

Legislative Council

Tuesday, 29 August 1989

MEETING OF THE COUNCIL

The Legislative Council met at 3.30 pm.

SWEARING-IN OF MEMBERS

His Honour Mr Justice Wallace, Senior Puisne Judge of the Supreme Court of Western Australia, having been commissioned by His Excellency the Lieutenant Governor, entered the Chamber to administer to members the Oath of Allegiance to Her Majesty, or the affirmation required by law, and was conducted to the Chair. The commission to swear-in members was read.

The Clerk produced the return of writs for the election of members at the general election held on 4 February 1989, showing that the following had been duly elected -

Agricultural Region -

Margaret McAleer
Eric James Charlton
James McMillan Brown
David John Wordsworth
John Norman Caldwell

East Metropolitan Region -

Elsie Kay Hallahan
Derrick Gordon Tomlinson
Fred Evan McKenzie
Peter Gilbert Da Conceicao Foss
Thomas George Butler

Mining and Pastoral Region -

Thomas Gregory Stephens
Norman Frederick Moore
Mark Warriedar Nevill
Thomas Richard Helm
Philip Harry Lockyer

North Metropolitan Region -

Samuel George Earnest Cash
Joseph Max Berinson
George Maxwell Evans
Graham John Edwards
Robert Gerald Pike
Samuel Mathew Piantadosi
Reginald Elliott Davies

South Metropolitan Region -

Garry Kenneth Kelly
Clive Edward Griffiths
Stanley John Halden

Phillip George Pental
Cheryl May Davenport

South West Region-

Douglas William Wenn
Beryl Lillian Jones
Robert John Thomas
Barry John House
Muriel Grace Patterson
William Noel Stretch
Murray Scott Montgomery

These members took and subscribed the Oath of Allegiance, or made and subscribed the affirmation required by law, and signed the Roll.

The Commissioner retired from the Chamber.

ELECTION OF PRESIDENT

The Clerk reported that the office of President was vacant.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.57 pm]: I move -

That Hon Clive Griffiths do take the Chair in the Council as President.

HON MARGARET McALEER (Agricultural) [3.58 pm]: I second the motion.

HON CLIVE GRIFFITHS (South Metropolitan) [3.59 pm]: I submit myself to the will of the House.

[There being no other nomination, Hon Clive Griffiths was conducted to the Chair by Hon Margaret McAleer and Hon Fred McKenzie.]

THE PRESIDENT (Hon Clive Griffiths): Honourable members, it is with a great deal of humility that I accept the confidence this House has placed in me by re-electing me as President. As in the past, I will continue to fulfil my obligations in this office for the benefit of all members. Also, I will continue to ensure that this House of Parliament is a place where debates, even if vigorous, are conducted with the dignity and decorum expected from the elected representatives of the people.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [4.00 pm]: Mr President, on behalf of all Government members I congratulate and wish you well on your re-election to the office of President of the Legislative Council. You come to this new term of office with the benefit of lengthy experience and service. During that service you have attracted and earned the respect of members over whom you have presided. You, Mr President, have demonstrated an ability and impartiality that, if I may say so, is reflected in the ready acceptance of your nomination by all sides of the House today. We wish you well in your continued service to the House.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.01 pm]: On behalf of members of the Opposition I extend our warm congratulations and good wishes to you, Mr President, on your election to the high office of President of the Legislative Assembly; I am sorry Sir, I mean the Legislative Council. Your re-election today, which attracted the unanimous support of all members of this House, was a clear and unequivocal testimony to the high esteem in which you are held as President of this Legislative Council.

Mr President, during your period of office as President you have by your actions and decisions left no doubt as to your accumulated wealth of knowledge of parliamentary procedure and practice and have ensured that the dignity of the office of President has been substantially enhanced. You have presided over the deliberations of this House with a firm but fair hand. In electing you unanimously to your high office members have signified their support and confidence in you as our President. We pray that you will continue to uphold the longstanding traditions of your high office and will continue to discharge your duties and responsibilities as our President without fear or favour.

