

STANDING ORDER 61(a), SITTING TIMES

Motion

HON KIM CHANCE (Agricultural - Leader of the House) [9.00 pm]: I move without notice -

Standing order 61(a) is repealed and the following is substituted -

Days and times of meeting

- 61.** (a) Unless otherwise ordered, the Council is to meet in any week for the despatch of business on Tuesday at 2.30 pm, Wednesday at 12 noon and Thursday at 11.00 am.

This is a further procedural motion, but one that has the effect of amending the standing orders themselves, specifically standing order 61(a). I have already indicated that it is my intention to accept a foreshadowed amendment that was circulated earlier by the Leader of the Opposition, which, as I recall, has the effect of limiting the amendment to standing order 61(a) to the extent that it would cease to have effect as of the adjournment of the house on 21 May. The government is pleased to indicate that it will support that amendment. The government will also move an amendment to the motion to the extent that it will seek to delete the references to "12 noon" and "11.00 am" from the last line and to replace them on each occasion with "10.00 am". I am keen to hear discussion in the house about whether that amendment will be acceptable. It is not a position that the government is locked into. We obviously welcome alternative views, because there may well be reasons for members to hold alternative views. It seems that having the opportunity to start a little earlier would mean that we would not have to work quite so late into the night. I hope that the house will consider that amendment. However, I am merely foreshadowing what the government intends to do.

Hon Simon O'Brien: The thing is that 10.00 am will come around and interrupt.

Hon KIM CHANCE: I am sure that will not happen.

Hon Peter Foss: It is like the argument against daylight saving, that it will fade the curtains. We will still get the same little amount of sleep. If we start two hours earlier, it will be the same as sitting two hours later in terms of the amount of sleep we will get.

Hon KIM CHANCE: I find sleep to be more effective at certain times of the day.

Hon Simon O'Brien: What, mid afternoon?

Hon KIM CHANCE: Setting that issue aside -

Several members interjected.

THE DEPUTY PRESIDENT (Hon George Cash): Order, members! Let the motion be dealt with so that we can move on.

Hon KIM CHANCE: Thank you, Mr Deputy President.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [9.03 pm]: Before I comment on this motion to amend the standing orders, I would like to say that I appreciate the government's agreement to the amendment to the previous order of the day. I know that I should not reflect on a decision of the house, but I think that it made a good decision. The only sad bit about it is that people like me have to remind members of the house that a certain level of integrity is attached to the standing orders. In my view, to do what the government wanted to do was a complete abandonment of any notion of integrity of our standing orders.

Order of the day 16, which is now a motion to try to change a standing order, albeit for a certain period, noting the government's acceptance of an amendment that I put forward, is another part of the government's strategy to have this house sit for extraordinary lengths of time to pass a piece of legislation between now and 21 May. Existing standing order 61 was brought in, if my memory serves me correctly, around the time that I may well have been Leader of the House. It was certainly when the coalition was in government. It was brought in as a result of the formation of a committee system in this house and a new appreciation and consideration of the hours that the house should sit. For example, we start at four o'clock on Wednesdays so that the standing committees of this house can meet on Wednesday mornings and early on Wednesday afternoons. We found that many members were in fact members of two committees, and they met in the morning on one committee and in the afternoon on another. That was in the days when the house sat on Tuesday, Wednesday and Thursday, prior to the sessional orders that we brought in last year. The sessional order last year provided that the committees meet on Mondays. Is the government now suggesting with its proposed amendment, first of all, and its foreshadowed further amendments that it will expect the committees of this house to meet on Mondays, the

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house having sat on Tuesday, Wednesday, Thursday and Friday potentially, from 10 o'clock in the morning until whenever?

I am getting very irritated by the way in which this government, with the support of the Greens (WA), is treating what this chamber does and the processes it must go through, and the way in which it is dealing with this legislation. Hon Peter Foss raised a very pertinent point today. The Minister for Electoral Affairs addressed the other house and held a press conference and told us that fundamentally what is before this house now is not what will happen at the end of the day. We will be sitting in this chamber for countless hours debating a bill that will have no impact at the end of the day, because its provisions are quite different from what will happen as a result of a deal that has been done between the Greens and the government. Therefore, what is the point of debating anything? Maybe the government would be quite happy if we just sat down and shut up, and let it rape the country regions of Western Australia without a comment from us. It will not happen.

