

Mr John Kobelke; Mr Colin Barnett; Mr Rob Johnson; Mr Eric Ripper; The Acting Speaker (mr Mcrae); Acting Speaker; Deputy Speaker; Mr Max Trenorden; Mr Dan Barron-Sullivan; Mr Mark McGowan

RESTORATION OF GOVERNMENT BILLS TO LEGISLATIVE COUNCIL NOTICE PAPER

Council's Message, Motion

MR J.C. KOBELKE (Nollamara - Leader of the House) [12.18 pm]: I move -

That the following messages be sent to the Legislative Council -

- (1) In response to Legislative Council Message No 1, in relation to the Volunteers (Protection from Liability) Bill 2002 and the Home Building Contracts Amendment Bill 2002, the Legislative Assembly -
 - (a) advises the Legislative Council that on Friday, 28 June 2002, those Bills were passed by the Legislative Assembly and sent to the Legislative Council; and
 - (b) has required that each of those Bills be restored to the position they had reached in the previous session and forwards herewith a further copy of the Bills for the Legislative Council's consideration.
- (2) In response to Legislative Council's Message No 1, in relation to the Yallingup Foreshore Land Bill 2002, the Legislative Assembly -
 - (a) notes that the message forwarding the Bill was sent from the Legislative Assembly to the Legislative Council on Tuesday, 25 June 2002 and that this message and Bill remain in the possession of the Legislative Council or its officers;
 - (b) further notes that the Legislative Council completed its final sitting for the session at 1.21 am on Friday, 28 June 2002;
 - (c) declares that the transmission of a Bill from one House to the other is an integral stage of the passage of a Bill through the legislative process; and
 - (d) requests the Legislative Council instate the Bill by requiring the report of the message and Bill for the Legislative Council's consideration.

I am not sure whether members have received a copy of this motion; it may not as yet have been distributed. Members may wish to look at the exact wording of the motion.

I will go through the history of this matter and, hopefully, explain why this motion is the best way to resolve this matter - which is simply a contest between the two Chambers - so that these Bills can proceed expeditiously and not be held up by delays created by a procedural matter.

The Volunteers (Protection from Liability) Bill and the Home Building Contracts Amendment Bill were properly debated and passed by this House on Friday, 28 June. Members will recall that the Opposition moved a matter of public interest on Thursday, 27 June, which called on the House to be recalled during the winter recess to debate these measures. During the MPI debate, I proposed that the Bills be discussed on that Thursday night, since the Opposition had indicated its support for the Bills and had recognised their urgency. As already indicated, the Council sat on that Thursday night and into Friday morning. During that debate the member for Hillarys, by way of interjection, stated -

Because it is important that members have a chance to read the Bill a bit more carefully so that we can do it justice. We think it is very important, so let us do it tomorrow.

The House, by agreement, resumed on Friday and debated and passed the Volunteers (Protection from Liability) Bill and the Home Building Contracts Amendment Bill.

Mr R.F. Johnson: We even offered to come back for a week during the recess.

Mr J.C. KOBELKE: The member for Hillarys should listen; I said that earlier.

The Bills and messages were physically transmitted from the Clerk of this House to the Clerk of the Legislative Council. The Legislative Council is of the view that the Bills were not received into that House before prorogation; therefore, the Bills cannot be restored to a stage in that House. The Government believes that transmittal of the Bill to the Clerk of the other House is a legitimate stage of a Bill. Basically, this difference of opinion between the Houses needs to be resolved. Rather than enter into a legal debate, we believe that the issue can be resolved simply by sending a further message to the Legislative Council.

Procedural disagreements between the Houses arise from time to time and the Executive often finds itself caught between differing opinions. The current Leader of the Opposition would be well aware of the procedural difficulties that can arise, and also the way he handled them as Leader of the House. As Leader of the House in August 1997, he even went so far as to overturn a ruling by the former Speaker on the Land Administration Bill,

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which had been ruled out of order because it was considered to be a money Bill and had therefore been incorrectly introduced in the upper House. The Leader of the Opposition found himself in the difficult position of fighting to reinstate the legislation on behalf of another minister while trying not to be seen to be undermining the authority of the Speaker. I remember those verbal gymnastics well. Instead of the Land Administration Bill being reintroduced into the Legislative Assembly, the then Leader of the House - the current Leader of the Opposition - overturned the Speaker's ruling and resumed the Bill as if it had been properly passed by the upper House, which it had not. We could go back through *Hansard*, but I do not need to dwell on that. The fact was that, as Leader of the House, he found a mechanism to overcome that issue, which was a dispute between the two Houses over the passage of a Bill. That matter had constitutional overtones, which the current scenario does not, but we do not need to enter into that issue now. For the Leader of the Opposition to now argue that these Bills have been lost to outer space and need to be reintroduced and again debated through all stages in this House is hypocritical in the extreme.

These Bills relate to the current insurance problems besetting our community. There is general acceptance that action should be taken expeditiously. Although there might be some difference of opinion on the detail of the legislation, all members agree that these matters need to be dealt with in a timely way. It is up to both Houses to work out the mechanism by which these matters can proceed without any waste of time. The issue, of course, is that the upper House has a range of Bills before it. Whether we take a day or a week or two to resolve this matter it will not affect the passage of the Bills, because the upper House still has to get through the logjam of legislation in that House. The Government wishes, as it did in June, to make sure that there is no delay from this end in putting legislation in place. That is the point of this motion. This House is not taking up the fight with the Council on technicalities. Through this motion, we are largely acceding to its request. We are simply asking the Council to instate the Bills, rather than reinstate them. It comes down to the technical language of procedure. The clear intent is that these matters should proceed and not be caught up because of technical difficulties or differences of opinion between various people and the two Chambers.

The Yallingup Foreshore Land Bill was read a third time and passed by the Legislative Assembly at about 8.00 pm on Tuesday, 25 June. A message was sent to the Legislative Council the same evening. However, the message was not reported in the upper House that evening or during the following two sitting days. I hope that an administrative decision not to report a message is not going to become a method of defeating legislation without a vote being taken. If that were to become an established practice, it would have severe implications for our democratic system. In any event, this motion requests that the Legislative Council instate this Bill, which has been properly debated, passed by this House and sent to the other place for consideration.

This issue obviously needs to be considered in the context of the delay in passing legislation that has occurred since the election of the Gallop Government. The Leader of the Opposition stated on a radio program this morning that the Bills had been delayed by two months. There is no basis for that statement. No delay has been caused to these Bills by the misunderstanding between the Houses. However, we want to ensure that the Bills are progressed in the other place, so that they can become law. It is a joke for the Leader of the Opposition to suggest that there has been a two-month delay. That sort of extreme language, which is not based on fact, does not help advance the argument.

The press statement released by the member for Hillarys on Tuesday, 20 August 2002 contained a number of incorrect assumptions. It states -

... there will be a longer wait for urgently needed legislative reform."

It further states -

... mismanagement of parliamentary business has led to more delays in legislation -

There are no facts to substantiate those assertions. Even had the Bills been restored in the Legislative Council last week, they would not have been debated. Delays in dealing with government legislation are not created by issues such as this, but by the obstructionist Liberal Opposition in the upper House. There is a backlog of 40 government Bills in the upper House. How many Bills has the Legislative Council debated since the Parliament resumed last Tuesday? It has had to deal with the Address-in-Reply, but it has also dealt with two Bills, including the Planning Appeals Amendment Bill, which has been in the upper House since 28 August 2001 - almost one year - and is still being debated. The Family Court Amendment Bill has been debated for about one hour so far and has been in the other place since 13 November last year - some nine months.

