

BUSINESS OF THE HOUSE — EXTENDED SITTING HOURS

Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.36 pm] — without notice: I move —

That so much of the standing orders be suspended as to enable the following variations to the order of business and sitting days and times in addition to those agreed to by the house on 16 October 2019 as follows —

- (a) Tuesday, 19 November 2019 —
 - (i) sittings commence at 1.00 pm.
- (b) Wednesday, 20 November 2019 —
 - (i) no committee reports.
- (c) Thursday, 21 November 2019 —
 - (i) members' statements to be taken at 6.20 pm or at an earlier time ordered by the house.
- (d) The house to sit on Friday, 22 November 2019 at 10.00 am and conduct the following business —
 - (i) prayers and formal business;
 - (ii) orders of the day to be taken until 1.00 pm;
 - (iii) questions without notice to be taken at 1.00 pm; and
 - (iv) members' statements to be taken at 1.35 pm or at an earlier time ordered by the house.

Members would be aware that there have been discussions behind the Chair about how we might ensure additional hours to allow members the scrutiny they require to deal with the Voluntary Assisted Dying Bill 2019. Members would also be aware that there is a substantial difference between how matters will be dealt with in this house—if I may be so bold to my friends in the Assembly—and how they were in the Assembly. The government has indicated to the Legislative Council that we are open to constructive amendments that will make the bill better. In order to do that, we are bearing in mind two things: the pace at which we are moving now, and that we want to avoid, if at all possible, sitting through the night, and that we want to avoid adding extra sitting days beyond those that are already scheduled. I think that is particularly important because in the Legislative Assembly, there was a view that no amendments would be entered into, so sitting through the night did not require the vast bulk of that house to consider the detail to the extent that this house will be required to examine the detail of amendments, not only those that are on the expansive supplementary notice paper now, but also any others that may be added. There seems to be general in-principle agreement that if we add additional hours now to the first of the three scheduled sitting weeks, we will give ourselves the best chance. We are doing this for the first of those three sitting weeks. We have given ourselves the opportunity to review progress and see how we are going before we consider whether we need to do anything differently in the second and third scheduled sitting weeks.

In putting this motion together, I have canvassed, as members might imagine, myriad possible options. It is fair to say that not everybody got everything that they wanted. This literally represents a compromise to take into account various elements that people have raised. All of us are busy people. All of us have extensive commitments outside of the Legislative Council sitting hours, not only our electorate duties, but also our family responsibilities and all the other things that we need to deal with. In the motion that is before us, we have tried to reach a compromise on how we accommodate all those elements, and suggested that first week. Let us review how we go at the end of that and move forward. Members, I would commend the motion to you.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [3.41 pm]: Just before I make a couple of comments, can I suggest to the Leader of the House that there may be a mistake on the Thursday. Was it not agreed that members' statements should be taken at 7.00 pm rather than 6.20 pm?

Hon Sue Ellery: We would finish at 7.00 pm by starting members' statements at 6.20 pm.

Hon Alison Xamon: It would replicate the usual Wednesday.

Hon PETER COLLIER: Therefore, nothing has changed?

Hon Sue Ellery: There is to be an hour added to the Thursday, so the Leader of the Opposition is quite right, member. We will change the 6.20 pm to 7.20 pm.

Hon Sue Ellery; Hon Peter Collier; Hon Jacqui Boyde; Hon Alison Xamon; Hon Colin Tincknell; Hon Martin Aldridge; Hon Rick Mazza; Hon Nick Goiran; Hon Robin Scott; Hon Simon O'Brien

Hon PETER COLLIER: I think we agreed that members' statements would be taken at 7.00 pm on the Thursday.

Hon Sue Ellery: All right, I will change that. No; it is right.

Hon PETER COLLIER: I apologise. Everyone is correct. I was overzealous; I apologise. I will try to keep up. I am sorry about that. I apologise. I would like a little bit of humour with this!