Members would be aware that Mr President, Hon Clive Griffiths, is now the longest serving member of this Legislative Council, and, if I may say so, Sir, you have a distinguished record of which you may be proud. Hon Clive Griffiths was first elected to the Legislative Council on 20 February 1965 and was re-elected on 20 February 1971, 20 February 1977, 19 February 1983 and 4 February 1989. He held the position of Government party secretary from 1974 to 1977 and was also Parliamentary Liberal Party secretary during that period. He was Deputy Chairman of Committees in the Legislative Council from 1974 to 1977. Since 1973 Hon Clive Griffiths has been a member of the Joint House Committee of this Parliament, and he was Chairman of that committee for nine years from 1977.

As members would be aware, Hon Clive Griffiths organised the first open day for the public at Parliament House in 1979 as part of the State's 150th anniversary celebrations. He organised the first Parliament Week in 1982 to celebrate the 150th anniversary of the establishment of the Legislative Council in Western Australia. Since his election to this House in 1965 Hon Clive Griffiths has been an active member of the Western Australian branch of the Commonwealth Parliamentary Association and has been an executive member of that association since 1974 and joint chairman of the WA branch since 1977. He was appointed regional representative for Australasia and the Pacific region of the CPA in September 1988, the first Western Australian to ever hold that office. Since becoming joint chairman of the CPA in 1977 Hon Clive Griffiths has, as members are no doubt aware, made it his personal responsibility to be at the Perth Airport to meet national and international members of the Commonwealth Parliamentary Association visiting Western Australia on parliamentary business. It is interesting to note, members, that our President has been prepared to meet those people irrespective of the time of their arrival, be it day or night.

In 1982, together with the then Speaker, Hon Ian Thompson, Hon Clive Griffiths established the Parliamentary History Advisory Committee under the chairmanship of the recently retired Governor of Western Australia, His Excellency Professor Gordon Reid. Professor David Black subsequently succeeded Professor Gordon Reid in that position. The committee was formed to produce an overall history of the Parliament of Western Australia and to commemorate the centenary of the establishment of responsible Government and a bicameral Legislature in Western Australia.

At Hon Clive Griffiths' insistence many improvements were made to the facilities in Parliament House while he was Chairman of the Joint House Committee. As members would be aware, Hon Clive Griffiths was elected President of the Legislative Council in 1977 for a term of six years, was re-elected to that high office in 1983, and was unanimously re-elected to that high office again today. He is certainly the longest serving Presiding Officer in the Australasian and Pacific region and is reputed to be the longest serving Presiding Officer in the Commonwealth. Hon Clive Griffiths is considered one of the foremost authorities on the role of Presiding Officers and has presented papers on numerous subjects relating to the role of Presiding Officers and the operation of the Westminster system since 1977 at various conferences of Presiding Officers and Clerks that he has attended. Members would be aware that Hon Clive Griffiths is consulted frequently by Presiding Officers from other Parliaments around Australia and, indeed, around the world, for advice and assistance on problems they encounter from time to time. As I said earlier, he is recognised particularly as being a fair President who rules in an impartial way. Again, that was indicated by your unanimous re-election today, Mr President.

In the course of your Presidency, Sir, you have given a number of significant rulings. I will mention one of those today because it illustrates your determination to uphold the rights of this Legislative Council and the Parliament of Western Australia. I refer, Sir, to your ruling on the Australia Acts (Request) Act of 1986 when you held that it was legally impossible and constitutionally improper to allow an Act of the Commonwealth Parliament to amend the State's Constitution, however insignificant the proposed change might be. This House must be grateful that you are prepared to assert this Parliament's interest to a point that all party legislation will be ruled out of order if those interests are infringed.

Again, Mr President, on behalf of all members of the Opposition, and indeed all members of this Parliament, I congratulate you on your election to this high office. We wish you well in your continued deliberations and you shall enjoy the support of this House.

HON E.J. CHARLTON (Agricultural) [4.08 pm]: On behalf of the National Party I, too, offer our sincere congratulations to you, Sir, on once again gaining this high and respected

office. I support the comments made by Hon Joe Berinson, Leader of the Government, and Hon George Cash, Leader of the Opposition as we, too, recognise the impartial manner in which you have carried out your important office in this Parliament and the dignity and distinction you have brought to it. We all appreciate the manner in which you have done this in the past and look forward to your carrying on with the same high degree of efficiency and decorum in the future. Along with everybody else we congratulate you on your appointment. I daresay that during the coming session of Parliament there will be many occasions when we will be relying on you to carry on in the very professional manner you have shown in the past. We congratulate you on your appointment.

