

**STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES**

*Standing Orders Review — Motion*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.55 am]: I move —

- (1) That the Standing Committee on Procedure and Privileges be required to undertake a review of the standing orders with a view to —
  - (a) modernising the procedures of the house; and
  - (b) reviewing and adopting best practice from other upper house chambers in Australian Parliaments, including the Australian Senate.
- (2) The committee make recommendations for new and amended standing orders.
- (3) The committee is to report to the house no later than 10 August 2021.
- (4) The committee is to provide an interim report on recommendations for speaking time limits by 22 June 2021.

I am keen for this motion to be debated today and for the committee to begin the task, and there is a sense of urgency about getting this work done. Those words would sound familiar to a few members, because they are the words of Hon Norman Moore from about 2009 when he moved a motion on a review of the standing orders.

**Hon Nick Goiran:** Is that exactly what he said?

**Hon SUE ELLERY:** His motion was slightly different from this motion but those words about the committee beginning the task and there being a sense of urgency about getting this work done are indeed from *Hansard*.

It is a short time frame to address the time limits set out at paragraph (4) of the motion before members. However, I think that that is the least complex of the standing orders to compare and amend. It is not my view that, for example, unlimited speaking times for members is necessary in order to carry out our function as a house of review.

*Point of Order*

**Hon NICK GOIRAN:** It is timely that the Leader of the House refer to unlimited speaking times, and I ask that the clock be set.

**The PRESIDENT:** Thank you, honourable member. I have also noted that the clock has not been set, although I understand that it was and is currently running.

*Debate Resumed*

**Hon SUE ELLERY:** Thanks, President. That is ever so helpful.

**Hon Alannah MacTiernan:** He's showing the house the full Goiran.

**Hon SUE ELLERY:** Honourable member, let him show the house!

It is not my view that unlimited speaking times are necessary in order to carry out our role as a house of review. I do not accept that it takes a nine-hour contribution to the second reading debate or a 22-hour contribution —

**Hon Donna Faragher:** Tell that to Hon Dr Sally Talbot.

**Hon SUE ELLERY:** Do you know what? I am going to, honourable member.

Several members interjected.

**The PRESIDENT:** Order, members!

**Hon SUE ELLERY:** If members will let me finish my contribution, I will canvass the extensive contributions to the second reading debate that have been made by members of both sides of the house, including by me. It is not my view that contributions to the second reading debates need to be long to create better legislation. I think what this house does, and how this house creates better legislation, is done in one of two ways, or sometimes in both—a bill is referred to a committee, where expert advice is sought, submissions are called for and stakeholders are invited to express a point of view, and/or in the clause-by-clause examination, including extensive examination across the breadth of a bill, in the Committee of the Whole stage, when we literally examine the detail of the bill. It is that type of debate that provides the scrutiny and questioning that a house of review can be most effective at.

I turn to the issue that was raised, I think by interjection, by Hon Donna Faragher. This house has seen, for example, extensive second reading contributions from members, including me; I think mine went for four and a half hours. Hon Ken Travers spoke for five and a half hours on the Perth Market (Disposal) Bill 2015, which is burned in my brain. A number of Labor members, including Hon Sally Talbot and Hon Ken Travers, made extensive speeches in the second reading debate. Of course, the speech made by Hon Nick Goiran on the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 went for 22 hours. Hon Michael Mischin spoke for three and a half hours on the dangerous sexual offenders legislation. If I can use the words that were put to me by Hon Dr Brian Walker when I spoke

to him yesterday about this, there is no question that both sides have gamed the system. That is not up for dispute. The question is, how do we ensure that our standing orders reflect what is best and modern practice in that respect?

My own investigations have revealed to me that not every upper house in Australia has unlimited speaking times. In fact, in New South Wales the Legislative Council has in place speaking limits for all speakers in the second and third reading stages. For the minister and lead speakers it is 40 minutes and all other speakers have 20 minutes. In its committee stage it is 15 minutes. The Victorian Legislative Council has speaking limits in place for all speakers. Under its standing orders the main government lead speaker has 60 minutes; the main opposition lead speaker has 60 minutes; other lead speakers have 45 minutes; and remaining speakers have 15 minutes. I am advised that in its current sessional order, the main government lead speaker has 30 minutes; the main opposition lead speaker has 30 minutes; other lead speakers have 30 minutes; and the remaining speakers have 15 minutes. I was shocked to discover that in the Senate—I am not supportive of this—the maximum speaking time is 15 minutes on such matters. A range of other mechanisms are in place.

I want to make another point, because this is interesting as well, particularly if we look as a comparison to the New South Wales and Victorian Legislative Councils where time limits are in place for lead speakers on the number of pieces of legislation passed by them compared with the Western Australian Legislative Council: in 2017, the Western Australian Legislative Council passed 22 bills and the Victorian and New South Wales Legislative Councils passed 69. In 2018, the Western Australian Legislative Council passed 44 bills, the Victorian Legislative Council passed 49 and the New South Wales Legislative Council passed 93. In 2019, the Western Australian Legislative Council passed 24 bills, the Victorian Legislative Council passed 50 and the New South Wales Legislative Council passed 24. It was an unusual year in 2020 because we applied COVID-19 temporary standing orders to a number of pieces of legislation that we passed. We passed 50 bills in 2020, but that is because we had in place temporary standing orders. It is also worth noting that both the New South Wales and Victorian Legislative Councils have operated with crossbench parties. It is not just the two or three major parties in their Legislative Councils; they have had crossbenchers as well and have managed to pass a significant number of legislation. My own view is that a modern, efficient house of review can have speaking limits on all members and still meet its obligations to properly scrutinise legislation, including giving additional time to lead speakers on various bills without having unlimited time. That particular component of the motion that goes to speaking times is the least complex of what would need to be examined and drafted, whereas with other points of standing orders we would be looking at far more complex interrelationships between the standing orders and other ways we do our business. In terms of the speaking limit times, as a drafting exercise, it is about members accepting or not accepting that there are unlimited speaking times and then what is the number. Do we settle on 45 or 60 minutes, or on something higher than that? What is the number? It is not a complex exercise.

I know there is some concern from those on the other side—they may well seek to move an amendment—that not enough time has been devoted to this. However, I have put a shorter time period in my motion and that particular area is the least complex area that the committee is asked to look at. I think it can be done relatively quickly.

In 2009, I referred to the review that was undertaken on a motion by Hon Norman Moore. I was on that review of the standing committees, and it took two years. It was two years of my life that I am never going to get back! I believe that we can look at those elements that go directly to how we conduct the key functions of the house. To use the words of Hon Norman Moore: enough time for the legislative program to be considered gives the opposition and other members enough time to promote the causes they want to deal with in this house. I think the Procedure and Privileges Committee can do that in a timely fashion, make recommendations to the house and then the house can consider those recommendations. I commend the motion and I ask the house to support it.