Looking into the deep, dark recesses of my mind, Mr Leader of the House, I am sorry that I cannot call 5 000 unionists, or sons of farmers, to come and take over this chamber, turn the lights off and have the police called here to stop this house debating a bill, which is what the Leader of the House's side of politics did. It was an absolute disgrace. They were the darkest days in the history of this chamber, when anarchy prevailed and the police stood around and watched; and the policeman in charge is now a member of Parliament.

Hon Bruce Donaldson: Who was in charge?

Hon NORMAN MOORE: He knows who he is. He said that he could not touch the people in the gallery in case somebody fell over. Therefore, we had monkeys hanging over the gallery of this chamber. I would love to be able to conjure up that sort of dispute and debate so that members opposite had to sit and wear it. However, we do not operate like that, Mr Leader of the House. We will sit here and argue the point, and we will argue for as long as we can to get our point across. The Leader of the House sits there and says righto, if we are all really nice and grown-up about this, and very mature, as we really all are, we can get through this in a week and a half, or two weeks maybe. We will finish the second reading debate this week, which means that Hon Peter Foss, as the lead speaker for the opposition, will get a chance to speak some time tonight on this bill, but knowing that the provisions in this bill will not prevail at the end of the day anyway. We will sit beyond 10 o'clock tonight. Usually we sit beyond 10 o'clock at the end of a process when we find that we are running out of time because the amount of time set down in the standing orders is not enough. When we discover at the end of debate on a bill that we need more time, that is when we sit longer hours. The Leader of the House began the very first day of this debate wanting the house to sit beyond 10 o'clock with no indication of for how long. He has told us also that we will sit beyond 10 o'clock tonight and I suspect the same will happen tomorrow night. He has told us also that the house will sit on Friday this week. I must now cancel a very important function that I was to have attended on Friday, one I have been looking forward to for a very long time. The Leader of the House has shown no consideration towards opposition members. He wants to come into this place, use his numbers, tread all over everyone and treat us with contempt - the sort of contempt his mates showed when they took over this house. The Leader of the House is treating this house with total contempt; he could not care less. Not one skerrick of consultation has taken place on this motion except perhaps with his Green coalition colleagues.

The Tuesday starting time in the motion has been changed from 2.30 to 3.30 pm - an extra hour. The Liberal Party members of the Legislative Council meet every Tuesday at two o'clock. Party meetings are held on Tuesday morning. Did anyone ask whether the times in the motion would be a problem for us? No, but they will be a problem for us. One of the reasons the house sits at 3.30 pm is to enable the Liberal Party to hold its party meetings. Presumably the Labor Party and the Greens (WA) need to have their party meetings.

The house is scheduled to sit at four o'clock on Wednesday so that standing committees can hold their meetings beforehand. Will we get rid of committee meetings? Will the standing committees, which are so important to this chamber, be ignored completely? When will they meet - on Saturday or Sunday?

Hon Kim Chance: I believe one standing committee has a reference.

Hon NORMAN MOORE: Is the Leader of the House telling me that none of the committees is meeting?

Hon Kim Chance: One has a reference at the moment.

Hon NORMAN MOORE: Surely these committees should be meeting already.

Hon Adele Farina: Only my committee is meeting.

Hon NORMAN MOORE: I congratulate Hon Adele Farina. No doubt she will now argue the same case I am arguing.

Hon Adele Farina: No.

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Hon NORMAN MOORE: Is she happy for her committee to meet on Sunday?

Hon Ray Halligan: The Delegated Legislation Committee will meet at 9.00 am next Wednesday.

Hon Derrick Tomlinson: Not only are you smiling, Hon Adele Farina, but also you are talking. What's happened to you?

The DEPUTY PRESIDENT (Hon George Cash): Order! We are dealing with a motion about the hours of the house. The Leader of the House has already extended the sitting time past 10 o'clock, so it is up to members to decide how long they want to talk. We are dealing with the motion, so let us talk one at a time.