The Leader of the Opposition in the other place is more interested in debating the importance of cucumber sandwiches in the afternoon than the passage of legislation. For the Opposition to say that the passage of these Bills has been delayed by this procedural disagreement between the Houses is an absolute furphy. A simple, statistical comparison between the Houses speaks for itself. I pointed out in my contribution to debate last week that although this Chamber has sat fewer days than the other Chamber, it has sat for considerably more hours and

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passed a much larger number of Bills. This clearly shows that delays in the passage of legislation are being caused purely by problems in the other place. Of course, in the other place there are only 13 Labor members out of a total of 34. The Government can get legislation through only by seeking the cooperation of non-Labor Party members. The Government does not have the numbers in the other place. That is the ludicrous nature of the debate being offered by the Opposition. There are 13 Labor members in the other place, and yet a chorus of voices opposite insists that the Government has the numbers. It simply shows that the Leader of the Opposition is not very good at doing the numbers. A more interesting question is: how many Liberal members in the other place actually support the current Leader of the Opposition? Not very many, but that is an issue that could be debated. That there are only 13 Labor members out of a total of 34 is not a matter of conjecture; it is simple fact. The fact is that the Government needs to work cooperatively with all members in the other place to secure the passage of government legislation. In cooperation with members in the other place, the Government is also moving to ensure that the standing orders are reformed and modified so that legislation can be dealt with more effectively.

To return to the key matter of this motion, for some reason, one of the three Bills which was passed by this House three days before the other place rose has not been put onto the Notice Paper of that House. The other two Bills, which relate to insurance matters, are quite important, and need to be progressed very quickly. The whole intent of this motion is not to sort out technical details between the two Houses, but to get on with it to make sure that those Bills proceed through the other place, and can become law and make insurance available to a variety of groups in Western Australia. The challenge for the Opposition is to either play petty politics with this, and end up falling on its face, or recognise that this is a procedural matter and make its contribution and try to exercise some influence on opposition members in the other place to be a real House of Review and not obstruct the legislative program of the Government.

Mr R.F. Johnson: Who would not allow these Bills to be reinstated in the other place? Was it the Liberal members?

Mr J.C. KOBELKE: Through this motion, the Government is providing the means by which the Bills can be reinstated in the other place and proceeded with. This motion is the right and proper way to do this. I will listen to the contribution of the Opposition, and then answer the questions of the member for Hillarys.

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [12.33 pm]: I have been a member of this House for 13 years, and in that time, mistakes have certainly happened. However, never, ever have I seen such stunning incompetence by a Premier, a Leader of the House, a Minister for Community Development, and a Leader of the House in the upper House, to have lost two pieces of legislation. They have actually misplaced them. I have never heard of that happening before. The Premier himself described these two pieces of legislation as a top priority. What sort of Government is it, and what sort of top priority is it, when Bills are actually lost? The legislation had passed through this House with the cooperation of opposition members. The House sat through the Friday, because it recognised the importance of the public liability and home building indemnity issues. At the suggestion of the Opposition, this House continued to deal with the issues. This Government, with the support of the Greens (WA), controls the upper House, but even if it did not, the leader of government business in the upper House simply had to read the Bills in. He failed to do so. I have never heard of legislation being physically lost. It passed through this House and did not arrive in the upper House.

What makes this worse, and shows the absolute desperation of the Government, is that yesterday the Premier came into this House anticipating, quite correctly, that the Opposition would ask a question. He referred to a situation that arose in 1997, trying to create an impression in this place and in front of the media that the same thing happened at that time, and the present Leader of the Opposition was to blame. When he raised the matter, I felt embarrassed; I could not remember that. The government backbench members were laughing on cue. So I did the sensible thing, and went back and looked at the situation that arose in 1997. It was a dispute about section 46 of the Constitution - whether the Land Administration Bill was a money Bill, and whether it should have started its passage in the lower House rather than the upper House. It had absolutely nothing to do with lost legislation. The situation that arose yesterday was not similar at all. That legislation was not lost; it had been passed by one House and had come down here where the Speaker of the day questioned whether it should have been introduced in that House in the first place. Yesterday, the Premier came in here with pieces of paper and was deliberately untruthful; it was no off-the-cuff remark. He came in here and deliberately created the impression that a similar thing had happened in 1997, when that was not the case. The Leader of the House, the Premier and particularly the Minister for Community Development, who had passage of this legislation, bungled the Bill's transmission to the other place, so the Premier adopted an untruthful line in this Parliament to try to deflect attention. All he has done is draw attention to the sheer incompetence of the Government.

Mr E.S. Ripper: Do you regard that as a deliberate untruth?

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Mr C.J. BARNETT: What the Premier did yesterday was untruthful.

Dr G.I. Gallop: You will not repeat what you said.

Mr C.J. BARNETT: It was untruthful. The Premier came in here with pieces of paper and responded to a question, and effectively implied to this House that the same had happened in 1997. I felt embarrassed, because I could not remember it. I assumed the Premier was telling the truth, but when he came in here he sought to create an impression that when I was Leader of the House, the Government had lost legislation. That did not happen. What happened in 1997 was an opinion expressed by the then Speaker about whether a piece of legislation -

Dr G.I. Gallop: It is the same issue.

Mr C.J. BARNETT: It is not the same issue. Is the Premier a complete fool? Not only was he untruthful yesterday, he is foolish enough to suggest that the situation in 1997 is related to this issue. The Government has lost two pieces of legislation that it describes as its top priority.

Dr G.I. Gallop: It is such an important issue that the people of Western Australia are hanging off it! The Leader of the Opposition has lost the plot.

Mr C.J. BARNETT: Thousands of people in community and sporting groups are hanging off this.

Dr G.I. Gallop interjected.

Mr C.J. BARNETT: The Premier deliberately tried to mislead the Parliament.

Withdrawal of Remark

Mr J.C. KOBELKE: I have not taken a point of order in this House for some time. The Leader of the Opposition has been calling the Premier untruthful. The fact is that that requires a substantive motion. If the House wishes to debate what the Leader of the Opposition is now saying, which I think is totally untrue, the House has a problem, because it requires a substantive motion. I ask the Acting Speaker to give a ruling on whether the Leader of the Opposition can continue to make accusations against the Premier which are totally outside the motion before the House.

Mr R.F. JOHNSON: For a member to refer to another member as untruthful -

Dr G.I. Gallop: You have not been listening.

Mr R.F. JOHNSON: Yes, I have been listening. Now the Premier should listen to the point of order. It is against standing orders for a member to refer to another as untruthful. However, a member does not contravene standing orders if he says that what another member said was untruthful. A member may not imply that another member deliberately told a lie. The purpose of the standing orders is to protect members from being unnecessarily impugned. It is not against standing orders for a member to suggest that another member said something that was untruthful, and I ask that you, Mr Acting Speaker, rule in that way.

Mr E.S. RIPPER: My understanding of the way in which this House operates is that if someone accuses another member of a deliberate untruth or of being deliberately untruthful, that member is effectively accusing that person of lying. Unless the member moves a substantive motion, such actions are contrary to the standing orders. In that circumstance, the member would be required to withdraw the remark. My understanding is that the Leader of the Opposition was accusing the Premier of a deliberate untruth in this matter. I heard him use the word "deliberate" immediately before the Leader of the House called the point of order and when the Leader of the House was speaking to the point of order. The use of the word "deliberate" with the word "untruthful" constitutes a circumstance in which the remark should be withdrawn.

Mr C.J. BARNETT: I withdraw those comments. I hope the Premier will give an explanation of what -

The ACTING SPEAKER (Mr McRae): I am yet to make a ruling.

Mr C.J. BARNETT: I withdrew the comment.

The ACTING SPEAKER: There was a point of order and I will make a ruling. The Leader of the Opposition has withdrawn the comment. I was going to advise the member to take that action. I give this important advice to members as this area is sometimes grey: it is in clear breach of the standing orders for a member to use language that implies that a member consciously and intentionally undertook an action that did not comply with the truth. I thank the Leader of the Opposition for volunteering that withdrawal.

Debate Resumed

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Mr C.J. BARNETT: I hope the Premier will speak on this motion and explain exactly what he intended by yesterday's actions. He brought pieces of paper into the House and claimed that what his Government did was similar to that which happened in 1997. In 1997, there was simply a dispute according to section 46 of the Constitution.

Dr G.I. Gallop: It is exactly the same.

Mr C.J. BARNETT: I have been speaking for five minutes.

Dr G.I. Gallop: We have a dispute, and we have a resolution. We helped you resolve those issues, but you cannot help us because you are incapable of working with other people. That is your problem.

Mr C.J. BARNETT: The Premier is a little bit precious today. I have never known a Government to lose its own legislation, especially legislation to which it accords top priority.