**HON NICK GOIRAN (South Metropolitan)** [11.06 am]: What we have here is the demonstration of exactly the priorities of the McGowan government. It is 3 June 2021. It is the end of the second week in which the Labor government has total control of both chambers and the top priority for the Leader of the House and her government today is this motion. Do not worry about the Building and Construction Industry (Security of Payment) Bill 2021. In recent times ministers have waxed lyrical about how outraged they were that that bill did not pass before the election and falsely laid the blame at the feet of the previous opposition in the last Parliament. Now what do we have here? It is Thursday, 3 June but we are not bringing that bill on for debate—not on your nelly. The Leader of the House wants to deal with this matter. This is the top priority of the McGowan government at the moment. So much so that moments ago the government Whip indicated to the house that he would not move today the motion he gave notice of that the Legislative Council acknowledge the McGowan Labor government's achievement on creating tens of thousands of jobs between 2017 and 2021 and the government's new commitment to create more Western Australian jobs, including manufacturing jobs for Western Australians. Jobs are not a priority for the McGowan government, according to the Leader of the House today. Her conduct tells us that that is the case.

**Hon Alannah MacTiernan:** That is ridiculous.

**Hon NICK GOIRAN:** Sorry, Minister for Regional Development; do you have something intelligent to say? It would be the first time.

**Hon Alannah MacTiernan:** Your arguments are ridiculous. We need to get in modern efficient orders so we can deal with the business of the house for this term of government. That has got to be a priority.

**Hon NICK GOIRAN:** Thank you. What we have here is a demonstration by the Leader of the House that the top priority is this motion. Jobs are no longer the government's priority and, worse, after the performance in recent weeks, the Building and Construction Industry (Security of Payment) Bill 2021 is not a priority for this government today. The Leader of the House said to us earlier that she would really like this motion dealt with today. Okay. What about the Building and Construction Industry (Security of Payment) Bill 2021? Would she really like us to deal with that today? Obviously not.

That is not the only bill the government could have brought on today. For reasons known only to the Leader of the House, the government decided not to bring on the Supply Bill 2021, which apparently is not a priority for the government either. We will examine that in due course when the Supply Bill is eventually brought on by the government, and no doubt at that point the government will tell us how urgent those types of bills are. If they are so urgent, why do we not deal with them right now instead of this particular motion?

As one of her points of explanation or justifications for this, the Leader of the House decided to refer to a speech that I gave over a period of 22 hours. For the benefit of new members in this place, I would like to put on the record exactly what took place in respect of that bill. A taxpayer-funded report to the tune of \$225 000 was hidden by the McGowan government. I said to the government at the time, "I will not stop talking until such time as you release that report." The Minister for Health at the time, the current hapless health minister, Hon Roger Cook, through his parliamentary secretary, pretended that the government did not have the report. After questions from me in this place, he was exposed. The government had the report. I said, "I'm not going to stop talking until such time as you release this \$225 000 taxpayer-funded report." Hon Roger Cook, the hapless health minister, then proceeded to tell everybody, "Don't worry about it; the report is not relevant to the surrogacy bill." I said, "We'll be the judge of that; release the report. Let us see the report and we'll let you know whether we think it's relevant or not. It's not for you to keep it secret when \$225 000 of taxpayer money has been expended on this thing and it would seem, on the surface, that it would be plainly relevant to the matter that's before the house." I said that I was not going to stop talking until such time as it released that report. I was repeatedly criticised by members of the government, in particular the Minister for Health and the Premier. I was told that I was abusing the process. All I asked them to do was to release this report. Remember, it had been exposed. They said that the thing did not exist—that was a lie. Then I asked that it be released and the minister said that it was not relevant. Eventually, somebody in government saw sense and ensured that that particular report was provided. Lo and behold, it was highly relevant to the bill. It was a two-volume report. I encourage members to familiarise themselves with it as \$225 000 of taxpayer money had been expended on it and multiple provisions in the report were relevant to the bill that was before the house.

What then happened, since the Leader of the House is apparently still aggrieved by that 22-hour performance, is that Hon Aaron Stonehouse, the then Leader of the Liberal Democrats—one member for one party—said, and I am paraphrasing him, that he would like some time to consider the report. The government said no. This is a government that had already been exposed. The government had lied by saying that it did not have the report, when it had it, then it said that it was not relevant, which was untrue, and then a single member party asked for a little time to consider it and this arrogant government said no. My speech continued. In the end, common sense prevailed, because a majority of the house—I might add not unanimous, again because of the arrogant members opposite at the time, and no disrespect intended to the new members coming in as none of this is their fault—still voted against the referral to the committee. It is amazing how much this government can hide from accountability and transparency. It was the worst example in the previous Parliament.

For the new members, this particular bill, the surrogacy bill, went off to the Standing Committee on Legislation. The legislation committee did its work and found that the bill was fundamentally flawed. If it were such a great bill, why did it never come back on for debate? At no stage after the committee reported back to Parliament did the Leader of the House ever bring that bill back on for debate. She might carry on about the 22-hour speech. She might still be aggrieved about it, but the record is clear and the chronology is clear. It starts with the Minister for Health, that hapless individual, pretending to the Parliament of Western Australia that he did not have a report that he charged the taxpayers of Western Australia \$225 000 for. After that, he decided to try to pretend that it was irrelevant to the matters at hand. What ultimately proved to be irrelevant was his deeply flawed bill that never again saw the light of day. Interestingly, we have never heard much about it since. Maybe that would be an example, since it was one of several that the Leader of the House decided to bring up, of when the unlimited speaking time worked. That deeply flawed bill would have created, ironically, discrimination against women. How ironic, after all the carry-on in the previous Parliament about how important that particular bill was, that it never ever saw the light of day. Maybe that is an example of how unlimited speaking time works.

There will be other members here, including my two learned colleagues to the left who have been here longer than I have, who will recall other circumstances whereby members opposite spoke for extraordinarily long periods. As

I recall, one of those instances may well have been Hon Ken Travers who spoke at length—I cannot recall how long it was; probably 10 hours. Apparently, the Leader of the House has a running tally of these things, but it was on a bill, if I am not mistaken, that the opposition was supporting. At least when I spoke on the surrogacy bill, it was to explain to the people of Western Australia that they had just been charged \$225 000 for this thing, and I thought they deserved to see it. The legislators, the 36 members who would make an important decision, might have benefited from the expert advice. When Labor members decide to stand up and so-call filibuster on bills, it is to support a bill for 10 hours. If that is what the Leader of the House is trying to stop, I agree with her. If a member is going to stand up for 10 hours to support a bill, that is absurd. That is plainly not in the spirit of what was intended here. I would like her, or one of the other members, to explain to me how they justify that disgraceful bill and the conduct of the hapless Minister for Health on the surrogacy legislation. I would love for one of them to do that.