I reiterate exactly what the Leader of the House has said. I apologise to members of my party but I have tried to see as many as I can in the short space of time; it has been a very fluid thing. I sent an email to my guys a little while ago, but some have not seen it. As Hon Sue Ellery said, this came about after negotiation between party leaders, and she is quite correct that nobody got all that they wanted. Politics is the art of compromise. The biggest issue from our side was the Friday. We have a problem with sitting on the Friday. Personally, I think that is something that we can accept, but I am not speaking for all members on my side; I appreciate that perhaps other members might like to make a brief statement. However, considering the circumstances, I do not think that we have gone outside the bounds of reasonable compromise with the extra hour on the Tuesday and Thursday and then sitting on the Friday. Quite frankly, it is actually a condensed Friday sitting compared with what we were discussing at our meeting at lunchtime. Having said that, I think it is a compromise that we can live with; therefore, I personally will be supporting the motion on behalf of the Liberal Party. Having said that, other members might have something else to say.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [3.43 pm]: Indeed, during this process we have tried to accommodate everybody's suggestions, understanding their limitations in the time they can commit and everyone's different ideas. Yes, there is a reflection of the needs and wants of each of the parties in the suggested motion; there may be others who have a different idea about the time we should start or finish, as is the wont with these things. I think we have reached a good compromise. From the outset, everyone has tried to accommodate the fact that we do not want to be sitting here all night making decisions about amendments at three in the morning on such an important bill. I think it is really important for the house to try to accommodate sitting reasonable hours so that members and advisers can reasonably consider the bill and the amendments before us. I thank the Leader of the House and the other leaders of the parties for accommodating everybody's circumstances and I will support the motion.

HON ALISON XAMON (North Metropolitan) [3.45 pm]: I rise to indicate that the Greens will also support this motion. The Greens discussed at length quite some time ago the parameters that they were prepared to entertain in order to see the passage of this legislation by the end of this year. I am happy to report that what has been agreed behind the Chair sits within those parameters. It is very important that we do not look at all-night sittings if possible, because it is important that we are able to give full attention to the important amendments in front of us.

HON COLIN TINCKNELL (South West) [3.45 pm]: I indicate that I will not be supporting the motion. I asked for one thing, and that was to not sit on the first Friday, because of availability. Nothing has changed. The motion is basically exactly the opposite of what I asked for.

HON MARTIN ALDRIDGE (Agricultural) [3.45 pm]: I will not be supporting the motion before the house. I understand that it appears to be a compromise between party leaders accommodating a range of views, but I want to make some observations before pointing out the reasons I oppose this suspension of standing orders motion.

Firstly, I have no objection to extending the sitting hours to facilitate further debate, as long as it is done in a meaningful way. The proposal before the house is not meaningful and certainly does not have due regard for the circumstances that regional members face. I want to point out that Tuesday, 19 November, is no longer a joint sitting day. We normally commence sittings on that day in the afternoon, usually to accommodate party room meetings. I understand it is unlikely that there will be party room meetings on that Tuesday morning, so I wonder why regard has not been given to an earlier commencement on Tuesday, 19 November, to facilitate further debate and make more meaningful use of members' and staff time.

I now turn to Thursday, when it appears that we are going to extend sitting by only one hour, with the intention of sitting on the Friday. If regional members are to be detained in Perth for another night, unable to return to their home addresses, why can we not consider a couple of hours longer on Thursday evening and maybe one hour longer on Tuesday morning—then, all of a sudden, we would not need to sit on Friday?

That brings me to Friday, 21 November. What is proposed is not meaningful. We are recalling the house on Friday for three hours to consider orders of the day. In my view, that is ridiculous. I have no problem sitting on a Friday if we sit for a meaningful time. Unlike many members of this place, there are many regional members who cannot just nip 20 or 30 minutes down the road back to their family for dinner or to tuck their kids into bed or see them off to school the next day. I think that is the reason that this proposal has been rushed together.

Hon Sue Ellery; Hon Peter Collier; Hon Jacqui Boyde; Hon Alison Xamon; Hon Colin Tincknell; Hon Martin Aldridge; Hon Rick Mazza; Hon Nick Goiran; Hon Robin Scott; Hon Simon O'Brien

I saw the substance of the motion for the first time when it was delivered to me after it was read into this place. For those reasons, I will not be supporting the motion.

