Busselton community. He is doing a good job in his role. He is the appointed marketing manager for the

jetty management committee, but he is not an elected official. Question 4 was selectively quoted by the minister. It states -

“Is it correct that the Shire of Busselton has cancelled the Billboard opening in part because the Shire of Busselton is of the view that your “community is totally fed up with the Minister’s arrogant and discourteous approach”?”

The answer is -

No. The Billboard opening was cancelled due to confusion now surrounding the event and the fact that it is not yet complete.

That is where the minister left his answer. The answer has another sentence -

I personally have some concerns with protocols between the Government and our Council.

The minister was very keen to quote question 5 -

“Is it correct that the Shire of Busselton has requested me not to visit the Town”?”

The answer was no.

Question 6 states -

“What protocols is the Shire of Busselton requesting be observed in contact between me as Minister for Local Government and the Shire of Busselton”?”

I do not believe the answer was quoted verbatim by the minister, but the context was. The answer is -

Council has requested that all contact be direct between Council personnel and the Minister’s office, and/or aided and assisted by Ms. Adele Farina MLC on an as needs basis.

I might add that that is perfectly appropriate. When we were in government the local authorities liaised through the local government member. It is appropriate that the Shire of Busselton liaise through Hon Adele Farina provided she finally locates her office in Busselton. The point I am trying to make is that some established protocols, courtesies, manners and codes of conduct are expected to be adhered to by the Government, and particularly ministers. It is worth quoting to the minister the words contained in the document entitled “Government of Western Australia Ministerial Code of Conduct”, dated March 2001. The Government will probably get this quoted back at it many times over the next few years. The introduction states -

Ministers have significant discretionary power and make decisions that can greatly affect individuals and the community. Consequently, it is necessary to set higher standards of conduct for them than for other categories of elected office holders.

Being a Minister of the Crown demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions. They must ensure that their conduct does not bring discredit upon the Government or the State.

The document goes on to explain that the code of conduct was developed from the events that were highlighted in the 1992 Royal Commission into Commercial Activities of Government and Other Matters, which came out of the Labor Party’s last period in government in this State.

We all know that in matters such as this, how words are used and interpreted becomes a bit of a game. However, I reiterate that government ministers have an important responsibility to the community of Western Australia to conduct their affairs in a courteous way, according to accepted protocols, and to treat elected officials and public officers in the correct manner. That is what this exercise is all about. It is not about personalities. I hope that message is taken on board by Hon Tom Stephens in particular.

Voting System, Supreme Court Challenge - Adjournment Debate

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [10.01 pm]: I refer the Minister for Housing and Works to the code of conduct that Hon Barry House just mentioned, and also to the code of conduct for Legislative Council members that was put on our desks a week or two ago. I refer also to the minister’s letter to the editor of the *Golden Mail* in Kalgoorlie this week on the one vote, one value legislation. I understand that the letter may have also been sent to local authorities around the State. I will quote from the letter so that we all understand what this minister is saying publicly and where he is totally wrong and misleading. The minister states in his letter -

There is no justification for the Liberal and National parties to grab ratepayers’ funds for a politically motivated challenge to the State Government’s electoral reform legislation.

Hon Tom Stephens: Hear, hear!

Hon NORMAN MOORE: The minister fails to understand that this is not a challenge by the Liberal Party, the National Party, the Government or anybody else. It is a proposition put to the Supreme Court by the Clerk of this House, who is not politically motivated, seeking its judgment about whether this legislation is valid. The Clerk - not the Liberal Party, the National Party or anyone else - took this matter to the Supreme Court to seek a declaratory judgment. That is what happened. It is not a politically motivated challenge to the State Government's legislation. The legislation has been passed by the Parliament, and it is now before the Supreme Court because the Clerk would not take it to the Governor for his assent. That is the first thing that is wrong in this letter.

The minister then states -

The 'no' case is already being put to the Supreme Court by the Clerk of the Parliament.

That is correct. However, the minister forgets to acknowledge that the Clerk is also putting the yes case. The minister conveniently ignores that aspect of what is happening. The Clerk is putting both sides of the argument. He is not working on behalf of the no case or the yes case. As I understand his role, he is putting a dispassionate opinion about both sides of the issue. The minister then states -

If the Liberal and National parties wish to challenge the Government's legislation then they should fund it themselves and take their hands off ratepayers' funds.

We are not challenging the Government's legislation. We are putting a view to the court, as we are entitled to do, in the same way that the Government is putting a view to the court.

Hon Tom Stephens: The Liberal and National Parties are putting a view.

Hon NORMAN MOORE: There is a group of people, of which we are a part, and that group is putting an opinion to the court.

Hon Tom Stephens: In order to do that, is it legitimate to use ratepayers' funds?

Hon NORMAN MOORE: Again, the minister's biggest problem is that he treats people in a derogatory way. The minister is saying that councillors on councils in Western Australia cannot make their own decisions about how they spend their money. The minister is saying that somehow or other we are grabbing their money. The local authorities are making the decisions. The more the minister tells them that they cannot do it, the more they will do it. The more the Premier threatens them, the more they will tell the Government to get lost. The minister comes from the same breed as Kevin Reynolds: they both use standover tactics and they bully and lean on people.