That being said, and getting back to the motion specifically, Acting President, the Leader of the House has also decided that a justification for this referral, this top priority referral—remember, nothing is more important for the Legislative Council today than this particular motion and we need to drop everything else to make sure that we deal with this—is the number of bills passed in other jurisdictions in the last four years. The Leader of the House had a running tally, which no doubt somebody prepared for her, that tells us how many bills had been passed in Victoria, New South Wales and Western Australia over the last four years. For the benefit of new members, a large number of bills were passed through the previous Parliament, but if there is any reason why that number does not quite meet the satisfaction of the government, it should look at its own drafting processes. It might be a good idea when a bill gets passed through the cabinet process for some members of the cabinet to ask some questions, because time and again in the fortieth Parliament, we had to expose flawed bill after flawed bill. We had to move amendment after amendment to its flawed legislation. Hon Ken Baston, who was the opposition Whip in the previous Parliament, must have some record of how many divisions an opposition has ever won in the Legislative Council. So bad were the McGowan government bills that a majority of members of the Legislative Council consistently decided to amend its deeply flawed legislation. All we would ever hear was rhetoric from the government, particularly the Premier and Deputy Premier, who are the experts in spin. I wonder how many people they have in their media spin department—clearly more than those who scrutinise legislation. Struth! If they had that many people doing that, they might have some quality legislation for a change. All we would ever hear from them is, “Oh, those terrible Liberals and Nationals; they are holding everything up.” It is a bit of a concern given that the Premier is now the Treasurer. It demonstrates the government’s inability to count.

In the previous Parliament, the Liberal and National Parties did not have a majority, but we had the Greens, Pauline Hanson’s One Nation Party, the Liberal Democrat, the Shooters, Fishers and Farmers Party and, in the end, the Western Australia Party, consistently supporting amendments moved by Liberal Party or Nationals WA members to deeply flawed legislation. If the Leader of the House has a problem with how many bills got passed in the fortieth Parliament, I ask her and her cabinet colleagues to just take a moment when bills get passed through the cabinet and ask some questions. They should stop sitting in their silos saying that they are not going to peer into another minister’s silo and they will not dare ask any questions on another minister’s bill in case he or she asks some questions on their bill. Everything will just be rubberstamped because the dictator has said that this is how things are going to be. How about someone does their job? Ministers of the Crown have a duty to make sure that legislation is scrutinised before it even comes to this place.

As for members of the backbench, they have an even more important duty here. There is no incentive; I saw no demonstration in the previous Parliament of ministers of the Crown in the McGowan government wanting to scrutinise legislation, so the responsibility falls to the Labor Party backbench. I know what that is like. I know what it is like to be in government when the government has control of both houses—although in our case it was in an alliance arrangement, not a single-party arrangement; this is quite unprecedented. Nevertheless, I know what that is like and I remember at the time saying to my colleagues that we had an extra duty to do. When a bill got presented to the Liberal Party room, we needed to ask the questions. If we did not ask them, who was going to do it? At the time, the Labor opposition, of which the Leader of the House was a member, simply did not have the numbers to have a serious effect on the legislation. The extra responsibility fell to those of us on the back bench when legislation came to our party room. The same responsibility now falls to the Labor backbench when things go through the Labor caucus. Do not be intimidated. It is easy for me to say; it is very hard to practise. If members do it, there will probably be consequences. Members have probably seen some of that in their own party over the last four years. There probably will be, but they still have a duty to do it; and, if they do not do it, who will do it?

To top things off, the Leader of the House, in the first two weeks of having total control of both chambers, decided that the biggest issue is the speaking times. It is very interesting that the last review about which the Leader of the House spoke happened to be a review by a committee of which she was a co-opted member. In the thirty-eighth Parliament, the first Parliament in which I had the opportunity to serve, the then Leader of the House, Hon Norman Moore, asked for a review of the standing orders to be done. It is a shame that I have not had the opportunity to consult Hon Norman Moore on this point, but I suspect, without having checked with him, that it is the type of thing that he would have done in a consultative fashion. I will say this about Hon Norman Moore: he was not the type to change

the practices of Parliament without some form of consensus. Certainly, in the four years I spent serving with him while he was the Leader of the House, I did not see that demonstrated at any time.

I very much suspect that when the Legislative Council resolved that motion on 15 September 2009, it would have been done with cross-party consultation. No doubt that is why, as evidence to that point, people such as Hon Sue Ellery and Hon Giz Watson, who at the time was the Leader of the Greens, were co-opted as members. It is no doubt also why Hon Wendy Duncan was co-opted as a member, because at the time she would have been the Leader of the National Party in this chamber. Then, of course, Hon Norman Moore himself was co-opted onto the inquiry by the Standing Committee on Procedure and Privileges, which once again demonstrates that that is how we conduct a proper review of the standing orders. The Leader of the House did not mention any of that here today. No; instead, once again, we saw a demonstration of her dictatorial style: “Let’s arrogantly just proceed with whatever we want to do. We’re going to do it in our time frame. Let’s not worry about the conventions of Parliament and, least of all, let’s not worry about actually prosecuting an argument with some shred of evidence. We’re just going to bandy around mentions of 22-hour speeches without any analysis of what took place.”

As it happens, when we look at the twenty-second report, which was tabled in October 2011—the Leader of the House would be very familiar with that report, having been a co-opted member—we find that the Procedure and Privileges Committee took approximately two years to undertake the review. Unless the honourable Leader of the House can indicate to us that the process had some fundamental flaw, it seems to me that a review of the standing orders takes some time. That would make sense. For the benefit of new members, who understandably will not yet be familiar with the standing orders, we have some 241 standing orders carried across 21 chapters and a number of schedules. The standing orders are no trivial matter. The standing orders are the rules of Parliament. They are the rules of the Legislative Council. The significance is that if this chamber wants to continue to be the ultimate determiner of its own destiny, it can do so only when it has a framework, and that is the standing orders. It is no trivial matter when we have a body as powerful as the Legislative Council. How many other bodies in our state would be as powerful in their capacity to compel witnesses to provide information, to, indeed, summons individuals in Western Australia and to issue sanctions in the event that the Legislative Council concludes that somebody has done something wrong? It is a very, very powerful position. In some respects, we have the investigator, the prosecutor, and the judge and jury all in the one chamber. That is how powerful the Legislative Council is. What restrains that power is the standing orders. It is no trivial matter to undertake a review, and that is no doubt why, when this was last done, it took some two years.