HON RICK MAZZA (Agricultural) [3.48 pm]: I have just listened to what Hon Martin Aldridge had to say about Friday, 21 November. My initial understanding from the discussions we had just before lunch was that we would sit for longer than three hours on that Friday. I think Hon Martin Aldridge makes some very, very good points for country members, being a country member myself with a couple of hours' travel time. It seems that to stay back or to travel in for three hours when we could probably make that up earlier in the week by starting earlier on the Tuesday and maybe starting an hour earlier on the Thursday and condensing that extra time into those three days makes a lot more sense than having to come back in and bring the staff back in on a Friday, just to deal with three hours of orders of the day. I do not know whether we can move an amendment at some stage—I might take some guidance from the house on that—but the points made by Hon Martin Aldridge about the proposed sitting on Friday are very pertinent.

HON NICK GOIRAN (South Metropolitan) [3.50 pm]: I rise to indicate that I am completely ambivalent about the motion before the house. In saying that, I acknowledge that I am a metropolitan member. I have a lot of sympathy for the comments that have been made by regional members, so I ask members to please understand that I am speaking from a personal perspective. This proposal causes me no problems. I understand the point that was made by Hon Martin Aldridge—namely, why would this house sit for three hours on Friday, 22 November, when it could probably commence sitting earlier on Tuesday, 19 November? If members want to do that, that would be fine. If members want to extend the sitting on the Friday, it would not bother me. I am very happy to accommodate however long it will take for us to deal with this bill.

Hon Alannah MacTiernan interjected.

Hon NICK GOIRAN: Hang on! The Minister for Regional Development should hear me out. If the minister wants to disagree with me, that is fine. The minister will always get my support if she wants to disagree with me; there is no problem with that. However, just hear me out. My point is that I am happy for us to amend the sitting hours as is necessary. I commend the Leader of the House for taking a different approach from that taken in the other place. That is what I was going to say, Minister for Regional Development. The approach that was taken in the other place was not responsible lawmaking. The approach that has been taken so far in this debate has been appropriate. Members would be fully aware that Hon Stephen Dawson has a difficult job. I have been quite robust throughout the course of the debate, and I expect that will continue for the next few weeks. As best I can, I will continue to do that in a respectful fashion to the minister —

Hon Stephen Dawson: Me too.

Hon NICK GOIRAN: — and I know that will be reciprocated by him. If that means we will have to sit for extra hours and on Fridays and so on and so forth, that is fine by me.

This is an important piece of legislation. I respect that some members of this house have strong views in support of the legislation, and some of us have strong views against it. It is pretty clear where the bill will ultimately go. Our responsibility as lawmakers is to make this bill the best piece of legislation possible. That is what I am endeavouring to do, and I believe that is what all members are trying to do at this time. That will take some time. It is unhelpful when members like me are berated by the Premier of Western Australia for our approach. Yesterday, I tabled a series of amendments that had been prepared for me by parliamentary counsel, at my request, as is my right as a member, to try to seek some improvements to the bill and to lift the standard of the bill to that of the legislation in other jurisdictions. I then had to spend the morning trying to defend that, because the Premier had said that I was somehow wrecking the bill. I find that highly offensive. I would expect more from the Premier, as a very seasoned political operator and seasoned lawmaker.

I note that it took me putting forward a substantial number of amendments to finally extract from the government seven amendments that are now on the supplementary notice paper. For all of the Premier's huff and puff, and that of the health minister, that the bill is perfect and that there should be no amendments, and given the attitude taken in the other place to berate anyone who dared suggest that there should be an amendment, only to find that the government now has amendments to its previously flawless bill, members can understand why I take some offence to the intemperate remarks of the Premier today about this matter.

I want to make it absolutely clear that I have no problem with the proposal that has been moved. If members want to amend the motion to sit earlier on a Tuesday, or to sit on a Friday or Saturday, or whatever, that is no problem for me. All I am continuing to ask for is adequate time to enable us to consider all the clauses in the bill, and for that to be done in a respectful and honest fashion. Some of the comments that have been made by senior members of government—I am not saying in this place, but in the other place—have been disrespectful and dishonest.

HON ROBIN SCOTT (Mining and Pastoral) [3.54 pm]: Madam President, I would bend over backwards to fit in all the hours that I can, because this bill is very, very important. However, on Friday, 22 November, I have

Hon Sue Ellery; Hon Peter Collier; Hon Jacqui Boyde; Hon Alison Xamon; Hon Colin Tincknell; Hon Martin Aldridge; Hon Rick Mazza; Hon Nick Goiran; Hon Robin Scott; Hon Simon O'Brien

very important electoral duties. I would hope that we can amend the motion by changing it from 22 November to 29 November so that I can attend Parliament for all the hours that have been requested.