The rest of the minister's letter says that people in Western Australia already pay higher local government rates per capita than anywhere else in Australia, indicating that local governments get too much money. Maybe we should examine how much money it gets. The minister has said that the Government might stop giving local governments money, and that it should consider why local governments have too much money so they have some to waste.

The minister's letter also says that because Hon Peter Foss is a Queen's Counsel and happens to be a member of the Liberal Party, he should look after the Opposition's case. Why does the Attorney General not look after the Government's case? He is a taxpayer-funded individual and a member of the State Parliament. Members should look at the crazy notion of Hon Tom Stephens. Just because Hon Peter Foss happens to be a QC, the minister argues that he should look after the no case. I think the Minister for Local Government is thick. I cannot believe how thick he is. I would be very happy if the Government trotted out Mr McGinty to look after its interest in this matter.

Hon Kim Chance: He is named as a defendant.

Hon NORMAN MOORE: I understand that.

Hon Kim Chance: How can he act for the Government if he is joined in the summons? He cannot take two parties.

Hon NORMAN MOORE: I am putting a rhetorical situation to the member. The Government has a Minister for Local Government who does not like local government. The minister says that because the Liberal Party has a member who is a QC, he should look after the no case and the Government will use all its resources to fund the yes case. I would be happy if the Government trotted out Mr McGinty and we trotted out Peter Foss because the Government would get done like a dinner every day. That is the simplicity of the Minister for Local Government's stupid argument.

The minister wrote this letter and had it printed in a newspaper. He then talked about the Liberal and National Parties using ratepayers' funds as if we were taking it off local governments. They are voluntarily donating money for the no case in very large numbers around the State because they are sick to death of the way the Government is operating on this issue. The minister gives them totally misleading information and expects them not to see through it. Those councillors have seen bullies like the minister before.

Hon Tom Stephens: When you sought their money, did you tell them that the Government and the taxpayer were funding the presentation of the case through the Clerk of the Parliaments?

Hon NORMAN MOORE: We have always said that the Clerk is funding a dispassionate yes and no case and that the Government is supporting the yes case. The yes case is funded by the Government, with all its resources, and is assisted by the Clerk; the Clerk also assists the no case. The Liberal and National Parties and a range of community organisations across the State are raising funds for the no case because we all want to see fair play on this issue.

Hon Tom Stephens' letter is an absolute outrage. I cannot use the language I would like to. I am not the only person who wishes to use that type of language. People around Western Australia have read that letter and they are outraged. It is the typical bullyboy attitude of the Labor Party. Regrettably, for all the niceties the Minister for Local Government possesses, he is a bully like the rest of them. As soon as he does not get his own way, he uses the bullyboy tactics that are so typical of the Labor Party. Day after day and week after week we saw those tactics used during the terms of office of Brian Burke and Dr Carmen Lawrence as they bullied the Western Australian community into giving them money. Now their colleagues in the union movement are doing the same thing. Every day, that is being reported in the royal commission into the activities of the building unions. It is the same attitude from the same people who operate the same strategies. Ultimately, it does not always work because people who would not have otherwise supported us are now supporting us. They have had enough of the Labor Party's bullyboy strategies. The Premier and the Minister for Local Government and Regional Development have taken the same attitude and are turning people against them. Councillors cannot stand this behaviour because they are not like that. They will make proper decisions about whether they support this issue. Some do and some do not. The minister is making sure that more of them do, so he should keep writing letters like that.

Voting System, Supreme Court Challenge - Adjournment Debate

HON TOM STEPHENS (Mining and Pastoral - Minister for Local Government and Regional Development) [10.10 pm]: The Leader of the Opposition on the one hand said, "Don't write the letter" and on the other, "Write the letter". My letter was carefully constructed. It was an attack only on the Liberal and National Parties for having the audacity to approach councils for access to ratepayers' funds. I made neither a judgment about those councils nor an attack upon them. I was very careful in the selection of my words. I attacked the Liberal and National Parties, and I will attack any other political party that tries to gain access to taxpayers' or ratepayers' funds. Ratepayers' funds are being sought by the Liberal and National Parties in their approach to councils. That approach was based on an omission of the facts, which was the purported basis of Hon Barry House's earlier complaint. There was no description in the bid to gain access to ratepayers' funds of the precise situation with which the Supreme Court is faced. There was no attempt to explain that the funds of Western Australian taxpayers were being utilised through the Clerk of the Parliaments in the presentation of both the yes and no cases. Despite that, the Liberal and National Parties and One Nation sought access to those ratepayers' funds. It was entirely appropriate for those councils to have brought to their attention the fact that the policy of the Bill will not be considered. This is not a question of championing but, rather, a constitutional issue that must be settled when the Government's argument and the case presented by the Clerk of the Parliaments is put before the Supreme Court.