If members take the opportunity to review the twenty-second report, which was tabled in October 2011, they will see that it indicates that at the time it was the first major review since the one that was conducted in 1952. More than 50 years had passed—some 57 years had passed—before there was a proper review of the standing orders. Understandably, no doubt that would have been one of the motivators for Hon Norman Moore to ask for a review to be undertaken in a consultative fashion and within a proper time frame. We compare and contrast that to the approach taken by Hon Sue Ellery: “No, we’re just going to drop this on people. We’re just going to ram this thing through. We want unreasonable time frames.” I draw to members’ attention the third limb, which suggests that the whole report will be done by 10 August 2021. Who drafts this stuff? Who comes up with this stuff? Whose idea really was it to put 10 August 2021? Did anyone actually think of it or was that one of those times when everyone was sitting in their silos and no-one wanted to ask any questions? Someone came along and said, “Let’s do this.” No-one asked any questions. Do not ask any questions; do not say anything, because, otherwise, you will be punished. Under the WA Labor Party regime, that is how things operate. That is the way it is done. Is that how they came up with the reporting day of 10 August 2021?

If that is not the icing on the cake, then this one probably has to be: “We would like an interim report done by 22 June.” I will have to familiarise myself with the current membership of the Standing Committee on Procedure and Privileges—obviously, the President and Deputy President are ex officio members. Presumably, those members have nothing to do other than, clearly, make this their top priority between now and 22 June 2021, according to the Leader of the House. One wonders whether any of those five members have been consulted to ascertain their availability over that time. I hope that some of them can contribute; potentially, maybe, they will not be in a position to do so, and I would understand that.

As I said at the outset, I have been there. I know what that is like. It is a pain to be a pain. Someone has to ask the questions. We still have a duty to do the job. I regret that, due to other parliamentary business, I was not able to be here for the entirety of Hon Peter Collier’s contribution to the Address-in-Reply the other day, but I certainly recall him stating that this is about more than just us; this is a matter that will affect the Legislative Council in the future. We are in the forty-first Parliament—I have had an opportunity to serve in this place since the thirty-eighth Parliament—and the types of decisions that we make now will impact upon those in the future.

It is worth noting, Leader of the House, that after Hon Norman Moore’s motion in 2009 that the committee look into this issue was agreed to, the reporting date was extended on seven occasions. Even when someone as experienced

as Hon Norman Moore, who by that stage had been around for a fair while, proposed a particular reporting date—understandably, no-one was an expert at that time; the standing orders had not been reviewed for 50-plus years—it needed to be extended on no fewer than seven occasions.

What is pertinent is that in the quick time that I have had—admittedly, I have had higher priorities to deal with this morning—I have not been able to find anywhere in the twenty-second report of the Standing Committee on Procedure and Privileges a minority report by Hon Sue Ellery. I cannot find it anywhere. Maybe somebody else has had more of an opportunity to peruse and consider this report and has been able to find it, but I have been unable to find it. It seems as though when the honourable member was in opposition at the time, she was quite comfortable with ascribing her name to this report.

Another interesting thing about the twenty-second report of the Standing Committee on Procedure and Privileges, which had the full support of Hon Sue Ellery, is that I cannot see any mention of issues pertaining to time limits. In fact, I draw specifically to members' attention the heading "Chapter IV: Time Limits" on page 5 of the report, which states —

- 6.4.1 New Chapter IV is comprised of three Standing Orders. Proposed Standing Order 21 (*Time Limits on Speeches*) combines the debate time limits for all business into one Standing Order for ease of reference. Some minor changes are proposed to current speaking times, including the expansion of unlimited debate times for the second and third reading of Bills to all Party leaders (or Member deputed).

Hon Sue Ellery was co-opted onto that committee and agreed to the expansion of unlimited speaking times. Very cute, Leader of the House! When in opposition she looked to expand the unlimited speaking times, but, now, she wants to urgently review that. As I said earlier, I do not mind that the Leader of the House wants a review of the standing orders, because I know full well that she will do what she wants to do anyway. Sincerely, I do not have a problem with the Leader of the House wanting to review the standing orders. I think that it is good practice for the Standing Committee on Procedure and Privileges to be doing that in any Parliament anyway. But having been a former member of the Standing Committee on Procedure and Privileges, I indicate that some courtesy and respect should be shown to its members and the staff who work on that committee, and that there should be reasonable time frames for them to do the work that the Leader of the House is asking them to do. That is just a matter of basic decency and common sense.

I ask, with due respect to those who drafted this motion and those who have given their full-throated support for it, that further consideration be given to the time frames that have been set out in the motion. Between now and 10 August 2021 is an unreasonable period of time in which to do a review. A previous committee, which had the expertise and did the hard work, with the work ethic of Hon Sue Ellery contributing to it, took two years to do that. It is unreasonable to ask the committee to report by 10 August 2021 and, with respect to 22 June 2021, frankly, that is just a joke!

Members may also want to familiarise themselves with the twenty-fourth report of the Standing Committee on Procedure and Privileges tabled during the thirty-eighth Parliament, in which a further review of the standing orders was undertaken. That report, like the previous one, was presented and tabled by the then President, Hon Barry House, in September 2012. I am more familiar with that report because by that stage I was serving on the Standing Committee on Procedure and Privileges, along with Hon Giz Watson, Hon Wendy Duncan and Hon Matt Benson-Lidholm.

Before I turn to that report, I hasten to add that the recommendations manifest in the twenty-second report were made after two years of work by the procedure and privileges committee. Under the signature of Hon Barry House dated 20 October 2011, recommendation 1 reads —

**That, effective from the first sitting day in 2012, the current Standing Orders of the Legislative Council be repealed and the new Standing Orders as proposed by the Subcommittee of the Procedure and Privileges Committee be adopted by the House.**

Members might then ask: what was the necessity to have a further review undertaken within the twenty-fourth report? Might that suggest that the task was even larger than one might have first thought? In the twenty-fourth report of the Standing Committee on Procedure and Privileges, tabled in September 2012, paragraph 1.1 reads —

On 1 December 2011, the Legislative Council resolved a series of motions, adopting a new set of Standing Orders for the House, whilst at the same time resolving as follows:

*That the Procedure and Privileges Committee conduct an inquiry into the operation of the new Standing Orders and report to the House during the Spring sittings in 2012.*