HON SIMON O'BRIEN (South Metropolitan) [3.54 pm]: This motion exemplifies why the sitting hours and days of the Parliament are established in advance, as laid down in law. The requirements of our sitting times are set out in our standing orders. The standing orders set out everything, from what the sitting hours will be, whether someone will get a five-minute right of reply, and how many times someone can speak, to even what members are not allowed to say on occasion—I must restrain myself on this occasion. There is a requirement, agreed to by the whole house, that the house will rise at a certain point towards the end of the year. The schedule for next year's sitting days has already been laid on the table, and in due course, no doubt, it will be adopted, if it has not been already. That is done for very good reasons. Why should we have to bend over backwards just because people want to change things on the run and muck up arrangements, as we have just heard from Hon Robin Scott? Members on the government side were determined to put in place a sitting schedule that was not all over the place, and that was, as members opposite like to call it, family friendly. However, just because someone in some other place has decided it is convenient to do so, the government now wants to throw that out the window and keep changing the sitting hours on an every-other-day basis. That is what is happening.

I can tell members what will happen with this. There will continue to be chopping and changing all over the place. Is that in the interests of good parliamentary business management? It is not. A heap of other things need to be done around our sitting hours. It would seem that government members want to give away all their waking moments, in a desperate attempt to push through this bill. This bill should have been a private member's bill, but apparently it is really a conscience bill for the government. I do not know what it is. The government itself cannot work that out. Despite the fact that we have managed to get by for 190 years without this bill being in existence, if this bill does not get through in the next couple of sitting weeks, the sky will fall. What is the government putting at risk? The government is putting at risk not only the established good conduct of this house, but also those things that form part of parliamentary business outside of this house. I do not know whether our committees will operate around this schedule, or whether they will operate at all. Heck, I do not even know whether the clerks will be available on Friday, 22 November. What I do know is that when it comes to time for this private member, I am taking up just about a permanent session with matters to do with the Standing Committee on Procedure and Privileges, as are a number of our colleagues. Somehow, we will have to fit that sort of thing around it. Again, that is all the fault of this government, which cannot organise itself and has set a shambolic legislative program. Apparently, we are being asked to deal with one bill—I do not even know whether it is government policy—to the exclusion of everything else, without amendment, until it is passed. I am hearing from members in this place that they are willing to bend over backwards to accommodate that. They need to wake up to themselves. Just because someone says that they are going to be rude to them in the newspaper does not mean they have to roll over and let them tickle their tummy.

We have either got some standards and established norms in this place for dealing with business in a professional way, or we do not. Understand that if the government goes down this sort of track, as we see with this motion, which has just come out of the blue, it throws any semblance of good order out the window, and for what? The government is not dealing with all these bills that we will be criticised about in due course that are sitting on the notice paper because we have not dealt with them, the government is not interested in dealing with them, but it is prepared to disrupt the entire good progress of the conduct of business of this place in hypocritical contrast to what it has previously demanded be done. Anyone daring to oppose the government will be criticised from pillar to post, lampooned and abused in public, by everyone from the Premier down, because they dare to do their job in this place.

I hope I have not given the game away too early, but I am not going to be supporting this motion. To heck with it. My advice to everyone else is grow a set and stand up to this government!

Hon Alannah MacTiernan interjected.

Hon SIMON O'BRIEN: You won't. You're all caucused to death, aren't you?

Hon Alannah MacTiernan interjected.

Hon SIMON O'BRIEN: Yeah, yeah; you all line up there, "Mark says this; Mark says that."

The PRESIDENT: Order!

HON SUE ELLERY (South Metropolitan — Leader of the House) [4.01 pm] — in reply: I appreciate members' contributions and I do appreciate the frustration with not having the perfect variation of sitting hours before members today.