Hon NORMAN MOORE: Committees usually meet on Wednesday. I gather that only one committee is meeting, which surprises me. I do not know why the others are not meeting. Surely they can be doing things of their own volition without reference to the house. The committees have access to standing orders, and that enables them to carry out inquiries into various matters. Perhaps the chairpersons of those committees have been unable to bring together the committee members. I do not know. However, I am pleased to know that one committee is meeting and I want to know when it will meet and how this motion might affect it, especially given that Hon Adele Farina's leader has foreshadowed that the house will sit at 3.30 pm on Tuesday and at 10 o'clock on Wednesday. Perhaps the committees will not meet at all. The house has sat at 11 o'clock on Thursday for some time to enable country members time to catch aircraft and so on so that they can return to their electorates. However, the foreshadowed amendments, if I can be bold enough to comment on them very briefly, provide that the house will sit at 10.00 am on Wednesday and Thursday. At least we can have a half-hour party meeting on Tuesday. I thank the Leader of the House for that; it is very kind of him. Will we just abandon committees altogether or is the Leader of the House saying committees should meet on Sundays?

Hon Kim Chance: We are talking about three weeks effectively.

Hon NORMAN MOORE: That is right. Is the leader saying that the three weeks are not important?

Hon Kim Chance: When one committee has one reference that appears to be coming to the end -

Hon NORMAN MOORE: No. Three committees of this house should be meeting as they have plenty of work to do. Under the proposition of the Leader of the House they could not meet if they wanted to. Does Mr Leader think we should organise the business of the house to get rid of time set aside for committee hearings because it is for only three weeks, and should the leader make decisions on behalf of the house because the One Vote One Value Bill happens to be before the house and he wants total control? Do we just ignore the processes put in place over many years because the Leader of the House wants something to happen now? A problem with this place is that it is too easy for someone like the Leader of the House to use his numbers to change longstanding processes. The leader can think back to 1997, as can I: I came in here and moved a motion that was agreed to by the house to put in place a time management structure for a bill. At least we knew when things were going to happen. The proposition from the Leader of the House is totally open-ended, apart from the suggestion today that if we keep talking between now and Friday night, we should get the second reading stage out of the road. That is assuming that Hon Peter Foss does not talk until Friday afternoon.

Hon Peter Foss: It's hard when you don't even know what you're talking about.

Hon NORMAN MOORE: It has never been a problem in the past for Hon Peter Foss!

Several members interjected.

Hon Peter Foss: It has not been a problem in the past; I know - but it was always pertinent.

Hon NORMAN MOORE: I must say that Hon Peter Foss can talk about anything with great authority at great length, and he usually knows vastly more than most experts in whatever field he is speaking about.

Not only does the Leader of the House want us to sit beyond 10 o'clock at night and on Fridays when he feels the need for us to do so, which gives him vastly increased time, but he also now wants us to start earlier every day. Why does the Leader of the House need all this time? Is it because he has a second bill coming up here? Is it because he has discovered something? He came in here this morning making platitudes. He said that he did not really mean to be nasty last night, and that he wanted the house to be a mature, grown-up place. He said that we all treat each other with respect and that we know how to debate things properly. He said we can do it a proper way and get through this debate without too much trouble. We will not have monkeys hanging from the ceiling. It will all be okay. This was all because he found out this morning that there will be another bill.

Several members interjected.

Hon Kim Chance: It was because I listened carefully to the arguments.

Hon NORMAN MOORE: The leader has never listened in his life.

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Hon Bill Stretch: There is only one person he listens to - that's "General Jim".

Hon NORMAN MOORE: That is exactly right. All Labor Party members do the same. The Leader of the House desperately wants us to sit earlier. He has moved an amendment to his earlier motion today to give him more time to get this bill through the house so that he will have enough time between now and 22 May to get the other measure through. The Leader of the House indicated he had no intention of using the guillotine. Did he not say that? Can the Leader of the House tell us what he did say? I am totally confused about what he proposes to do with the guillotine.

Hon Kim Chance: I do not intend to use the gag or the guillotine; it's not my intention.

Hon NORMAN MOORE: That is different from saying "I will not."

Hon Kim Chance: That's not what I said.

Hon NORMAN MOORE: What are you saying? I saw in a copy of the newspaper that the Greens will allow the gag.