There was an ultimate act of dishonesty on the part of the Liberal and National Parties in the presentation of their bid. I was pleased to hear that a number of councils were persuaded to reconsider whether they were prepared to allocate funds in this way. I was also pleased to hear that some of the councils specifically approached by Hon Barry House rejected his approach. I was delighted to hear that his powers of persuasion produced the opposite effect.

Busselton Shire Council and Minister for Local Government and Regional Development - Adjournment Debate

Hon TOM STEPHENS: I remind members of what Hon Barry House claimed in this House yesterday, for which I would have thought he would rise and apologise tonight, because they were false claims.

Hon Barry House: They were not false claims.

Hon TOM STEPHENS: They were false claims. In a substantive motion I would use the words, "I move that the member explain himself because he has lied to the House" to describe the proposition Hon Barry House put in his question. Any fair-minded person reading the question would arrive at that conclusion. In the answer I gave to the question asked by Hon Adele Farina were the substantive arguments that indicated exactly why Hon Barry House made false claims to this House.

Hon Barry House: You put crosses and lines on the document you tabled.

Hon TOM STEPHENS: Absolutely!

Hon Barry House: You were not going to read out that document.

Hon TOM STEPHENS: No, this is what I was going to read out.

Several members interjected.

The PRESIDENT: Order! I am sure that Hansard is having some difficulty in following the range of speakers who do not have the call.

Hon TOM STEPHENS: I have looked at the record. It shows me offering to read out the entire letter. It shows me offering to have the letter incorporated into *Hansard*, which is the same thing. I took steps to ensure that when Hon Murray Criddle asked for it to be tabled, it was tabled promptly.

Hon Barry House: You tried to avoid tabling it.

Hon TOM STEPHENS: Not at all. The member should not try to compound his problem in this House. He has basically brought dishonour and discredit to himself and to people in the Shire of Busselton who have collaborated in the way they have. I will make sure that my communications with the Shire of Busselton are absolutely precise and crisp in future.

I have never experienced a council sending a letter to a minister in which it did not acknowledge to the minister that it had circulated a copy of that letter to someone from the other side of politics. I knew exactly what was going to happen in this House. I knew that the member would be sitting with the letter, as he was during question time. That says something about the person who made the letter available to the member.

Hon Barry House: Who are you accusing now?

Hon TOM STEPHENS: I am asking the member who made a copy of that letter available to him. Does that person consider it an appropriate way for the Shire of Busselton to deal with the Minister for Local Government? No wonder the member's face is the colour of his hair; he should blush. Not only has he been proved to have misled the House through the allegations that he has made, he is also a dishonest person.

Point of Order

Hon BARRY HOUSE: I want that accusation withdrawn.

The PRESIDENT: The minister will withdraw.

Hon TOM STEPHENS: I withdraw the accusation.

Debate Resumed

Hon TOM STEPHENS: You, sir, have misled this House.

The PRESIDENT: Order! The minister will address the Chair in a proper manner and not address another member of this House.

Hon TOM STEPHENS: I say to you, Mr President, that the member opposite has, by his claims and assertions contained within the question asked during question time yesterday, misled the House.

Hon Barry House: Why don't you, as minister, do something about it? We can play this game as long as you like.

Hon TOM STEPHENS: I am sure the member would want to waste more time of the House, as he is now doing.

Hon Norman Moore: I cannot believe you said that. I sat over there and watched you sitting here day after day, week after week, year after year wasting time.

Hon TOM STEPHENS: The Opposition is turning it into an art form. Hon Barry House has established his credentials in this place by the way he framed his question yesterday and the false assertions in it. Those falsities have been proved to be falsities by the letter that was tabled in this House today. The Opposition should lift its

game. If it is going to ask questions, it should not fabricate falsehoods in those questions, which is what it did in that question.

The Shire of Busselton fortunately has available to it a member who will assist the community and the shire in its workings with this Government to their great advantage. All the member has done by playing around with this issue is to bring discredit to himself and to compound the problems of that community. He has critics from one end of the South West Region to the other who have witnessed slothfulness on his part. The only thing he is capable of doing is to come into the Parliament to try to create a bit of dishonest mischief, as evidenced by his handling of this issue.

Hon Barry House: You are a joke!

Hon TOM STEPHENS: It is appropriate that Hon Barry House is blushing; his face should be the colour of his hair.

Hon Barry House: Your credibility is in tatters.

Hon TOM STEPHENS: His blushing condition indicates that he is embarrassed.

Hon Barry House: You would not know what the word "credibility" means.

Hon TOM STEPHENS: To make these claims and then to have them rejected in the forthright manner displayed by his coalition partners -

Hon Barry House: You did not read the full context of the question.

Hon TOM STEPHENS: It is available for anyone to read.

Hon Norman Moore: You refused to read it out. You wanted it incorporated in *Hansard* so that you would not have to read it out. You did not want to be embarrassed.

Hon TOM STEPHENS: Butter would not melt in the Leader of the Opposition's mouth!

Question put and passed.

House adjourned at 10.21 pm
