

**NATIVE TITLE LEGISLATION - WESTERN AUSTRALIAN SENATORS' SUPPORT**

*Motion to be made Order of the Day*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [10.03 am]: I move without notice -

That motion No 2 be made an order of the day for the next sitting of the House.

This morning the Senate knocked back Western Australia's native title regime.

Hon Tom Stephens: You have always known it would do that; we told you it would.

The PRESIDENT: Order! This is a procedural motion. The only discussion that can occur is why motion No 2 should be made an order of the day for the next sitting. I do not want members to go into the substance of the argument.

Hon N.F. MOORE: I will explain why this matter must be debated by this House next week. The Senate has decided to disallow a law passed by this Parliament. I find offensive the concept that a Parliament of any State of Australia can pass a law and have it thrown out by the Senate.

Hon Tom Stephens: You're defying the Chair.

The PRESIDENT: Order! The Leader of the Opposition should not worry whether the Leader of the House is into the substance of the motion.

Hon N.F. MOORE: He should go outside if he does not want to hear.

The PRESIDENT: I am satisfied that the Leader of the House is explaining why motion No 2 should be an order of the day.

Hon N.F. MOORE: I emphasise the importance of this issue and why it should be debated as quickly as possible. The only way I can guarantee that that will happen is if the House agrees to make motion No 2 an order of the day, which I will make Order of the Day No 1 for next week. That is my intention if the House agrees to this procedural motion. Debate will be in government time, not the one hour set aside for motions as this is a very important issue.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: We have already debated petrol prices, as the member well knows. I move this motion because I was led to believe yesterday that we would dispense with motion No 1.

Hon Tom Stephens: Who told you that?

Hon N.F. MOORE: I will not tell the Leader of the Opposition. The person who told me knows who it was. However, an amendment was moved to a motion that had sat on the Notice Paper since 8 August. We have debated petrol prices. If Hon Ljiljanna Ravlich does not know about native title, she has no hope of understanding why this motion is important.

Undoubtedly, the Labor Party made a decision that it did not want to debate motion No 2 yesterday or today. Therefore, it decided to move an amendment to a motion put on the Notice Paper on 8 August. Obviously, the Labor Party does not want to debate motion No 2 at this time. Therefore, I move this motion so the matter can be debated next week in government time. We will have an opportunity to do several things. First, we must make it very clear to the Western Australian community what the Senate has done with native title. I will not argue that point today; it would be out of order to do so. Also, we must tell the Western Australian community about the senators who represent Western Australians who voted against their best interests.

The PRESIDENT: The Leader of the House is starting to get into the substance of motion No 2.

Hon N.F. MOORE: We need an opportunity for the Western Australian community to know which members of this Chamber are prepared to go along with the Senate. That will be achieved through a resolution on this motion next week. If the House agrees to the motion before the Chair, we will debate the native title legislation's disallowance by the Senate. Members of this House will have an opportunity to indicate where they stand on the issue, so that the Western Australian public will know exactly who seeks to undermine the Western Australian economy and seriously disadvantage the State's best interests. We need an opportunity to outline to the public of Western Australia the senators in Canberra who voted against our interests, and the members of this House who will vote against motion No 2, if it is put to a vote next week. That opportunity will be presented if we pass the motion before the Chair. I hope the opportunity will be created to debate the native title legislation process in depth on Tuesday of next week. That is the reason for the procedural motion.

Hon Norman Moore; Mr Tom Stephens; Hon Mark Nevill; Hon Norm Kelly; Hon Greg Smith; Hon Ray Halligan; Hon Jim Scott

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Undoubtedly, if I had not moved this motion, we would be labouring through the Labor Party's amendment, and further amendments, to motion No 1, and motion No 2 would never see the light of day.

Hon Ljiljanna Ravlich: You've done nothing; you've sat on your hands!

The PRESIDENT: Order! One of the reasons that I want this motion taken to a vote is that, irrespective of whether it is won or lost, we will then move on to motion No 1, which refers to petrol prices. That opportunity will arise, Hon Ljiljanna Ravlich, when we get over this matter.