Hon Kim Chance: I'm not sure that that is accurate, either.

Hon NORMAN MOORE: That may not be accurate. I have talked to Hon Chrissy Sharp and she said that the Greens would never use the guillotine. It said in the paper that she gave a commitment to me. She did not give a commitment; she told me that the Greens do not support the gag. However, it states in the paper that they will allow the gag. I read somewhere else about -

Hon Kim Chance: Is that the truth, or did you read that in *The West Australian*?

Hon NORMAN MOORE: One thing that the Leader of the House can do in this chamber any time he wishes - except when somebody else is standing up - is to seek the call and say that *The West Australian* got it wrong. Will the Leader of the House tell me once and for all so that I know where the government stands? Will he give an absolute guarantee that he will not use the guillotine in this debate?

Hon Kim Chance: No.

Hon NORMAN MOORE: Problem solved. Will the Greens (WA) give an absolute guarantee that they will not use the gag in this debate? Is the heading "Greens to allow gag on vote value Bill", which appears on page 10 of *The West Australian* of 25 April, correct?

Hon Dee Margetts: I will be happy to respond when it is my time to speak.

Hon NORMAN MOORE: Hon Dee Margetts can say yes or no. That would make it a lot easier. We would love to know. The sort of interjection I am seeking from the Greens is a one-word interjection. I am sure that you, Mr Deputy President (Hon George Cash) will not rule a one-word interjection out of order or make a derogatory judgment against a Greens member who responds.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! One at a time, otherwise someone will move the closure motion now - or I might be forced to do so.

Hon NORMAN MOORE: This is important in the context of this motion, because the Leader of the House is saying that we will sit vast hours and that we will start earlier and earlier. I hope he does not come into the chamber tomorrow with another amendment that seeks to have the house sit at eight o'clock in the morning because Mr McGinty thinks he needs more time than he thought he would need. The Leader of the House wants more and more time and yet he has told the house that he will not rule out using the guillotine. Why does the government not sit regular hours and use the guillotine?

Hon Peter Foss: At least with the guillotine you know where you stand.

Hon NORMAN MOORE: Quite right.

Hon Kim Chance: I have fully explained my position; read my statement.

Hon NORMAN MOORE: Read my lips - that is what they say.

Hon Peter Foss: No more taxes!

Hon NORMAN MOORE: Exactly right. I would love to know where the Greens stand on this issue, because it is crucial to the whole issue of the house sitting. If it transpires that neither the government nor the Greens uses the guillotine, I can understand our sitting all night, 24 hours a day, seven days a week for a whole month. If the government does not use the guillotine, it would be working on the basis of legislation by exhaustion; it would be hoping that Hon Peter Foss and I - and our colleagues - would not be able to talk any longer. However,

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the Leader of the House has indicated that he will use the guillotine if it suits the government. That is what he said.

Hon Kim Chance: I have indicated that I will not foreswear its use.

Hon NORMAN MOORE: Okay, but in not giving the house an absolute assurance that he will not use it, it means that the Leader of the House will use it if he feels the need to. That is a simple scenario for me. Why keep looking to sit longer and longer hours when the Leader of the House could just use the guillotine if he does not like what opposition members are saying or if he thinks we are talking far too long or repeating ourselves? The Leader of the House's colleagues in the other house guillotined this bill through in three days.

Hon Louise Pratt: Don't you want a full debate?

Hon Simon O'Brien interjected.

The DEPUTY PRESIDENT: Order, Hon Simon O'Brien!

Hon NORMAN MOORE: I have already indicated without question that we will engage in a full debate on this matter. I would love to hear Labor Party country members defend the government. Remember the last time we debated this issue? Not one soul from the Labor Party other than the minister in charge of the bill spoke to the bill - not one single soul. I reckon we should be calling on the Labor Party members of this house who represent country areas, including the Leader of the House, to defend what the government is doing to country Western Australia. Let us have a real debate so that we know where all Labor Party members stand.

Hon Kim Chance: I am happy to.

Hon NORMAN MOORE: Okay; just like the member for Collie-Wellington who got up and said what he thought.

Hon Barry House: He did not do that; he dodged the vote.