Dr G.I. Gallop: Your members know that is the case.

Mr C.J. BARNETT: The Premier is in trouble over this issue.

Dr G.I. Gallop: The people of Western Australia are hanging on it!

Mr C.J. BARNETT: Yes, they are.

Dr G.I. Gallop: They are hanging on your silly little speech.

Mr C.J. BARNETT: People in community, sporting and fundraising groups are hanging on this legislation. That is why members on this side of the House introduced legislation. I will go through the history of the matter. After all, this legislation is meant to be the Premier's top priority. His top priority was so important that neither he nor the Leader of the House ensured it was read in the upper House. The Minister for Community Development, Women's Interests, Seniors and Youth has carriage of the legislation. She has failed volunteers in this State by failing to ensure that her legislation reached the upper House.

Dr G.I. Gallop: Let us get on with it and sort it out. People want politicians to sit down and solve issues, not play petty politics.

Mr C.J. BARNETT: I have been speaking for seven minutes. I say that in the context of a Government that has lost six weeks on important legislation. I think seven minutes is a small price. I may speak for another 20 minutes. That should be compared with the six-week delay resulting from this Government's incompetence.

Mr J.C. Kobelke: Will you explain how six weeks were lost?

Mr C.J. BARNETT: We will. Everyone is aware that the insurance crisis has many potential causes, including the events of 11 September and, most markedly within Australia, the collapse of HIH Insurance. The issue of public liability in particular and insurance more generally surfaced over the Christmas period. I released a press statement on public liability on 22 January. Even at that stage, I called it a crisis for business and sporting, recreational and community groups and said that action was needed at primarily the state level. That is still the case. I also said there should be caps on payments, threshold limits and a reform of tort law. On 22 January this year, I laid down the principles of what needed to happen. Hon Nick Griffiths finally responded in March. That was the first time we heard something from the Government. He talked about the need for a national solution - that was all. It took two months for the Government to make a statement, and it said we should have a national solution. It was responding to comments by federal minister Joe Hockey. National consistency is important; however, the Prime Minister has told me to my face that the solution is not national. He told me that legislation is required at a state level. The federal Government is limited; it can only coordinate a consistency of approach. It took two months for the Gallop Government to say anything, and after six months it has still taken no action on this issue. That is in sharp contrast to the Governments of New South Wales, Queensland and now even South Australia. The Gallop Labor Government has passed nothing through this Parliament. Virtually all his Labor Premier colleagues in other States have acted and did so -

Dr G.I. Gallop: Virtually - that is a good one.

Mr C.J. BARNETT: New South Wales, Queensland, South Australia and I think Tasmania have acted.

Dr G.I. Gallop: South Australia has not acted.

Mr C.J. BARNETT: South Australia has acted.

Dr G.I. Gallop: It has done what we have done.

Mr C.J. BARNETT: The point is that it has acted.

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Dr G.I. Gallop: You are always wrong because you go over the top.

Mr C.J. BARNETT: The Premier should show a little maturity. New South Wales and Queensland acted months ago. They are the two leading States in this area. Six months later, this Premier and his Labor Government have yet to put anything through this Parliament. That is incompetence. The Government is not genuine about tackling the liability problems facing volunteers and others. It is an appalling effort that has been exacerbated by the loss of the legislation. That is the final insult to community, sporting and tourism groups and local governments. The Premier says it is not important. He should think of the businesses failing on a daily basis and the sporting and community groups and cake stalls - such as in Wyalkatchem - that cannot proceed. Those people are looking to their Government in Western Australia. All it can say is, "Sorry, we lost the Bills." There is no justifiable explanation for the Premier, the Leader of the House and the responsible minister losing the legislation. It is unforgivable.

Dr G.I. Gallop: We did not lose the legislation.

Mr C.J. BARNETT: The Opposition on 8 May -

Dr G.I. Gallop: Why did you move your motion in the Parliament in 1997?

Mr C.J. BARNETT: I will explain that.

Dr G.I. Gallop: It was because the Bill was ruled out of order.

Mr C.J. BARNETT: Actually, it was not. Was this ruled of order? The Government lost its Bills. It is simple as that.

Dr G.I. Gallop: No, we have not.

Mr C.J. BARNETT: I am sorry; the Government lost its legislation. It does not have it. I will get to the point. I will outline the parliamentary process. The Opposition did not sit back and do nothing. On 8 May 2002, the Deputy Leader of the Opposition, the member for Mitchell, introduced the Home Building Contracts (Indemnity Insurance) Bill.

Dr G.I. Gallop: In between plotting for your downfall.

Mr C.J. BARNETT: This is embarrassing for this Parliament. The Premier is so puerile. He is interrupting and carrying on in the most immature, puerile manner. He is in an embarrassing situation: he has lost his legislation. We will tell him how he can get it back. We will try to tell him how to run government business.

On 8 May, the Deputy Leader of the Opposition introduced his home building contracts Bill to provide some support and assistance for small-scale builders. The legislation might not have been perfect, but he got off his backside and drafted and introduced legislation. We had raised the issue in January. It was up to the Opposition to bring legislation into this Parliament. By 8 May, we still had not seen anything from the Government.

Mr M.W. Trenorden interjected.

Mr C.J. BARNETT: I will get to that later. Indeed, the National Party introduced legislation on volunteers. There was still nothing from the Government. The two opposition parties were bringing in legislation to try to progress the issue on behalf of the people of this State, and this Government had done, and still has done, nothing.

On 16 May Labor members in this House used their numbers to vote down the legislation introduced by the member for Mitchell. They similarly later used their numbers to vote down legislation introduced by the Leader of the National Party. Instead of improving the legislation, adding something to it and progressing it, they stopped it.

On 23 May 2002 there was a debate on this matter of public interest. The Opposition restated the need for caps and thresholds, and the need to do something about tort law. I remember the debate well, because the Premier sat opposite and absolutely cowered. He literally put his hand over his head because he was finally confronted with the fact that, unlike Premier Carr in New South Wales and Premier Beattie in Queensland who had acted at that stage and put legislation in place, he had yet to do anything. The media did not report the debate on that matter of public interest, but on the Saturday following the debate the Premier suddenly issued a media release. The man of action was about to do something about public liability! On the Thursday in this Parliament he did not know what the issue was about; he literally sat in his seat and cowered; but on the following Saturday he issued a press release. From 22 January to 23 May this Government had done absolutely nothing. It had not produced legislation or even a media release on the issue, although Hon Nick Griffiths had said that a national solution was needed and that he would see us later because he was off to Canberra for a few days. It was absolutely pathetic.

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Mr M.P. Whitely: Do you not think that we need national legislation?

Mr C.J. BARNETT: It can be done only by state legislation. That is why the Queensland and New South Wales Governments have acted.

Mr M. McGowan: It must be part of a national solution.

Mr C.J. BARNETT: That has not stopped the Labor Governments in New South Wales and Queensland doing something.

During debate on that matter of public interest on 23 May the Premier said that he had written to the Prime Minister. It took from January until May for this Premier to finally write to the Prime Minister. He said that was his first step. That hardly demonstrates that the Premier is interested in the issue or has any capacity or willingness to deal with it.

The member for Merredin introduced the Volunteer Protection Bill in 2002. Labor Party members, individually and as a group, voted down that Volunteer Protection Bill on 12 June. The minister who is now responsible for that area came to life with the National Party Bill. She put out a press release, which read -

Community Development Minister Sheila McHale said the Volunteer Protection Bill introduced into Parliament today by the National Party was flawed and would create more problems than it would solve.

At least the National Party was having a go and it brought legislation into this Parliament, as the member for Mitchell did, to raise issues on behalf of community groups. This minister, who had done nothing, said that it was flawed. The media release quoted her as saying -

The important issue is that workable legislation protecting volunteers gets passed through Parliament as quickly as possible.

We agree, but the minister lost her own Bill. What sort of commitment is that? She said that it must get through the Parliament, but she was incapable of getting it from this House to be read in the upper House. It is only about a hundred metres away, if that. It was absolutely inept.

Several members interjected.

The ACTING SPEAKER: Order!