Hon N.F. MOORE: Assuming that the House agrees to this motion, it will be necessary to amend motion No 2 on Tuesday. It refers to a prospective action, when that action is now retrospective. It would have been better to debate this issue ahead of the Senate's making a decision on the WA legislation so we could tell that Chamber what we think before it took the vote. That opportunity is no longer available. I understand that the Labor Party was to have only one hour of debate in the Senate.

The PRESIDENT: We are getting into the substance of the debate.

Hon N.F. MOORE: The Senate has made a decision. Our comments will be on an amended motion that the House condemns the Senate for its action concerning Western Australian law.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [10.09 am]: The Labor Opposition will support the procedural motion moved by the Government because the House will then have the opportunity, presumably with an extended debate next week, to explain to the people of Western Australia that we have a cynical Government in office.

The PRESIDENT: Order! The Leader of the Opposition should be careful that he does not get into the substance of the debate on motion No 2.

Hon TOM STEPHENS: I take the opportunity to reply.

The PRESIDENT: Some words came out and I thought we were getting into the substance of the debate. The Leader of the Opposition knows the rules.

Hon TOM STEPHENS: I will do no more than exercise my opportunity to a right of reply to the Leader of the House.

The PRESIDENT: I will do no more than apply the same rules.

Hon TOM STEPHENS: That is all I request of you, Mr President - the same rules for me as for other members.

Several members interjected.

The PRESIDENT: Order! I will call order once more. Members know my position. This is a procedural motion, and we will not debate the substance of the issue. That will be done next week if this motion is passed. I want to hear the reasons that we should or should not make motion No 2 an order of the day for the next sitting of the House.

Hon TOM STEPHENS: When motion No 2 becomes an order of the day for the next sitting of the House, we will then have the opportunity to expose this Government's cynical handling of this issue and the other issues with which it is confronted. It is significant to note that motion No 1 will effectively be left to languish on that part of the Notice Paper that allows only one hour of debate. We should be given the opportunity to resolve this issue because the motion contains matters of great importance to regional Western Australians - indeed, to all Western Australians.

Hon N.F. Moore: I offered you a chance to vote on it yesterday and you rejected it.

Hon TOM STEPHENS: The Government's handling of this motion was predictable. If we succeed in carrying the motion, the debate that follows will expose the irony of this Government's playing politics in the lead-up to an election with an issue that is far too important to be subjected to such games. I have said -

Hon Mark Nevill: You are running scared.

The PRESIDENT: I do not need any interjections from Hon Mark Nevill.

Hon TOM STEPHENS: Not only is the Labor Party not running scared, it supports the motion.

Hon Mark Nevill: You are cornered like a camp dog.

The PRESIDENT: Hon Mark Nevill will not interject. I have indicated that this is a procedural motion. Both the Leader of the House and the Leader of the Opposition have chosen their words within the context of that.

Hon Norman Moore; Mr Tom Stephens; Hon Mark Nevill; Hon Norm Kelly; Hon Greg Smith; Hon Ray Halligan; Hon Jim Scott

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Interjections do nothing more than invite a speaker to digress. We are now wasting part of the first hour during which members might have been talking about petrol prices. That is a matter for the House.

Hon TOM STEPHENS: The President has provided a model for the way in which we might handle the procedures of the House in future.

This is an attempt by some in this House to use this issue to get themselves a meal ticket for re-election. If this motion is carried, the House will have the opportunity to expose those members - specifically government members - who are cynically using this issue. It will yet again provide the House with the opportunity to highlight a significant, unanimous select committee report tabled in this place. That report described how not to go about this process and it was signed off by three government members. If this motion is carried, this House will have the opportunity to debate the issue and to realise that this Government should have taken the advice of its own members. The select committee's report described how badly the State is served by going down this alternative path. The House will have the opportunity next week of exposing the vacuous claim of the Premier that the path that was chosen would produce certainty for the State.

The PRESIDENT: Order! The Leader of the Opposition is starting to move into the argument that no doubt will be raised next week should this become an order of the day. This is still a procedural motion.

Hon TOM STEPHENS: It is very important for the House to allow the carriage of this motion, so as to enable the current claims made by the Government to be shown as the hollow claims they are. The Government was warned that the path it chose of putting up legislation that would be knocked over in the Senate was a futile, dead-end path. The Government embraced that strategy despite those warnings.