Hon NORMAN MOORE: He made a speech today and said that one vote, one value would be bad for his electorate.

Hon Simon O'Brien: Why did he not vote against it?

Hon NORMAN MOORE: That is exactly right. At least he could have been in the chamber, argued the case and voted against the Labor Party. Let this house hear the government members debate the issue and stand up for what they are seeking to impose on Western Australia.

The opposition opposes this motion. It does not feel the need for the Leader of the House to sit the house earlier than has been set down in standing orders for quite some time. He has been given the capacity to sit later if he wishes. He said that if the house starts at 10 o'clock, it can finish earlier at night. That suits me fine. I would prefer to be home in bed at night than to be sitting in this chamber. However there is no guarantee at all from the Leader of the House about anything. If he gets his way and the house starts at 10 o'clock on Wednesdays and Thursdays, there is no guarantee members will not be here at 10 o'clock at night or 10 o'clock the next morning. It means the Leader of the House will get a couple of extra hours in the morning out of members.

Hon Kim Chance: That rests in your hands.

Hon NORMAN MOORE: It rests in the Leader of the House's hands. He makes the decision when the motion is moved and when the house adjourns. He wants the house to start two hours earlier than he has indicated. The house starts at four o'clock on Wednesdays and he now wants it to start at 10.00 am with no indication that the business of the house might finish at 10 o'clock at night. He says that it rests in our hands. Is he saying that if we shut up we can go home? That is what schoolteachers do, and he knows that. That is what the Leader of the House is saying.

Hon Kim Chance: If we make progress there is no need for us to sit.

Hon NORMAN MOORE: The opposition will vote against the proposed amendment to standing order 61(a) and will also vote against the further amendments indicated by the Leader of the House. If the opposition is unsuccessful, which I suspect it will be, it will support the amendment I have circulated, which is to ensure the order lapses on 21 May.

Mr Deputy Speaker, is it appropriate for me to move it now?

The DEPUTY PRESIDENT: I have a motion before me and it is appropriate for the member to move any amendment at this stage.

Amendment to Motion

Hon NORMAN MOORE: I move -

To add the following after the last line -

This order lapses on the expiration of 21 May 2005.

That means that at midnight on 21 May 2005, presuming we are wide awake and still with it, this new standing order will expire and presumably we will go back to the existing standing order. At some time beyond that, the Leader of the House might magnanimously come to the house and say, "When would you like to sit in future? Would you like to go back to sessional orders? We do not need to rush anything now."

The Leader of the House will find it difficult to get cooperation from this side of the house from now on. He has not asked for cooperation on this, so when he wants some he had better ask someone else.

For the record, the government Whip has advised the opposition Whip that the government will not give pairs. He has not yet worked out that governments do not give pairs to the opposition, it is the other way around. In response to that, obviously there will be no pairs and the opposition will ensure that all those members who are supporting this legislation well into the night will be in this house listening to the debate rather than sleeping in their rooms, because pairs will not be taking place. It will be acrimonious and the Leader of the House is contributing to that by this outrageous proposition that he wants the house to sit consistently and constantly between now and 21 May. The potential for what he has done is this: On Tuesdays the house will start at 2.30 pm and could sit through to any time of the night or into the morning. Members can be back in the chamber on Wednesdays at 10.00 am and sit through to any time the following morning, and be back on Thursday morning at 10.00 am and sit through to any time on Friday morning, and be back here on Friday for any time the Leader of the House chooses. That can be done for four weeks straight. The only thing he has not said is that he wants to sit on Saturdays and Sundays. He has not said that yet.

Hon Peter Foss: All he has to do is just not move the adjournment.

Hon NORMAN MOORE: Quite right. The Leader of the House will not find us a pushover. What I have just gone through is, I hope, the worst-case scenario, but, having seen the way members opposite sometimes operate, it may be the best-case scenario. The Leader of the House should not be misled; we will not roll over on this and we will fight this bill tooth and nail until the bitter end and we will do that on behalf of the constituents of Western Australia.