In other words, at the end of 2011, just before Parliament rose for the summer recess, the Legislative Council resolved that in the new sittings, when the Parliament resumed—which is normally referred to as the autumn sittings—these

new standing orders would apply, but that a review should be undertaken by the Standing Committee on Procedure and Privileges and that it should report during the spring sittings. The twenty-fourth report goes on —

On 23 August 2012, the Legislative Council resolved as follows:

*That the Procedure and Privileges Committee be instructed to draft a Standing Order that shall reflect the provisions of sections 20I to 20M of the Evidence Act 1906, as proposed to be inserted by clause 5 of the Evidence and Public Interest Disclosure Legislation Amendment Bill 2011.*

The report also recommended further changes to the standing orders. For the benefit of members, the first five recommendations are set out initially on pages 3 to 5. I draw members' attention in particular to recommendation 1. Once again, this deals with the time limits on speeches. Paragraph 4.1 states, in part —

- 4.1.1 The PPC has reviewed several matters in relation to Standing Order 21, and proposes a number of changes.
- 4.1.2 Firstly, a matter arose during the budget debate earlier this year (debate on the motion moved under SO 68 that the budget papers be noted). As the business before the House was a motion, the applicable debate time limits were those of a motion (i.e. 45 minutes for all Members, with 15 minutes for the Mover-in-Reply). Pursuant to a suspension of Standing Orders, the House resolved to conduct the debate on the budget papers under the time limits for the second or third reading of a Bill (i.e. unlimited time for the Mover, Leader of the Opposition and several other 'principal' Members; and 45 minutes for all other Members).
- 4.1.3 This arrangement effectively mirrored the applicable time limits for this item of business under the old Standing Orders. The PPC proposes to amend SO 21 to formalise this arrangement for future years.

When Hon Sue Ellery was in opposition, she was co-opted onto a committee that decided that it wanted to expand unlimited speaking time—not remove it and not restrict it, but expand it. That was the position of the honourable member in opposition. Subject to that expanded regime coming in with the full support of the Leader of the House at the time, members then realised that an anomaly had emerged. Once again, when the current Leader of the House was in opposition, the Barnett government remedied that anomaly so that once again, opposition members in particular could have their unlimited speaking time on the budget papers. To contrast the behaviour of the two governments, one was done in a consultative fashion to begin with, in a manner that respected the time of individuals, both the members and the staff on the committee, but when a matter emerged, it was facilitated. When a problem emerged, it was remedied by the conservative government.

Here, instead, we have an overeager Leader of the House champing at the bit, saying that we have been here for only two weeks; the new members could not possibly even know the standing orders inside out. Therefore, I cannot imagine they will put up too much resistance to the powerful Leader of the House when she tells them that this is what we will be doing. An overeager Leader of the House is saying that we need to review the standing orders; it is not only urgent, but also the top priority of the McGowan government on 3 June 2021. I ask members to consider that overeagerness and contrast it with the attitude displayed in opposition in the thirty-eighth and thirty-ninth Parliaments. In that thirty-eighth Parliament, as I mentioned earlier, the Leader of the House was Hon Norman Moore. When it came to debating, having a point of view and being political, he was certainly always a very robust operator. Notwithstanding that, he still facilitated at the time what was in the best interests of the Parliament, not necessarily what was in the best interests of the government—what was in the best interests of the Parliament.

Herein lies the dilemma for members of this place who support the government, because this is one of those situations in which they wear two hats. There is nothing wrong with members wearing a hat saying that they support the government. That is their right and, in many respects, it is their duty given that it is the party that helped them get elected into this place. The second hat they wear is as a member of Parliament. We are all in here as members of the Legislative Council. I am not sitting here just as a member of the Liberal Party and new government members are not sitting there as members of the Labor Party. The thing we have in common is as members of the Legislative Council, and that creates a duty. Everyone was quite happy less than two weeks ago to either swear the oath or take the affirmation before the government. I ask members to reflect on what they said at that time. I have every confidence that at the time, all 36 members gave that oath or affirmation with sincerity. But it is one thing to swear the oath; it is another thing to take the affirmation and another thing to do something about it. We will be judged by our actions at all times, sometimes unfairly. Sometimes, in making a cheap political point, people will bandy around false accusations about a 22-hour speech, but gee whiz, they are quiet when the truth and the chronology come out—quiet as mice. Sometimes members will be criticised for these things. It does not matter, and I ask particularly new members to give due consideration to not necessarily their own esteem or pride, but putting first their duty to the Legislative Council.

As I begin to conclude my remarks, I indicate to members that, in principle, there is nothing wrong with the Leader of the House seeking our agreement to have the standing orders reviewed by the Standing Committee on Procedure

and Privileges. It is certainly not unprecedented and it is in fact a good thing for the Standing Committee on Procedure and Privileges to be constantly reviewing those things, so, in principle, there is no problem. Where the problem emerges is in the process—when things are done without consultation and in an unreasonable fashion and when we deliver straw arguments for the justification of such things. That is where the problem emerges. We are pretty relaxed on this side, but it is a problem for the government. Meanwhile, the government has a priority problem, because although everyone is quite happy—maybe they are not happy—to be quiet in the caucus room, the Leader of the House runs the show in here and tells people what will happen, and as a result of that, the government and new members with their two hats who support the government need to explain to the people of Western Australia why the Building and Construction Industry (Security of Payment) Bill 2021 is being held up by their government.

**Hon Tjorn Sibma:** There's a rally out the front soon.

**Hon NICK GOIRAN:** Is that right? I was unaware of that, but apparently there will be a rally this afternoon. I will be interested to know what kind of contribution the government will make. No doubt it will be spun out as usual. Some false narrative will be created—another straw argument. For those people who are particularly passionate about that or any other legislation, be very clear that the McGowan government does not consider it to be a priority. If that were the case, we would already be dealing with it. The government certainly does not think that jobs are a priority, so I have great reservations about the matter currently before the house. As I say, it is not about the principle of what is being sought here at all, but about the process and, in particular, the time frames.

One final point I will make is that the Leader of the House has asked that a review be undertaken of best practice from other upper house chambers in Australian Parliaments, including the Australian Senate. My experience in the last four years with the McGowan government is that a paucity of research has been undertaken into legislation brought before this chamber. I have lost count of how many times we asked the government what had happened on other pieces of legislation in other jurisdictions, and whether it had compared and contrasted what had happened over there. Routinely, the response would come back, "Oh, we don't know. We'll have to come back to you. We'll give you some papers behind the chair. We undertake that we'll ask that question of the minister." Rarely was anything produced as a result of those assertions but when it was, it was usually too little, too late. It is very cute, once again, for the McGowan government to expect the Standing Committee on Procedure and Privileges to get its skates on and start reviewing what occurs in every other jurisdiction in Australia, including the Australian Senate, in a compressed time frame, when it is not prepared to do that with its own bills. I hope, Leader of the House, when we get to the Building and Construction Industry (Security of Payment) Bill 2021 that whoever is handling that bill will be in a position to let us know what is happening in the other jurisdictions. I would like to know what is happening in the other jurisdictions in Australia and compare that, in detail, with the Building and Construction Industry (Security of Payment) Bill. I do not want to be told that the government does not have the time, because it is quite happy to make this a time problem for the Standing Committee on Procedure and Privileges.