The PRESIDENT: Order! The Leader of the Opposition knows that every time he gets so far down the path he tends to branch off. He and I know that I will pick him up immediately he takes a diversion. If he sticks to the procedural matter, we can get to a vote on the motion.

Hon TOM STEPHENS: Thank you, Mr President. The carriage of this motion will give this House an early opportunity to expose the Government for its rank hypocrisy for which it deserves to be condemned. Issues need to be tackled, including safety, health and education, which are the preoccupation of the people of Western Australia, rather than wasting the State's resources on pursuing futile paths.

**HON MARK NEVILL** (Mining and Pastoral) [10.18 am]: I support bringing this issue on for debate. The Senate has voted down state legislation at very short notice. As soon as it looks as though the state motion is coming on, a strategy is clearly orchestrated from here. By bringing this debate on next week, we can flesh out the issues raised by this Bill which relates to future acts. For the first time we will hear an exposition of the reasons that the Senate rejected this legislation at the behest of the Australian Labor Party and the Australian Democrats of this State. I am looking forward to a vigorous debate. This is not simply about politics but getting good laws for this State. It can be dressed up as all sorts of issues, but I can tell you, Mr President, I shall have exactly the same views about this issue after the state election as I shall have the day before it. I look forward to the debate being brought on, and I shall be supporting the motion.

**HON NORM KELLY** (East Metropolitan) [10.19 am]: The Leader of the House needs to bring on this motion, which highlights the inadequacies of our standing orders which relate to dealing with motions that appear on the Notice Paper. If members look at the Notice Paper, they will see eight motions that were moved on our first day of sitting on 8 August. Those motions have failed to progress. It is a failing of the Standing Orders Committee in that it has not provided the House with an alternative mechanism to expedite these matters.

Hon Mark Nevill: Will you support time limits on motions?

Hon NORM KELLY: Yes. In the last session of the Parliament before prorogation in July, motions appeared on the Notice Paper that had been moved on the first day of the Parliament the previous August. That totally demonstrates the inadequacies of our standing orders.

In choosing to move this motion, the leader of the Government has also decided not to take the option of moving that this motion be made motion No 1 for the next day of sitting so that it can be dealt with as the first motion to initiate debate. However, the leader of the Government knows, as we all know, that that may be a very longwinded debate that does not come to a conclusion; although to make the motion an order of the day will not guarantee that it comes to a conclusion either.

As the leader of the Government said, the motion is based on what the Federal Parliament has done today. One option is to move a motion next Tuesday to debate this matter as a matter of urgency. I am interested to hear from Hon Ray Halligan, who gave notice of this motion, whether he wants this motion to be made an order of the day. I am also interested to hear from the leader of the Government how he plans to manage the debate and what limits he may put on such a debate.

Hon Norman Moore; Mr Tom Stephens; Hon Mark Nevill; Hon Norm Kelly; Hon Greg Smith; Hon Ray Halligan; Hon Jim Scott

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**HON GREG SMITH** (Mining and Pastoral) [10.21 am]: I support the motion moved by the Leader of the House and I welcome the support of the Australian Labor Party in bringing the motion forward. It is interesting that when the disallowance motion was brought forward in Canberra, Senator Andrew Murray from the Australian Democrats made the comment that the Democrats did not want to have any public debate on the matter. This motion will give us the opportunity to have some public debate on whether the Senate represents the State or political parties, and that will be an interesting debate in itself.

Hon N.D. Griffiths: Don't you know the answer?

The PRESIDENT: Order! Hon Greg Smith has the call.

Hon GREG SMITH: I look forward to debating this matter as an order of the day for the next day of sitting, and I will be interested to see what the Democrats do when it comes to a vote, because Hon Norm Kelly's speech was a bit of a speech about nothing and did not tell us what he will do.

**HON RAY HALLIGAN** (North Metropolitan) [10.22 am]: In response to Hon Norm Kelly's request to know my stance on this motion, I agree with it entirely.

**HON J.A. SCOTT** (South Metropolitan) [10.22 am]: The Greens (WA) support the motion and look forward to the debate.

Question put and passed.