THE PRESIDENT (Hon Clive Griffiths): I thank the Leader of the House, Hon Joe Berinson, for his kind words about me. I am very grateful, indeed, for the confidence that he and his colleagues have seen fit to place in me this afternoon. I thank the Leader of the Opposition, Hon George Cash, for the long comments he made. I indicate to him now that he has had his one and only chance of mixing up the two Houses and that if he does so again he will be called to order. Hon George Cash is one of the new members elected to this Chamber, and I want to congratulate him, as I congratulate all other new members of the Legislative Council. I hope each and every one of you will have a long and happy association with the Parliament, and will join with us all in bettering the laws for the benefit of all the people. I thank Hon Eric Charlton for the comments he has made on behalf of his colleagues, and I can assure him that I appreciate and understand what he has said.

During the course of his comments Hon George Cash mentioned that I have made many landmark rulings in this House during the past 12 years as President. These rulings uphold and defend the privileges of this House. The vigorous debates and divergent opinions expressed in this Chamber over the years have always been underwritten by a common denominator, the very cornerstone of what we are all about, which is the right to freedom of speech without fear of restraint or retribution. To that end I would like to think that I have carried out my obligation to you as members as the guardian of your rights and privileges. Not everyone has always agreed with my decisions, and indeed on occasions members have told me so; and that is exactly as it should be, because it underlines precisely what I am saying about freedom of speech, which is the right of every person here. I remind members that each of us is accountable. If we can speak without fear, we should not forget to respect the institution which allows such freedom. It is my task to preside over the business of this House and to define the Standing Orders, but it is up to us all to use and not to abuse the system which we are privileged to have. We should remember it is a privilege which did not come lightly or without hardship.

In this context it is appropriate for me to take time out for what in other circumstances might be called a commercial. On Thursday evening of next week an exhibition of documents commemorating the 300th anniversary of the Bill of Rights of 1688 will be opened at Parliament House. This Bill of Rights, to which I have referred on occasions when making rulings, embodies the historical article 9, which defines in depth the freedom of speech about which I speak. I am sure you are all aware of that document. Some of the manuscripts displayed next week may be 300 years old, but thankfully the contents are still alive and well today.

PRESENTATION OF PRESIDENT

HON J.M. BERINSON (North Metropolitan - Leader of the House) [4.15 pm]: I wish to inform honourable members that His Excellency the Lieutenant Governor and Administrator will be pleased to receive the President elect at 5.00 pm today. The sitting accordingly will be suspended until 2.30 pm tomorrow, Wednesday, 30 August 1989.

PARLIAMENTARY PROCEDURE - BLACK ROD

President's Entrance - Television Cameras

THE PRESIDENT (Hon Clive Griffiths): Before we suspend the sitting I will take the opportunity to do a couple of housekeeping jobs. During the recess I considered the question of the Black Rod, which is the emblem of authority in this House. It ought properly to be on display in this Chamber when the House is in session. Members will find that, as from tomorrow, when Black Rod enters the Chamber and the President takes his place, the Black Rod will be placed upon the stand adjacent to my dais.

Over the years I have been prevailed upon on several occasions to revert to the old practice of the President entering the Chamber through the entrance as distinct from the back door, but in the past I have rejected the suggestion. However, as from tomorrow, at the beginning of each sitting I will enter the Chamber through the main door. On other occasions the more usual procedure will be adopted.

One of the practices and conventions of this House is that permission for television cameras to take live film in this Chamber is a decision made by all members. When a request is made, I bring it to the attention of the House with the comment that unless I receive an objection, approval will be given for the television cameras to come in. Some TV people have pre-empted the decision members have made today in putting me here again, because I have been asked for permission to take library film footage to include the new members. Unless I receive an objection, they will be in the gallery tomorrow at 2.30 pm to take that film.

Sitting suspended from 4.20 pm to 2.30 pm on Wednesday, 30 August