Although I indicate my support for the motion, including a comparison with other jurisdictions, it highlights how difficult and unreasonable it would be for the government to expect that to be done in this particular time frame. It is not satisfactory conduct by the Leader of the House; she should know better—she has been here long enough. I ask members to consider that.

**HON TJORN SIBMA (North Metropolitan) [11.51 am]:** Members, the proposition put forward by the Leader of the House is no inconsequential thing at all. I begin by echoing the sentiment expressed by Hon Nick Goiran. In principle, there is absolutely nothing wrong with reviewing the standing orders, the rules of this chamber, in an effort to adopt best practice. That is fundamentally a sensible disposition to adopt. We should always strive for continuous improvement in every field of endeavour. However, the argument that the Leader of the House gave in support of the motion was not a case well made. To focus on the apparent outrages of extensive periods of speaking time that certain members of this chamber have taken over the course of a number of years as being the root cause of the fundamental dysfunction of the government's ability to move forward with its legislative agenda is an absolute nonsense. I have just completed my first term in this place. It might be tempting for new members to assume, of course, that we should modernise the procedures of this place as they are a little uncomfortable, unwieldy and difficult to comprehend. I make the case, particularly to new members, government and non-government, that it is wise to work and live through the standing orders as they apply. There is a logic to them. I would not rush to judgement to condemn them in the pursuit of something as nebulous as modernisation—whatever that might mean! That is not a case well made.

The management of the government's legislative agenda has not been without its problems in the course of the fortieth Parliament, but the then opposition, as it was composed, was not the source of the government's problems. It was not at all! It was certainly very difficult toward the end of last year to elicit from the government a sense of priority around its own legislative package. I do not think it is wise to condemn so glibly the apparent unhelpfulness of the then opposition, particularly the then Liberal Party, as it was so constructed, particularly as I have lost count of the number of additional hours of debate and weeks we sat to pass signal pieces of legislation, including the Voluntary Assisted Dying Bill 2019, as well as the flexibility and constructive disposition we adopted in managing the COVID-19-related legislative program. Never did we go out of our way to obstruct the government's program



when it brought forward, quite legitimately, the execution of its mandate. We have not been an obstructive opposition, but, my God, we have been an opposition—an opposition that has taken its job seriously in the spirit of the deliberative nature of this chamber. That is a point I reinforce, particularly for new members.

It is a tempting by false analogy to look at decision-making processes as they exist at the level of local government or even a board of a not-for-profit institution. But this is not an executive decision-making chamber; this is a deliberative chamber, and sensible deliberation sometimes takes time. Members might be compelled to make arguments and to seek inquiry in the course of delivering their speeches on the second reading. Sometimes the execution of that duty to deliberate and to contemplate is done with some tactical lens in mind as well, and that is actually quite constructive. Hon Nick Goiran has been the lightning rod, certainly over the course of the fortieth Parliament, for the government, for simply doing his job, and doing his job quite effectively, and so was Hon Michael Mischin. If it is the fundamental premise of the Leader of the House's motion today that Hon Nick Goiran and Hon Michael Mischin spoke too long on one bill in the last Parliament, ipso facto we need to constrain the length of time everyone can speak in Parliaments going forth, and that is a very dangerous precedent to set. I think it reveals the government's intent, which is to silence dissent and gag uncomfortable questions being put by this side of the house, and it is in keeping, frankly, with the outrageous disenfranchisement of regional Western Australia that the government is prosecuting from the most compromised approach it could ever adopt to electoral reform.

Not satisfied with being the most powerful politician in the country, swiftly appointing himself the luckiest Treasurer in the western world and taking control of both houses of Parliament, the Premier has seen fit to silence regional Western Australia, and the Leader of the House, under some flimsy premise, is attempting to silence every other member in this chamber. That is the game. That is the agenda. Do not fall for it. I do not know many new members, particularly new government members, very well yet, but of those I have met, I am struck by their genuine commitment to service. I think they are individually sensible people, otherwise they would not have made it here. Do not surrender your agency to your parliamentary secretaries, your ministers or your leaders in the house. Do not nod along in servile compliance. I know that it is tempting, but I might just say that it is not in their self-interest either, not when they are at number three or four on their party's ticket and not when they are about to vote themselves out of existence, potentially, later this year. Do not wreck the rules of this place for the people who will come in after the current members. Do not do it. If the government wants to commission the Standing Committee on Procedure and Privileges, of which I am a returning member, it should at least go about the process in the appropriate way. It could have solicited the views of returning members of this chamber, in a structured and transparent way. It could have asked them: "What works well and what doesn't work well? What was your experience of the unusual circumstances of the temporary orders that we adopted in the course of the fortieth Parliament? Were they sensible and practical in the circumstances? Were there lessons that we learnt in the course of that experience that might be applicable to the conduct of the forty-first Parliament?" Or it could have asked the reverse: "Are there things that we adopted that we wouldn't want to repeat?" If the government is genuinely committed to improving the functioning of this house, I would have thought that that might be a place to start. That does not appear to have been the case, and I think that is an absolute shame.

Over the course of my time in the Liberal Party and in this chamber, I have developed a great and deep respect for Hon Norman Moore. He was a political warrior for our cause, but he was also a person of great dignity who respected this chamber and respected the Parliament. Something that really concerns me is the absence of respect for the Parliament. We are not here to rubberstamp executive decisions that emanate from the Premier's office. We are not here as an inconvenient adjunct to the Labor Party's very large caucus. We are here to represent the long-term interests of the people of Western Australia, and the way preceding parliamentarians determined that that responsibility is to be best enacted is through the standing orders I hold in my hand.

The process by which the Leader of the House has moved this motion is, I think, fundamentally flawed. I reflect upon paragraph (1)(b) of the motion, which states —

reviewing and adopting best practice from other upper house chambers in Australian Parliaments, including the Australian Senate.