HON PETER FOSS (East Metropolitan) [9.30 pm]: I will speak in favour of the amendment and against the motion. I would like to raise a point with the Leader of the House that may not have occurred to him. We spoke about the fact that if we made reasonable progress, we might not have to sit in that third week. However, there is a custom in this house that when the debate gets into an untidy state and we are not sure where the drafting is going, we often ask the President or Chairman to leave the chair until the ringing of the bells, because it saves an awful lot of time in the end as we can finally work out what we are meant to be debating. I suggest to the Leader of the House that, given what he has said may happen, it may be sensible that we take next week off rather than the third week. The reason I suggest that to him is that essentially this will be a totally different bill, and I think we might have arguments about whether the changes are within the direction of the bill. This bill is, in large measure, merely a repetition of clauses that have been taken out of the Electoral Distribution Act and put into the Electoral Act, except in one important respect: it will make changes in that mechanical clause that provides where the seats will go. The rest of the bill is unimportant; it is mechanism. What does count is how the upper house seats are divided, how the lower house seats are divided and how many there are.

The DEPUTY PRESIDENT (Hon George Cash): The motion before the chair is the motion as moved by the Leader of the House and the amendment as moved by the Leader of the Opposition.

Hon PETER FOSS: Yes; I am addressing that, Mr Deputy President.

The DEPUTY PRESIDENT: No, Hon Peter Foss is not addressing that; he is addressing an issue that will more properly be discussed during the debate on one vote, one value.

Hon PETER FOSS: The reason I am raising it, Mr Deputy President, is that I wish to indicate that sitting these extra hours is totally unnecessary because we will not have anything meaningful to debate.

The DEPUTY PRESIDENT: I presumed that there was some connection, but I was battling to find it. If it is purely in relation to hours, the member must ensure that he focuses on the hours, because that is what is before the house, not some imaginary bill that is not even in this place.

Hon PETER FOSS: I understand that, Mr Deputy President. I am just trying to address the practical question of sitting extra hours now. If we are to sit extra hours, perhaps a better time to sit the extra hours is a week from now. I do not think we should start sitting these extra hours now - if we are to have them. I do not think we should have them at all, and I agree with the Leader of the Opposition. It seems ludicrous to start sitting these extra hours now when, according to the announcement made by the Leader of the House earlier, we will not be

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talking about what really matters. We do not even know what it is. If a bill is at least in the other house, we can talk about the principle and bear that in mind. It has now been proposed that we sit extra hours to debate a bill that, on the basis of the statement made by the Leader of the House earlier, will not be the same in the vital parts, which are the only parts members will want to refer to in their second reading contributions.

Hon Kim Chance: What we have indicated to you is that the greatest likelihood is that those issues will be dealt with by way of a separate bill.

Hon PETER FOSS: That will need the extra hours, because it seems to me that everything of substance that we pass in this bill will be removed by the second bill.

Hon Kim Chance: No.

Hon PETER FOSS: It will, because the matters of substance relate to the distribution of upper house and lower house seats.

Hon Kim Chance: The difference is 57 to 59, which certainly has the effect of changing the threshold of numbers.

Hon PETER FOSS: It also has a thing called an LAA, which is not in this bill. It also introduces a different margin of tolerance. The fundamentals of this bill, according to the statement that the Leader of the House made earlier, will not be before this house until whatever this other thing is has happened, yet we are proposing now to sit these longer hours to discuss a bill that the Leader of the House has told us will become irrelevant. Why?

Hon Kim Chance: That is not correct.

Hon PETER FOSS: It will.

Hon Kim Chance: It is entirely separate.

Hon PETER FOSS: What I am trying to do is to get some -

The DEPUTY PRESIDENT (Hon George Cash): I do not want a debate on something that is not even in the house. Hon Peter Foss and the Leader of the House obviously have a greater knowledge of some proposed bill or proposition that is not even in the house. Perhaps the two could leave the house and discuss that, because at the moment we are dealing with the hours that we shall sit. It does not matter what is the substance of the issue before the house at that time; we are dealing with the sitting hours. I understand where Hon Peter Foss is coming from, but we do not have that bill, and most members in this house are at a loss to understand what is being referred to.

Hon PETER FOSS: My point is this: if we are to sit these extra hours between now and 21 May I hope it is for a purpose; namely, of passing the government's one vote, one value legislation.

Hon Derrick Tomlinson: Bills.