Mr C.J. BARNETT: On 16 July 2002, the Premier announced in a media release his five-point plan. After waiting from January to July the Premier finally produced a five-point plan. The first point to the plan should be not to lose the Bill, and then five more points should be added to that. He also issued a press release on 14 August, after the six-week winter break. This time he said, "This is the top priority of this Government." Having waited from January to August, it finally became a top priority. He had not realised at that stage that his Bill had gone missing. Quite frankly, he would have been better off had his minister gone missing with the Bill. We might then get some progress in this Parliament.

What happened? Finally, after months and months of delay, legislation was introduced on the home indemnity issue, which essentially assists larger builders - we do not disagree with that - but does nothing for the smaller builders.

Mr J.C. Kobelke: You do not know what you are talking about. It has no component relating to that at all.

Mr C.J. BARNETT: Okay. We have the indemnity Bill and the volunteer protection Bill. The volunteer protection Bill shifts responsibility for incorporated groups, as I understand it, from volunteers to the organisation. That is good for volunteers, but does it address the fundamental problem of insurance costs or liability? It does not. It took the Labor Government six months to finally bring to this Parliament a very deficient, limited piece of legislation transferring only part of the problem in some situations. Meanwhile, in New South Wales and Queensland, far more sophisticated and complicated legislation had been introduced and put through their parliamentary process. It took this Government six months to come up with a fairly wimpish piece of volunteer protection legislation.

Members on this side argued that such as it was, and limited as it was, it, along with the home building contracts indemnity issue, needed to be dealt with. We suggested that the House sit. We offered to come back for a week. The Government thought it better that we sit for an extra day on the Friday, so we did. We happily sat on the Friday through to 7.00 pm and dealt with the legislation. It was debated and passed through this House in good time. There were probably about four or five hours of debate on the Bills and through they went. The Government got, probably undeservedly, the cooperation of Liberal and National Party members in this

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Parliament, even though we pointed out the shortcomings of the legislation. The volunteer protection Bill had passed properly, with the support of the Opposition, through this House of the Parliament.

The Bill had then to arrive somewhere. It had not arrived at the upper House. It is no good blaming the Clerks and suggesting that there was an argument between them or the Houses. The Bill was handled by the Clerk of this House and passed to the Clerk of the other House. It does not arrive in the other House until it is read. Our constitution Acts and the like talk about first readings, second readings and processes of legislation. A Bill must physically arrive in the upper House. All that was required was to give notice and first read the Bill to get it on the Notice Paper. It is a simple, standard parliamentary procedure that happens a hundred times a year. That is all the Government had to do. The Government must have been conscious of the issue, because this House sat through the extra Friday to facilitate the passage of the legislation. Why did the Government not have it read into the other House? It simply dropped the building contracts legislation and the volunteer protection legislation.

Mr R.F. Johnson: They did that while they went on their junkets.

Mr C.J. BARNETT: They were too busy packing and getting out the brochures for Europe in summer. They scattered like little tourists around the northern hemisphere. I am sure the member for Hillarys is right; they were too busy concentrating on that.

It required a simple administrative act to read in the legislation. Why would members on this side of the House have agreed to sit an extra day or week if they were not doing everything in their power to facilitate the progress of that legislation? The Government had our full cooperation. We would not have expected the Government to lose the Bill between this Chamber and the one a hundred metres down the road. We thought that the Government could at least manage that. It was the only thing it had to do. The Opposition parties had managed to get the Bill through for the Government, after it had had the gall to vote down both the National Party and Liberal Party legislation three weeks earlier. The Government had the gall to describe the opposition parties' legislation as inadequate and bagged the National and Liberal Parties in press releases, yet it could not get its legislation, limited though it was, from this House to the other House. I have never seen anything as incompetent as that in the handling of parliamentary business on an issue that will affect many thousands of people in our community. The Premier and the minister described it as their top priority. If that is their top priority, I would hate to think what would happen to legislation of a lower or mid-level priority; it would not get a look in under this crowd.

What made the matter worse was that the Government should have been embarrassed about it. It should have come into this place and acknowledged to the opposition parties that a dreadful mistake had been made. It would have received our cooperation if it had said, "Look, we have made a hash of this. We have made a dreadful mistake. We have failed to get it read in the upper House. Can we now sit down and negotiate how to deal with this?" That is what a proper Leader of the House and Premier would have done. The Premier should have said to me, "We have made a mess of this. We have a problem. We want to deal with it. Will you assist us?" My answer would have been, "You have made a mess of it. Don't expect us not to make that public, but we will assist you to deal with it." We continue to be willing to assist the Government to deal with it today. However, the Premier tried to deflect the issue.

Mr M.W. Trenorden: He tried to sweep it under the carpet.

Mr C.J. BARNETT: It is worse than that. Not only did he do that but also he implied that this had happened previously in 1997. Did that not suit him? I as the Leader of the Opposition was then Leader of the House. The Premier came into the House yesterday, waving around a piece of paper. He anticipated a question, which he got, and his response was to the effect, "Watch this space, Leader of the Opposition. Boy, have I got news for you. In 1997 such and such happened." It is clear that the implications in his statement in this place were untruthful. He made an attempt in that statement to create an impression in the House that what happened to the volunteers and home building legislation was similar, if not the same thing, to what happened in 1997. The Premier deliberately came into the House with a piece of paper to create that impression. Not only did he try to deflect attention from his own failings, his minister's appalling efforts and the efforts of the Leaders of both Houses, but also he implied that I, as the then Leader of the House, had been in a similar situation and had a similar solution. On cue, the backbench members of the Labor Party laughed, giggled and carried on. I felt embarrassed, although I could not remember a situation such as that. However, I believed it to be true, thought I looked a bit silly and felt silly. I therefore did a fairly normal thing: I asked one of my staff members to check *Hansard* for me because I had no recollection of it. He checked the record and found that it had nothing to do with legislation not arriving in one House from the other. It was about the Land Administration Bill that had been introduced into the upper House by, I think, Hon George Cash. When that Bill passed through the upper House and arrived in this place, the then Speaker said that it was a money Bill and in his opinion should have

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started in this House; I agree it should have. In fact, all Bills should start in this House. If the upper House is to be a House of Review, as a good general principle it should consider legislation secondly, not firstly. Certainly, when doubt exists about whether a Bill is a money Bill, it is better to start it in this House. I did not disagree with the Speaker's ruling.

The point I make is that the Premier came into this place implying that what happened to the Government's legislation was similar to what happened in 1997. The legislation was not lost in 1997; it passed through the upper House and arrived in the lower House. The only issue was whether it was a money Bill. There are numerous examples in the history of this Parliament of differences between Speakers and Presidents about what constitutes a money Bill. I detailed that history in my speech in 1997. Was the Land Administration Bill lost? No, it was not. It had arrived in this House. This Premier is attempting to give an untruthful impression in the House. That is an appalling level of conduct by him as an individual and particularly as the Premier of this State. He did not need to come into this place and create a mis-impression.

Mr J.C. Kobelke: He didn't at all. You are just trying to cover yourself because you did it and you don't like it being pointed out.

Mr C.J. BARNETT: He did not need to do that. Why did the Premier of Western Australia come into this place and try to create a false impression?

Mr J.C. Kobelke: He did not.

Mr C.J. BARNETT: He did - read *Hansard*. He walked in with a piece of paper and implied that the Government's losing the legislation was similar to what happened in 1997, when nothing of the sort like that happened in 1997. He came into the House predetermined and ready with his piece of paper. He sought to create a false impression and he did create a false impression in this Parliament; that was totally wrong.

What should the Government do now? It has lost its top priority legislation. The answer is straightforward. The legislation is not in the House and cannot be reinstated because it has gone. We passed it and sent it to the upper House but it did not arrive there. To arrive in the upper House, it must arrive in its Chamber, be put on the Notice Paper there and first read. That did not happen. The Government lost the legislation between the two Houses. It cannot reinstate it in the upper House because it never got there and it cannot reinstate it in this House because we have dealt with it.