At a minimum, we would review the 270-odd individual standing orders of this Legislative Council and marry them against what I would presume to be a sensible or reflective number of standing orders in every single upper house chamber in Australia, including the Senate, and do a like-for-like comparison. I am corrected: it is effectively 241 standing orders. We would probably discount the Australian Capital Territory. Queensland is not an issue, since a previous Labor government saw fit to execute that chamber nearly a century ago or buy everyone off. I am glad that that is not what the government is proposing here. But there are at least five or six other like chambers in Australia that probably also have around 240 standing orders. No-one here is for sale, but the government is expecting us to analyse 240 standing orders by 240 standing orders. There are actually a lot of combinations we could put together, but the government is giving us, generously, a reporting date of 10 August to make that comparison. Is it serious about us undertaking this role? I do not think it is.

There is also an embedded assumption here that somehow our standing orders are less than best practice, or that better practices exist. That may be the case, but there is an assumption of deficiency, which I do not think is a case that can be made. It cannot be made without making that comparison. It may well be that our practices are superior, in which case we should rejoice. But we will get to that point only if the committee is given an appropriate length of time to make that comparison. Frankly, there is absolutely no way that can be adopted in the time provided.

Conceptually, this is a reasonable discussion to have, but given the very limited and selective terms of reference and the absolutely unreasonable time frame the committee has been given to undertake this work, I fear that we will get a dismal product. Perhaps that is what the government wants, but the inordinate focus on speaking times, which the government cannot make a case for, I think reveals what this game surely is. It does not want a repeat of Hon Nick Goiran embarrassing it into revealing something it would prefer to keep hidden and that its legislative program actually compromises the intent with which the government prosecutes it. The Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 was an interesting one. We were subject to all kinds of blandishments about equality and fairness. What did we find? That bill, as it was constructed, was fundamentally discriminatory. Did the government seek to redraft that bill and bring it back? No, it did not. If it does bring it back, it will no doubt blame Hon Nick Goiran and those horrible conservatives in the Liberal Party for stymieing the government's progressive agenda.

We actually need the opportunity to draw out government failures. If the government wants to improve its legislative program in a manner of priority, it might give us enough sitting weeks. That is something that is easily forgotten. In 2018, the first full year after the last election, this upper house did not convene until, I think, March. I would meet ministers from the other house in the hallway and they would want to know the status of their bills: "Why is my bill not progressing?" I said, "Have you spoken to the Leader of the House?" Some of them would say no. I said, "She's a very reasonable person. Why don't you go and speak to her? I'm sure she'll prioritise your bill if you make a good case. I don't know the decision-making process; that's entirely up to the Leader of the House, but please have that conversation."

It was a very useful rubric for the Leader of the House to invent this sort of conceptual demonic Liberal force that was out there to thwart the government's legislative program. She was so effective at telling that story that the Premier believed it and demonised the Liberal Party, and individual members of the Liberal Party, in a way that approximated defamation. The Premier was very, very loose with the truth in public about the Liberal Party's position on bills and why the government was floundering with a number of them.

If it is now the disposition of the Labor Party to bring forward a suite of bills and make no amendments because they are all perfect, be it on the government. It can have it any way it wants, but it can have it that way without silencing voices of reason.

I will end on one simple point before other members make their contributions. The government seems to have a preference for quantity over quality in the number of bills passed. It does not stand to reason that a measure of the effectiveness of this chamber is the number of bills that it passes. Frankly, that is a stupid argument to make. The government could read in any number of bills and they could pass effortlessly; will they improve the lives of Western Australians? Not necessarily, by the sheer quantity of bills passed. Surely the most important thing is to improve the quality of the legislation that the government gifts up. That is the point of the committee system and the deliberative process. I am sorry if it is inconvenient for the executive, but it takes some time to do, particularly when the government has hobbled itself. It has three very accomplished ministers in this chamber—they are experienced members—but they cannot possibly understand the detail and the pitfalls of the legislation that has been gifted to them by the ministers in the other place. Perhaps the government needs to introduce an additional minister in this chamber. I am here to help and provide some advice. That is the problematic bit. New members, particularly new government members, will see that ministers are unable to answer simple questions, which are not tricky, about the operation of their legislation. That is why we are here. We are not here to be difficult; we are doing at least the final pressure test before we unleash the legislative program on the public. We are here to test and to ask questions about legislation. If the government wants to facilitate the passage of legislation, it might well help if ministers understand the legislation that they bring into this chamber. That would be a good place to start.

Indeed, if it is the government's mission in life to pass more bills and to have a race with other chambers across the country, it would perhaps do well to increase the staffing level at the Parliamentary Counsel's Office so that there are enough experienced legislative drafters to assist the government in the discharge of its program. The government cannot come into this chamber and blame Hon Nick Goiran and the now absent Hon Michael Mischin. Apparently, they are the two people who almost single-handedly stymied the entire McGowan government legislative program in the fortieth Parliament. No sensible person believes that at all.

I will end on this. On some days it appears that the world is not enough for the McGowan government. The government has all the power and all the money, but still the opposition's mere existence is like a pebble in its shoe—an irritation that it wants to rid itself of. The government will not get rid of us. No doubt, this motion will get up. This is not at all gratuitous advice for someone I respect—I do respect the Leader of the House. If the Leader of the House were absolutely genuine about the intent behind this motion, I think she would withdraw it

and bring back to this place a superior, better considered and consulted version. I urge the Leader of the House to do that if she does not want the government to appear as though it is making or rewriting the rules to suit itself, because I think that is exactly the game it is playing, and it is absolutely shameful.

**HON MARTIN ALDRIDGE (Agricultural)** [12.12 pm]: I rise to contribute to the debate on the motion moved by the Leader of the House, order of the day 11, about a referral to the Standing Committee on Procedure and Privileges. I apologise to members but I was away on urgent parliamentary business and I missed the contribution of the Leader of the House and part of Hon Nick Goiran's contribution. I had anticipated that this morning we would be talking about Western Australian jobs in debate on a motion standing on the notice paper in the name of Hon Pierre Yang, MLC. I thought we had sufficient time and would probably be commencing this matter some time about now. Unfortunately, I was away on urgent parliamentary business, but I think I have got the general gist of how the debate has been transacted so far today.

I agree with comments that have been made about a review of the standing orders. It would not surprise members to know that the Standing Committee on Procedure and Privileges consists of five members, which according to our standing orders includes the President and the Chair of Committees and any members co-opted by the committee whether generally or in relation to a particular matter. The President is the chair and the Chair of Committees is the deputy chair of the committee. The committee is charged with the responsibility as stated at paragraph 1.4 of schedule 1 of the standing orders —

The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the Council and its Committees, and recommend to the Council such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the Council or its Committees.