In respect of the comments made by Hon Simon O'Brien—perhaps this is my fault and I should have made this clearer to the whole house earlier—party leaders have been talking for some time about what the variations might

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be to give everybody the time they need to deal with this important piece of legislation. The general approach we have taken—I can see that the honourable member is aggrieved about this bit—is let us go little step by little step. Let us make some changes to changes that have already been made. Let us see how we are going. If we need to make some more changes, which is where we got to today, we will make them. I have foreshadowed that if we do this for that week, let us see how we get to the end of that and whether we need to make further changes. I know that that will aggrieve the honourable member but there has been, if you like, a sort of a conscious decision that rather than make a decision, say, several weeks ago, that these are the parameters of what we will deal with until 3 December, let us take it step by step as we go and add extra hours, if that is what we need to do. That has been agreed between party leaders as the general way that we would go forward—not the particular variations of that, but that we would do this step by step. I can tell that the honourable member is aggrieved by that, but that is the approach we tried to take. I am sorry, I probably should have made that clearer perhaps when I moved the motion on 16 October.

I am going to ask for members' support for this variation. If we accept that we are going to go forward with the principle of let us see how we go, we will most likely revisit the sitting hours and we might change back to fewer sitting hours if we make good progress in that first week. I appreciate that not everybody has their best version; we have literally tried to accommodate as much of it as we possibly could. It has certainly been the case for some time that the prospect of sitting on Fridays has been canvassed. It was not agreed, but the prospect was canvassed between party leaders. I have done my best to communicate that way and there has certainly been open communication about that. I realise it is difficult, members. I have approached this with the attitude that this is not the Legislative Assembly. I will do my very best to accommodate as much as I possibly can each of the respective eight parties in this place, including my own very patient party members, to accommodate everyone's desires. It is not easy to manage the requests and requirements of eight different parties. That is what I have done. I am asking members to support it for the week of the nineteenth. We will visit it again on the Thursday, so people need to be aware that party leaders will be talking on the next two—possibly the third—of the next three Thursdays about what we do for the weeks beyond that. If they have a point of view to put to their party leader, please do that before that Thursday. I do appreciate the issues that have been raised by members but I ask them for their support.

Hon COLIN TINCKNELL: Madam President.

The PRESIDENT: You have already spoken on the motion.

Hon COLIN TINCKNELL: I was about to move a motion, Madam President.

The PRESIDENT: You were about to move an amendment to the motion, were you?

Hon COLIN TINCKNELL: Yes, an amendment to the motion.

The PRESIDENT: You cannot do that on this occasion, unfortunately.

The Leader of the House has moved the motion without notice. The question is that the motion be agreed to. This type of motion requires an absolute majority to pass, but there being a dissentient voice, the house will divide.

Division

Question put and a division taken with the following result —

Ayes (28)

Hon Ken Baston	Hon Colin de Grussa	Hon Colin Holt	Hon Charles Smith
Hon Jacqui Boydell	Hon Sue Ellery	Hon Alannah MacTiernan	Hon Aaron Stonehouse
Hon Robin Chapple	Hon Diane Evers	Hon Kyle McGinn	Hon Matthew Swinbourn
Hon Tim Clifford	Hon Donna Faragher	Hon Michael Mischin	Hon Dr Sally Talbot
Hon Alanna Clohesy	Hon Adele Farina	Hon Martin Pritchard	Hon Darren West
Hon Peter Collier	Hon Nick Goiran	Hon Samantha Rowe	Hon Alison Xamon
Hon Stephen Dawson	Hon Laurie Graham	Hon Tjorn Sibma	Hon Pierre Yang (<i>Teller</i>)

Noes (6)

Hon Martin Aldridge	Hon Robin Scott	Hon Colin Tincknell
Hon Rick Mazza	Hon Dr Steve Thomas	Hon Simon O'Brien (<i>Teller</i>)

Question thus passed with an absolute majority.

The PRESIDENT: Leader of the House, I do not know whether you are looking at the time.

Hon SUE ELLERY: Perhaps, noting the time —

The PRESIDENT: Noting the time, I will leave the chair until the ringing of the bells.

Extract from *Hansard*

[COUNCIL — Thursday, 31 October 2019]

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Hon Sue Ellery; Hon Peter Collier; Hon Jacqui Boyde; Hon Alison Xamon; Hon Colin Tincknell; Hon Martin Aldridge; Hon Rick Mazza; Hon Nick Goiran; Hon Robin Scott; Hon Simon O'Brien

Sitting suspended from 4.11 to 4.30 pm