What the Leader of the House must do is simple, and he will have our cooperation. He must reintroduce the legislation, if necessary by giving notice of it right now, and first read it. He can then second read it and we can have a short debate on it - perhaps an hour on each Bill. It can then be dealt with by the upper House today or tomorrow. That is what the Government must do. If it goes down the path that it intends to go down by passing a motion to magically rediscover a Bill that has disappeared or to bring it back from outer space or the ether, there is no guarantee that it will get through the upper House because it may run into problems there again.

I suggest the Bills be renamed, by simply putting a "2" on them, as the "Volunteers (Protection from Liability) (No 2) Bill 2002" and the "Home Building Contracts (Indemnity Insurance) (No 2) Bill 2002". They can then be second read, we can have a limited debate on them and then properly transmit them to the upper House. I am sure members on this side of the House will cooperate with that. The Government should ensure that its members in the upper House are on the ball. The minister, as penance, should be sent there as the courier to deliver the Bill and sit in the Council Chamber to ensure that her colleague actually reads it. She would then have done her job, instead of goofing off.

Mr J.C. Kobelke: Can you keep performing like this? You are absolutely pathetic. We know why no-one has any confidence in you. Your members don't have confidence and the public has no confidence. You are a very sorry, pathetic sight.

The DEPUTY SPEAKER: Order, members!

Mr C.J. BARNETT: The Leader of the House sounds just like the Premier did yesterday when he was not man enough to acknowledge that his Government had made a mistake. He tried to divert attention by telling me in an obscure way -

Mr J.C. Kobelke: He did not blame you. Your contribution is utterly pathetic.

Mr C.J. BARNETT: He did. He came into the House with a little piece of paper. A good, decent and upstanding Premier would have come into this place and acknowledged that his Government had lost the legislation by not transmitting it properly to the upper House. He should have taken the matter on the chin.

Mr J.B. D'Orazio: He is not a good Premier; he is a fantastic Premier.

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Mr C.J. BARNETT: A good parliamentarian would have done that. A good parliamentarian would have acknowledged that the Bill had not been transmitted properly. He would have sought to discuss a way to deal with the legislation with me, the leader of opposition business and perhaps the National Party Leader. Instead, he tried to sweep it under the carpet and implied that something similar happened before when, in fact, it had not happened before. Does the Government understand that point? This did not happen in 1997. The impression portrayed in this Chamber yesterday was untrue; it did not happen. Government members should read *Hansard*. What happened in 1997 related to section 46 of the Constitution and had nothing to do with legislation being misplaced between the two Houses. What was said in this Parliament was untruthful, dishonest and lacking in integrity. It was a very poor performance by an experienced member of Parliament, our Premier.

I say to the Leader of the House that there is a proper solution to the matter. He should not try to bodgie up the matter by moving a motion to reinvent legislation that has gone into outer space because it left this place and did not arrive elsewhere. He cannot reinstate legislation in the upper House that never arrived there. He should simply take the matter on the chin.

Mr J.C. Kobelke: What is your basis for saying that?

Mr C.J. BARNETT: Because there will still be a doubt about it. The Leader of the House should do the proper thing now and get it right. He will get our cooperation. He can do it right now. He can suspend standing orders, and get the minister to give notice of the Bill and read the Bill again. We can have a debate - it will be a very limited debate - and we can then transfer the Bill to the upper House by a proper parliamentary process. The Leader of the House has mucked it up once; he should not put it at risk a second time. He can get these Bills to the other place probably by five o'clock if he wants to do that. There will be no delay. He has made an absolutely horrible mess of this legislation that the Premier has described as a top priority of this Government. We raised the issue of volunteers on 22 January. It is now 21 August. The Government has lost the Bill. It took months for the Bill to arrive in this place, and it was inadequate when it did arrive. The Government voted down genuine attempts from this side of the House to do something about both the building contracts Bill and the volunteers protection Bill. The Government is now showing some sort of false pride. It is everybody else's fault, not the Government's. The Government did not do anything wrong. I am sorry, the Government dropped the ball; it mucked it up. It has lost its two pieces of legislation. It can correct that now by giving notice and introducing the Bills, and having the second readings and a short debate. It can then transfer the Bills to the upper House. The Government will get our cooperation in dealing with the legislation both here and in the upper House. The Leader of the House should admit that he has made a dreadful mess of this. The attempt by the Premier to blame others and suggest that this is something that happened in 1997 was untruthful and reflects poorly on him as a person and as a member of Parliament.

MR M.W. TRENORDEN (Avon - Leader of the National Party) [1.11 pm]: I shall go over ground totally different from that covered by the Leader of the Opposition, although I support much of what he has said. I say up front that I have been a member of this House for 16 years, which means that I have some experience. I have also served on the Procedure and Privileges Committee in previous Parliaments and have spent some time, along with other members of this House, looking at how this House operates and how it deals with the other House. Despite the political arguments that the Leader of the Opposition has run with, and he has put them clearly, I shall spend some time talking about how this House operates and how the other House operates. We need to think about this. As embarrassing as it is for the Leader of the House and the Premier -

Mr J.C. Kobelke: There is no embarrassment at all, other than the contribution of the Leader of the Opposition. That was very embarrassing to the Opposition. I hope you will not be going down the same track.

Mr M.W. TRENORDEN: Give me a bit of time and I will go through the track I will be going down. The fact is that today we are changing the procedures of this place and the other place and how the two places interact. We should not do that lightly. We should think about what we are doing, because it will affect us on not only this day but all the days beyond today. We need to give some thought to the procedures of this place. I want to run through some issues about those procedures.

Message No 1 on page 6 of the Notice Paper says that the Volunteers (Protection from Liability) Bill, the Home Building Contracts Amendment Bill and the Yallingup Foreshore Land Bill have not been received by the other place. If we wanted to be facetious about it we could say we all know where those Bills are. They are in the Members' Bar, because that is the only thing between this place and the other place, and perhaps someone should go to the Members' Bar and find them.

It is a ridiculous argument. This House has dealt with these Bills; we have debated these Bills. I have to say that in passing the Volunteers (Protection from Liability) Bill 2002 we passed an ordinary Bill. The National Party

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members in this place debated that point and said it was an ordinary Bill, but it was better than nothing; so we supported it.

Despite the politics of the argument, there is also the question of the functioning of this House. This House has passed these Bills. The fact is that, whatever spin we may like to put on it, the other House has not accepted the receipt of these Bills. It has said clearly in message No 1 that it will put back on the Notice Paper all the Bills it has received, except for these three Bills, because it has not received them. That is not said lightly. That creates a legal and a procedural problem that we need to deal with. Two of these Bills left this House on a Friday and went to the other place after that House rose, but obviously before that House was prorogued. The Yallingup Foreshore Land Bill had been somewhere between here and the other place for a number of days, yet the Council's argument is that it did not receive it. We can question the procedures of the other place, but we cannot change them. We do not have the power to tell the other place that it did receive those Bills. We can argue about that, but we do not have the physical capacity to deal with that matter. The Council has clearly ruled in message No 1 that it did not receive these Bills. We have dealt with these Bills. Whether the Opposition is happy with that or not does not matter. Each of us would hope that the procedures of this House continue, because if we do not have the procedures down pat we do not have a good Parliament.

However, what about the logic of what has occurred? What about the logic of this House passing several Bills and sending them to the other place, and then the other place saying they have not arrived? That is not logical, and I intend to move an amendment to the motion moved by the Leader of House and talk about that. However, we also have a legal problem. We cannot change the fact that the Council has said that it did not receive these Bills; therefore, when the Council was prorogued, these Bills were not before it. That is totally illogical. There is no way we can support that logic. I suggest that if one of the Council committees had reported between the time that House rose and the time it was prorogued, that report would have been accepted by the President, and other procedures within the House would have been accepted by the President. However, in this case a message from this place to the other place has not been accepted. That is the responsibility of the Leader of the House in the other place, who happens to be a member of the Australian Labor Party.

We have a real conundrum. That puts the President in a difficult position, and it puts the Leader of the House in the Council in a difficult position. Let us think about what we are doing today: should the messages that we send to the other place today be accepted by the Council, we shall be the laughing stock of the western world -

Mr M. McGowan: Don't you think that is a slight exaggeration?