It is no surprise that from time to time matters are referred to the committee by the house or, indeed, the procedure and privileges committee will form its own lines of inquiry and report on the end to which it is charged at schedule 1 of the standing orders. In that respect, this motion is not necessarily unusual. It would ordinarily be the case that in a term of Parliament, the Standing Committee on Procedure and Privileges might report several times on temporary orders, a revision of existing orders or, potentially, the need for new orders to be considered by the house and incorporated into the standing orders of the Legislative Council. As members have already explained, our standing orders are extremely important to the functioning of this place as a house of review. Amongst other things, they make up the principal law of this place. In effect, when we make amendments to the standing orders, we are amending the law of the Legislative Council. The standing orders ought to be taken seriously, with appropriate time given to examine issues, undertake consultation and, particularly, ensure consensus on any changes. That is something I will talk about a little later, Acting President.

The motion before us has a number of elements. The first limb of the motion refers to the ordinary work of the standing committee. I have pointed out and read the relevant sections of our standing orders on our responsibility to charge the procedure and privileges committee. The second limb of the motion flows from the first limb, which is —

The committee make recommendations for new and amended standing orders.

Then we get to the third and fourth limbs of the motion on the time frames. This is where I become concerned about the government's motivation to move this motion today in the Legislative Council in the way that it has. The time frames suggested by the Leader of the House in this motion are simply unworkable. It is unworkable and impractical to suggest that an extensive review—not a discrete review—of our standing orders could be conducted and reported to the house by 10 August 2021. There are a number of reasons for that. I know Hon Nick Goiran has canvassed the issues in the committee's twenty-second report, *Review of the standing orders*. I encourage members to consider that report undertaken by a subcommittee of the Standing Committee on Procedure and Privileges of the thirty-eighth Parliament. It was produced before many of us, including me, were members of this chamber. A number of other reports flowed from that report, including the twenty-fourth and twenty-eighth reports. It is interesting to look at these reports as they are the last comprehensive reviews of our standing orders.

If members have insufficient time today, they need only turn to the reference and procedure section at the commencement of the twenty-second report of the Standing Committee on Procedure and Privileges, dated October 2011. A number of key paragraphs outline some history to the last extensive review of our standing orders. Paragraph 1.1 states —

On 15 September 2009, the Legislative Council resolved the following motion:

*That the Standing Committee on Procedure and Privileges be required to undertake a comprehensive review of the Standing Orders of the House with a view to modernising the procedures of the House.*

We see here some similar language being used in 2009, which was the precursor to the last comprehensive review of our standing orders. The report goes on to state —

The motion further prescribed that the Committee would report to the House on 2 March 2010, and that the Leader of the House, the Leader of the Opposition, Hon Giz Watson and Hon Wendy Duncan be co-opted members for the purpose of the review. The Committee conducted its first meeting following this referral on 25 November 2009.

It was the view of the house at that time, on 15 September 2009, that a report to the house was envisaged by 2 March 2010, so there were several months involved. Chapter 1 states further —

This review of the Standing Orders is the first comprehensive review of all the Standing Orders undertaken by the Legislative Council, with the last major review being conducted in 1952.

The reporting date for the Committee's inquiry was extended by motion of the House on seven occasions, with the final extension being to 20 October 2011.

From a motion that was passed on 15 September 2009, the final extension that was committed by the house, the seventh extension, was to 20 October 2011. It is also interesting to note that on 23 February 2011, the committee resolved to create a subcommittee to complete the review of the standing orders. The report states in paragraph 1.5 —

The Subcommittee comprised the President, Deputy President and the four party leaders: Hon Norman Moore, Hon Sue Ellery, Hon Wendy Duncan and Hon Giz Watson. On 24 February 2011, the House resolved that this Subcommittee be empowered to report directly to the House in relation to this inquiry.

Paragraph 1.6 states —

On 25 March 2010, the House adopted a set of Temporary Orders, covering matters such as the days and times of meeting and different business proceedings including Non-Government Business time. The operation of these Temporary Orders was also extended over this period, and the proposed standing orders include the majority of these temporary arrangements.

I make those points because what the Leader of the House is asking the house to agree to cannot, in any sensible view, be achieved in the time frame. If agreed in its current form, either it will set up the committee to consider a discrete set of standing orders or, indeed, if it is going to be a review into the standing orders in their entirety, a significant number of extensions will be required to do this review any justice.

I turn to the fourth limb of the motion, which again refers to reporting. This is where my suspicions are heightened further in that the motion requires the committee to provide an interim report on recommendations for speaking time limits by 22 June 2021. If this motion passes in its current form today, the committee will have 11 business days after today to report to the house, after conducting a review of best practice from other upper house chambers in Australian Parliaments, including the Australian Senate, on recommendations on speaking time limits. If we consider the process a committee would go through, ordinarily it would advertise the inquiry and invite public submissions. I would expect the key stakeholders of an inquiry of this sort to be members of this chamber. It may be that members of the public or the government, or other legislatures, may have a view they wish to express, and they would be entitled to if public submissions were accepted by the committee on this line of inquiry. I am not sure anyone could stand and say that it is reasonable to run an ordinary inquiry process of advertising, receiving and considering submissions, contemplating the status of other jurisdictions, drafting a report and deliberating on a report and reporting to the house in 11 business days, and I am not sure that anybody could say that it would deliver a product to this chamber that we could all rely on in considering what may be significant and/or substantial changes to our standing orders. Members should also keep in mind that we have a significant number of new members in this place; if I am not mistaken, it is 16. I think in a few moments somebody is going to slip me a note and say that it is time to seek leave to continue my remarks so that we can hear from our sixteenth new member, and I look forward to her contribution. She is the seventeenth? The Whip has already sent me my first note! We will hear from the seventeenth member when she delivers her first speech in this place, and I wish her well in doing that.

If members accept my argument that the members of this place are the principal stakeholders in the committee considering and reporting to the house on standing orders amendments, they would think that we would give those members time to understand the some 240 standing orders that exist, how they are applied in practice, and their advantages and disadvantages so that they could, as important members of this place, make contributions if they so wish, either as members of the Standing Committee on Procedure and Privileges or as members submitting to that committee. Keep in mind that many of them, with some exception, have delivered only their first speech to this place at this time. Of course, the convention of this place is that that occasion is untimed. They have not seen or been constrained or benefited from the arrangements that exist in our standing orders for speaking limits, which this motion requires the Standing Committee on Procedure and Privileges to report to the house on in 11 business days after today.

That is the first point I want to make about the practicality of supporting the motion in this form. Of course, the government has the numbers. I would be interested to know whether government members believe that this is appropriate. Obviously they do, because I assume this was considered by caucus and has resulted in the government proposing this motion that we are now considering in the Legislative Council this afternoon.

[Leave granted for the member's speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Continued on page 1249.]