Mr M.W. TRENORDEN: No. The member should let me finish the sentence and then he can say whether it is a slight exaggeration. A minuscule number of people watch these matters and take an interest in the procedures of the Parliament. An organisation to which the member belongs - the Commonwealth Parliamentary Association - does the same thing. The number of people is small, I admit, but they will watch what we are doing. The history of the Westminster system in this State is half American and half English. People watch the procedures of all the Westminster Houses of Parliament because everyone is trying to improve their own position. In the last session of Parliament we made major amendments to our standing orders because we had watched other Houses of Parliament and had taken an interest in how in our collective view they had improved their procedures. What we do will be watched not by the Press or the general public, who have not the slightest interest in it, but by the rest of the world, including academics and practical people. When we agree to a message, it is taken to the other place and is accepted. What quantum change has occurred between the time we sent our message and now? It is a joke. Although I am not a lawyer, it does not seem logical or lawful for the other place not to receive our message. I am not trying to get into a political argument. We have a problem.

I will say something blunt that is nevertheless true in my view. In the 16 years that I have been watching the various Leaders of the House in this place, I have observed that, more than any other, the current Leader of the House has the least interest in the traditions or the procedures of the House. I do not dislike him, but he is interested more in the function of the House rather than in its tradition.

Mr J.C. Kobelke: Even though I think you are totally wrong, I do not dislike you either.

Mr M.W. TRENORDEN: That is right. In the two years he has been the Leader of the House, he has never talked to me about these procedural matters. On a dozen or so occasions, things have happened in this House about which I have known nothing. The Leader of the House never bothers to tell me what is happening. I find out what is going on only when members start arguing about it in the Chamber even though I am supposed to be part of this process and hold the glorious title of the leader of the second opposition party. The Independent members are kept even more in the dark about these processes than I am.

We are seeking to change the mechanisms between the two Houses. This situation has not happened in this Parliament in the past 40 or 50 years, although it might have happened some time before that. I suspect that people who look through the records of both Houses will find that this type of event has not happened before.

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The proroguing of Parliament is a standard procedure. The Leader of the House should give this issue a moment's thought. During the last two weeks of debate at the end of this session, the Leader of the House will have to think very seriously about not proceeding with the third reading of any Bill. That thought must go through his head. If we leave the situation as it is and we again send a Bill to the Council after what has just happened, it must occur again. It is not a matter of whether it might occur again - it must occur again. I think the other place has lost its mind and is being totally illogical. I am happy to say those things about the other place. Neither the Leader of the House nor I can deal with the Legislative Council. What will the Leader of the House do when we get to the third reading speeches in the last weeks of this session of Parliament? I suggest that he will have to think very seriously about not proceeding with the third reading stages of Bills. That is a new development in this Chamber. I suggest to the Leader of the House - although it is not his problem - that that is totally unacceptable.

Mr J.C. Kobelke: Are you suggesting that we need to get an understanding with the other place that it should take up the transmission of those Bills even if it has risen?

Mr M.W. TRENORDEN: There is no question about it and I will seek to amend the Government's motion to that effect. It is up to every member in the House to either agree or disagree with me. I am moving this motion for the proper functioning of the House, not for political reasons. This is an important matter.

Unacceptable changes to the procedures of both Houses have now been made. All the matters that the Leader of the Opposition raised are true. We all cancelled our appointments to sit on that Friday. Some members had even planned to go overseas. We were all prepared to agree to sit because we believed that those issues were of paramount importance to this House. We gave up all the other commitments that we had made for that day because we believed that the outcome of the motion was worthwhile. No doubt the Leader of the House and every other member in the Assembly had to change their arrangements. We did that because we believed we were doing something that was urgently needed for the good of the State. Putting aside the politics of that process, it is unacceptable for the other place to throw that legislation back at us.

I do not have much time left in which to speak. I agree with the vast majority of what the Leader of the Opposition said. This process has been mishandled. The Leader of the House has an opportunity to send a message to the Council. If he does not do that, it will raise questions about where he stands. I think he is honour bound to support my amendment. We cannot have this House dictated to as the other place is dictating a range of procedures to it. The Leader of the Opposition is right: we must reintroduce this Bill and go through the processes. If passing the message alone were enough to solve the problem, it would be a joke. If all we have to do is pass a message that is acceptable to the President and the Leader of the House in the other place, why are we in this position? It is laughable. If they accept our message, they will have made a laughing stock of themselves. That is why I referred to academia and so forth being interested in this matter. Members opposite should think about what the Council has done.

Ms S.M. McHale interjected.

Mr M.W. TRENORDEN: I do not agree with that. The Government is responsible for the carriage of this Bill.

I will talk about the procedures because I do not think any other member has referred to them. Regardless of whether members like it, we are changing the rules of this place and how we interact with the other place, which is not acceptable to me.

Amendment to Motion

Mr M.W. TRENORDEN: I move -

To insert the following -

- (3) The Legislative Assembly requests the Legislative Council to amend its procedures to ensure that they reflect the intention of both Houses of Parliament that all Bills which have been partially considered by the Parliament in one session are capable of restoration to that point in the next session of the same Parliament.

As the Leader of the Opposition has correctly pointed out, we have no option other than to go through the procedure of presenting these Bills to this House again, because they have gone. We should think carefully about the logic of what the Council is saying if it accepts that the passage of the Government's motion will magically change its position.

Mr J.C. Kobelke: I do not accept what you have just said; the Bills have not gone. Later, I will provide members with some similar examples. The Bills can still be dealt with, which is what this motion requests the Council to do.

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Mr M.W. TRENORDEN: I wonder about the procedures of Parliament rather than the political argument. This is not a minor matter. It might be in the interests of the Leader of the House and the Premier to wallpaper over this matter and pretend that it has not happened; however, it is not in the interests of this House to do that. Every now and then, government members need to think about what is happening here. I do not mind listening to the Government's political arguments, but I do mind if we allow the other place to stamp its foot and tell us what we can do in this process.

Some political consideration must be given to this matter. I would like to talk about the points raised by the Leader of the Opposition because I think they are valid. However, as the leader of the second opposition party, I am not given enough time to cover that aspect in as much detail as previous speakers. We cannot wallpaper over this situation because it will just become worse in the future and we will be shown to have been incompetent. We need to act now.

MR D.F. BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [1.29 pm]: Oscar Wilde once wrote -

To lose one parent, Mr Worthing, may be regarded as a misfortune; to lose both looks like carelessness.

I wonder what Oscar Wilde would say about this issue if he were around today. Perhaps he would say that to lose one Bill is a misfortune, to lose two Bills is carelessness, but to lose three Bills is sheer ineptitude.

The difficulty is that we are dealing with two important pieces of legislation - the Opposition has already voiced its point of view on the third Bill. The first Bill concerns the State's building industry and the second pertains to our community volunteers. The fact that the Government has been unable or unwilling to get its act together to ensure that the Bills are transmitted from one House to the other - they are a mere 100 metres apart - demonstrates how committed the Government is to tackling the problems affecting both Western Australia's volunteers and its building industry. The Minister for Community Development, Women's Interests, Seniors and Youth and the Leader of the House respectively are responsible for the carriage of the two Bills. Given their role as ministers, they should have ensured that the Bills were transmitted to the upper House in such a way that when Parliament was prorogued the Bills did not slip off the Notice Paper. Instead, all three Bills have disappeared into thin air. It has been 17 months since the collapse of HIH Insurance, and six months since the Premier, at long last, announced that the Government would devise some type of package. Some people believed that measure to be too little too late; however, at least something was being done. Seventeen months after the collapse of HIH Insurance, the Government is caught up in a debacle because the legislation that constituted its first response to the key issues stemming from the collapse of HIH Insurance in March 2001 has been lost. On 5 February 2002, the Premier stated that the Volunteers (Protection from Liability) Bill 2002 would be -

... urgently submitted to Parliament ...

The Premier himself indicated that the volunteers protection Bill would be a top priority. He also stated that -

“Sharply increasing premiums are threatening the viability of many small businesses, volunteer groups, sporting clubs and associations,”

He went on to say -

“It is no exaggeration to say they are a major threat to our way of life.”

He was quite correct; therefore, one would assume that his statement would have been reflected in prompt action, and in a precise and accurate response from the Government, both in drafting effective legislation and then ensuring that that legislation was smoothly transmitted through Parliament in the shortest possible time. However, that has not been the case. Members must note the irony of the situation, because the Premier and his ministers were repeatedly calling on the Commonwealth Government to act on the problems that caused the collapse of HIH Insurance. In this respect, the Premier stated -

... it's important they get their act together ...

The federal Government, and, dare I say it, even the New South Wales Government, have taken action. Indeed, Senator Helen Coonan deserves praise for the action that has occurred at the state and commonwealth levels. The Commonwealth, and perhaps some of the States, must be congratulated for having got their act together. However, we in Western Australia are confronted with a farcical situation. The Premier and his two ministers should heed their own advice and get their act together.

Hon Nick Griffiths - the junior minister who was sent to Canberra to represent Western Australia on the talks that were held about the public liability insurance issue - stated that a national coordinated solution was required.

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If this is the type of coordination that the Government is talking about, woe betide all the community groups who have been affected by the public liability insurance crisis.

As for the other piece of legislation, which was designed to assist Western Australia's builders, no-one would deny that serious problems continue to exist in the building industry. Indeed, hardly a day goes by when I do not receive a telephone call from a city or rural builder who continues to experience delays in obtaining housing indemnity insurance, who cops enormous premium increases or who has difficulty obtaining any type of premium cover for housing indemnity. The crucial point made by the Opposition - it has continued to make this point for the past 12 months - was that the Government had to act quickly because it would take a long time to put an effective solution into place. One of the legislation's prime purposes was to help establish a mutual fund, an initiative supported by a large section of the building industry, particularly the Master Builders Association. The Government told us that we needed a legislative framework so that a mutual fund could be established - the Opposition is not sure about that because legal opinion has indicated otherwise - but that was not the be all and end all. The fund would have to be established, administrative details arranged and a reinsurer found. The people organising the fund, and those who were to become involved, needed to know that the legislation provided a framework upon which a mutual fund could be established. It is extremely important that the Home Building Contracts Amendment Bill 2002 not be delayed, and that is why the Liberal Party proposed to deal with the two pieces of legislation in a special three-day sitting. The motion was supported by the National Party, and, if I recall correctly, by the Independents. Unfortunately, the Government did not want to have a bar of the Opposition's idea. On the last day of Parliament I raised concerns about the priority that the legislation would receive in the upper House. I stated -

I have absolutely no confidence that the Government in the upper House will give this or any other insurance legislation the priority it deserves.

Even then, the Opposition was concerned that the Government would attempt to slip through prostitution legislation or something like it ahead of the indemnity insurance legislation. We also suggested - this is a salient point in today's debate - that the Volunteers (Protection from Liability) Bill be amended so that it would take effect not from the day of proclamation but from the day it was being debated in Parliament; that is, 28 June 2002. We made that suggestion because volunteers involved in unfortunate situations during the interim period - while the legislation was being passed through both Houses of Parliament - would not receive any comfort from the provisions in the legislation. The Opposition stated that as the intent of Parliament was to look after Western Australia's volunteers, the legislation should be effective from 28 June. However, the Government did not want that. It was confident that the legislation was a top priority and that it would be passed in the other place. Today, we are experiencing further delays, and this reinforces the fact that the Government should have agreed to our proposal for an amendment to look after individual volunteers throughout the State. The situation leads us to wonder what priority the Bills will receive when they eventually land on the deck of the upper House. I again take members back to 28 June when the member for Hillarys, the leader of opposition business in the House, and I questioned the Leader of the House on exactly this point. The Leader of the House said -

... I certainly give an undertaking that it will have top priority.

He was referring to getting this legislation through the upper House. "Top priority" is what he said. Later on he said again -

We will try to give it top priority listing. It will go in with that group of Bills that has top priority.

The Leader of the House gave us a firm assurance that he would do whatever possible to ensure that when that legislation got into the upper House, it would get top priority. However, to achieve that, the Government had to make sure that it got into the upper House. I find it absolutely mind-boggling that the Leader of the House in this Chamber and the Leader of the House in the other Chamber cannot get their act together and make something like this happen. Surely, when the prorogation of Parliament was approaching and legislation was hanging in the balance - legislation that was passed as a result of a special day's sitting, at the insistence of the Liberal and National Parties at the time, I stress -

Mr J.C. Kobelke: Because we would have done it on Thursday night, we would not have had a problem.

Mr D.F. BARRON-SULLIVAN: At the time, the Opposition insisted that we push on and get the legislation through. It does not matter whether we got it through on Thursday night or whether we sat on Friday; the simple fact is that we insisted that we get on with that legislation. However, the Government did not take the next step and say, "What must we do to get it into the upper House? We will look like we're doing the right thing, but we won't do our homework." As a result, we have lost those three Bills. If one looks around at the moment, one will see a number of examples of very sloppy management in this Parliament by both the Leader of the House in

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this place and his counterpart in the upper House. One need look no further than the two Bills that we are dealing with now. Clearly, the left hand does not know what the right hand is doing.

Mr R.F. Johnson: They are probably in different factions.

Mr D.F. BARRON-SULLIVAN: They are probably in different factions so they will not talk to each other. I do not know how it all works in the Labor Party. However, I know that it cost at least \$5 000 for this Chamber to sit specially to deal with these two Bills. Five thousand dollars of taxpayers' money was spent to ensure that this happened. Look what has happened. We have this crazy situation that we are confronting now.

Another indication of sloppiness is that one of these Bills, the home building contracts amendment legislation, already needs amending. We got the minister to admit that during debate when he said that the Government had not made provision for the \$10 million underwriting facility for the mutual fund. Therefore, we are now dealing a second time with legislation that the Leader of the House has already openly admitted needs amending, and it has not gone through both Houses yet - very sloppy handling of important legislation.

One need look no further than today's Notice Paper to see how sloppy this Government is. The "Report on minor adjustments to the Standing Orders" of the Standing Committee on Procedure and Privileges, which one would think would be a fairly simple report to assess over a six-week break in order to come back and say whether the recommendations are or are not agreed with and put forward some reasons, seems to have been completely ignored by this Government. The committee indicated that it wanted a response, from none other than the Leader of the House again, by 9 August. However, members will see that today's Notice Paper states that non-compliance was reported on 14 August. The Government could not even get its act together to give a response to this flimsy little report. I would have thought that most of the recommendations in that report are commonsense, technical matters for tidying up some procedures in this Parliament. This Government - this Leader of the House - could not even come into this Chamber and respond to that. God help the builders and the volunteers out there. It is no wonder things are falling apart in this place.

The Leader of the House says that it is not the Government's fault; it is the fault of those wicked Liberals in the upper House! Hon Norman Moore and his storm troopers in the upper House are blocking everything! The Leader of the House is not the only one. Today the Minister for Police referred to the logjam in the upper House. The Attorney General has said that things are moving like treacle in the upper House, and the Government always points its finger at us. Even today, the leader of government business in the House has referred to delays in legislation, as he put it, since the Gallop Government was elected. That is very interesting, because when one looks at what his counterpart in the upper House has said about this, the story is a bit different. Only last week, on 14 August, Hon Norman Moore said during debate -

The Government is totally hopeless.

I agree entirely with that -

This is a demonstration of its incompetence.

He was talking about the Bills that we are discussing at the moment -

If I were the Leader of the House, I would be embarrassed and ashamed about what the Leader of the House in the other place has said about me.

Hon Kim Chance then said something very surprising. We saw a ray of truth and honesty shining through this gloomy political propaganda that the Leader of this House keeps putting out. Hon Kim Chance said -

We still got more Bills through than the previous Government.

To that, Hon Norman Moore said -

I thank the Leader of the House for that - out of his own mouth! Will he now tell that to the Leader of the House in the Legislative Assembly? He has now spilt the beans - his Government has passed more Bills through the House than the previous Government . . .

There we have it. The Leader of the House - the Labor Party's senior minister in the upper House - said that everything the Leader of the House in this place and the Premier have said about the Liberal Party delaying Bills in the upper House is a load of codswallop.

Mr J.C. Kobelke: Absolute nonsense.

Mr D.F. BARRON-SULLIVAN: Absolute nonsense, the member says.

Mr John Kobelke; Mr Colin Barnett; Mr Rob Johnson; Mr Eric Ripper; The Acting Speaker (mr Mcrae); Acting Speaker; Deputy Speaker; Mr Max Trenorden; Mr Dan Barron-Sullivan; Mr Mark McGowan

Mr J.C. Kobelke: The point is that the numbers are correct for the last year or two of the last Government, but the trouble is that the Court Government wasn't doing anything so it didn't have any legislation, and that is why it lost government.

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

Mr D.F. BARRON-SULLIVAN: I will reiterate Hon Kim Chance's comment -

We still got more Bills through than the previous Government.

The Attorney General has said that things are moving like treacle. There is the logjam that the Minister for Police -

The DEPUTY SPEAKER: I advise the member for Mitchell that I have been reminded that we are discussing the amendment, in which case no extension can be granted.

Mr D.F. BARRON-SULLIVAN: It also means that I get a second bite of the cherry.

The situation is that somehow or other 13 Labor members and the Greens (WA) do not control what happens in the upper House, but 12 Liberals do. Twelve Liberals seem to have more control over the upper House than 13 Labor people and a bunch of very amenable and compliant Greens members. What concerns people in the community at the moment is the opposition mentality that the Labor Party has carried through into government. When the Labor Party was in opposition, it developed a knack of bringing things into Parliament which were unworkable but which it thought would sound good and might get it a few votes. We saw it with the 50-50 fuel retailing legislation and things like that. However, the key point is that it wanted to cling to its political imperative rather than work with the previous Government on a bipartisan basis.

I once again say that this is an extraordinary situation. I am sure that Oscar Wilde would have great difficulty in coming up with a tremendous quote.

Mr M. McGowan interjected.

Mr D.F. BARRON-SULLIVAN: Good old Oscar Wilde was probably a very good mate of some of the member for Rockingham's colleagues. Oscar Wilde was quite right in what he said. To lose three Bills can only be described as sheer ineptitude, surely.

I will leave it to the member for Hillarys to give the Liberal Party's response on the technical matter that the National Party has raised. It will be very important for us to consider ways to avoid this sort of situation. The simplest way would have been if this Government had got its act together and simply arranged for these Bills to be read a first time in the upper House. How easy would that have been to achieve? Instead, no, we have all this political propaganda, which has now been demonstrated by Hon Kim Chance as being totally untruthful. I have just one message for the Leader of the House, for the two ministers with the carriage of this Bill, for the Premier and for his Government: it is time for that lot to get its act in order.

MR M. MCGOWAN (Rockingham - Parliamentary Secretary) [1.49 pm]: We are dealing with the amendment moved by the member for Avon. I have spoken to the member for Avon about his amendment and I congratulate him on his contribution. He set out quite well the difficulties presented by the issue we are discussing today and the differences between the upper and lower Houses of the State Parliament of Western Australia. He indicated that he did not want to get into the politics of the matter, but that he wanted to talk about the conflict between the two Houses that has arisen today. Unfortunately, I cannot say the same for the Leader of the Opposition, the Deputy Leader of the Opposition or the manager of opposition business. After hearing their contributions, I can say only that they are attempting to cause a political dispute when one should not exist. The Government and the Leader of the House, through his motion, are trying to fix the problem that has arisen and that needs resolution. The motion moved by the Leader of the House is quite reasonable. If it were agreed between both Houses of this Parliament, we could deal with this matter and get on with the Address-in-Reply. I am sure a number of opposition members would like to contribute to that important debate, deal with the matter and get it off the Parliament's agenda so we can deal with other legislative issues.

I heard the Leader of the Opposition speak about this matter on radio. He was trying to stir up a political issue when one does not exist. It shows that he is flailing around and causing trouble in order to protect his position. I have heard the Leader of the Opposition say in this House a number of times that in his 12 years in Parliament he has never seen anything worse. I have heard him say it a number of times every year. When I was first elected to Parliament he used to say, "In my eight years in Parliament I have never seen anything like this before." He says it quite regularly - almost every second week. It gets a little tiresome to hear him grandstanding and trying to cause a problem when one does not exist. His repetitiveness goes on and on.

Mr John Kobelke; Mr Colin Barnett; Mr Rob Johnson; Mr Eric Ripper; The Acting Speaker (mr Mcrae); Acting Speaker; Deputy Speaker; Mr Max Trenorden; Mr Dan Barron-Sullivan; Mr Mark McGowan

We have spent an hour and a half debating this matter. An amendment has been moved to the motion, so no doubt the Deputy Leader of the Opposition will speak again and a few other opposition members will speak on this matter to try to get a small article in tomorrow's *The West Australian*. All they ever get from the pathetic matters they raise in this House is a little column on page 38 of *The West Australian*. The editor of *The West Australian* has realised that the petty matters that opposition members raise in this House are not newsworthy, because they do not address the real issues.

Mr D.F. Barron-Sullivan interjected.

Mr M. McGOWAN: I will say one thing to the squawking Deputy Leader of the Opposition: we are about fixing the problem. There is a problem with these three Bills, two of which deal with very important public liability matters. If the problem were fixed - it should have been fixed by now - the Bills could be dealt with by the upper House. No doubt the Opposition will spend an entire afternoon railing against the Government on this matter, and tomorrow the story will be on page 52 of *The West Australian*.

I will tell the Opposition something: last Wednesday, two very important Bills dealing with public liability were introduced into this Parliament. The Minister for Community Development introduced one Bill and the Minister for Consumer and Employment Protection introduced another. The two Bills, which the Opposition seems to have ignored, are two of the most substantive legislative reform packages in the history of the law of negligence. The development of the common law in relation to the law of negligence dates back to the 1700s. That has been developed to a greater degree in the past century or so. In the past 10 years - eight of which saw the Liberal Party in power - the courts have handed down major increases in payouts for common law negligence. There also has been a trend of increasing insurance premiums. In that time we saw no reform. The two most substantial Bills in the history of the law of negligence in this State were introduced last week. The two most important Bills to reduce premiums and to give community groups an opportunity to obtain insurance have just been introduced into this Parliament. They are about fixing the problems that have arisen. The Opposition continually says that we have done nothing; yet it did nothing about this issue for the eight years that it was in government while the problem grew. However, members opposite come into this place and say that we are supposed to fix the problem in one day. There are three hundred years of common law precedent and, according to the Leader of the Opposition's January press release, we are supposed to fix it by February.

We have been part of a national solution to this problem. I will explain to the Opposition something about national solutions and why a national package is needed. Insurers take an Australia-wide view on insurance. Reforms throughout the States are taken into account by those insurers when they examine the insurance premiums and the national pool of insurers. They look at the packages around Australia, and the States must be part of that. That is what we are doing. The reason it was so imperative that New South Wales introduce legislation is that it has been the root of the problem. The Leader of the National Party would know that. He is an ex-insurance salesman, and I mean no disrespect by that. This issue arose at a national level and conferences were held on it in March. Our package has been introduced to the Parliament already. It took four months. A couple of other reform packages also have been introduced by the two ministers to whom I referred earlier.

The Government is acting. No amount of grandstanding or denying the privileges and the position of this House on the Opposition's part will help solve the problem. We are trying to solve the problem. In the current age, members of the public do not care about the Leader of the Opposition's petty arguments on the issue. They want the Government to solve problems, and that is what it is trying to do. The Leader of the Opposition's delaying and grandstanding on this matter will not help solve the problem. The longer he does that and does not get on with the substantive matters, the longer he will be seen as irrelevant by the people of Western Australia. We are part of a national solution. We are getting on with the job. We are asserting the privileges of this House. We want these Bills dealt with in the upper House as soon as possible, and that is what the motion of the Leader of the House seeks to do. That is what the amendment of the member for Avon seeks to do. It is a very good amendment. The member for Avon was asserting the right and privilege of this House to pass Bills and transmit them to the upper House.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: The Leader of the Opposition has suggested that we debate these matters again. Who could trust him? He would have us sitting here for days. Every time the Leader of the Opposition makes a commitment, we spend more and more time on it. We cannot trust him to keep his word on these matters.

Debate interrupted, pursuant to standing orders.

[Continued on page 404.]