Hon PETER FOSS: Bills - that is the reason.

Hon Norman Moore: Which have no relationship to one vote, one value.

Hon PETER FOSS: That is another reason, but let us just deal with this. Let us spend the time sensibly. I do not want to sit here from possibly 10.00 am on Wednesdays and Thursdays and possibly sit on Fridays if we are not directing our minds to passing the government's legislation. Why should we go to these extraordinary measures of extending the hours now? The proposition I put to the Leader of the House is this: he should make this effective as from the commencement of the week after next. I believe that if the Leader of the House intends to take up a sensible week, which is why I am suggesting he does not commence this until the week after next, he should do it next week. Frankly, he has outlined to the house a proposal that we start sitting from 10.00 am on Wednesday and Thursday, and from 2.30 pm on Tuesdays for the purpose of getting his legislation through.

What the Leader of the House should be doing is suggesting in a different sort of way to the Deputy President that he leave the Chair until the ringing of the bells so that we can get on and get some proper management of our time. It is a question of efficiency. What the Leader of the House is proposing is not sensible and is not efficient. His platitudes about how we might not have to sit the third week are a nonsense in the light of what he has said today. What he has said about making progress is nonsense, because we cannot progress if something else is to happen. What I am urging the house to do is this: pass this if the house wants to when we come back a week from now, when we will have something we can sensibly discuss, which I think is fair. We can then sit the Leader of the House's hours, because at least we will know what we are talking about. In that way we will not have to go through everything again.

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The fact is that if the government is to bring in a whole new bill, we will have to go through this debate again and we might very well be going up and down on the spot about nothing. However, if the government waits a week before starting all this, hopefully, we will know what it is the government is proposing. If it does not do that, how on earth will we get it finished by 21 May? The government's platitudes about needing this time to get the bill through the Parliament will be nonsense. We will have a repeat of what we had in the financial institutions bill when we sat long hours but still did not know what we were meant to be passing. We will be asked to debate legislation, go through a puppet show and talk about something when we really do not know the issue. I suggest that if the government really wants to manage the time of this house, the motion should be amended to whatever date Tuesday is in the week after next.

Hon Derrick Tomlinson: It is in Parliament House.

Hon PETER FOSS: It is in the other house, is it?

Hon Derrick Tomlinson: No, it's in the house now.

Hon PETER FOSS: That is good. I suggest that tomorrow the government moves a special adjournment to that date and, hopefully, when we come back we will know what we are doing. It is very hard to conduct a pertinent and relevant debate if we know that what we are talking about will disappear; inevitably it must disappear. Sure, the issue will be contained in another bill and we will get a chance to discuss it. However, be sensible. If the government makes us sit next week, everyone will have a go at debating this bill; then when the next bill turns up we will have to do the same thing again because we will then know what we are talking about. I suggest that this motion is not good sense or good management. It will lead to all of us getting very short with each other because we know we will be going through a charade in extra hours just so that the government can say that one of its bills has passed through the Parliament. That is great to know. The fact is that the government has made a bit of a hash of it. There is nothing wrong with the Leader of the House personally; I think the hash has been made by the minister. It is unfortunate, but that is the way it has turned out. It is unfortunate that the Constitution has made life a bit difficult for the government; or it may be fortunate from our point of view. The reality is that the government has done a deal in this house that it will have an extraordinarily hard time managing. I do not believe that this is the way to do it. I can guarantee that by the time the bill turns up in this place, tempers will be short and the promised third week off will not happen.

Therefore, I suggest that for the sanity, sensibility and good management of this house, we adjourn for a week and then bring this motion into effect. We can then get on with the job and know what we are talking about. If the government does not have the bill ready by then and cannot guarantee that it will have legislation at least in the other place a week from now on this major constitutional change, and it wants us to sit under these conditions and pass a bill in the last two weeks of this Parliament when the bill is not even here, boy, it is being quite unreasonable and all these platitudes being put forward are just nonsense. I oppose this motion. I think it is a silly motion. I suggest that the government amend the motion, not to extend the hours but to defer the commencement date, that it tells the house that it accepts the sense of what I have had to say and that for a more pointed and more pertinent debate it will move a special adjournment tomorrow and we will come back a week later.

HON DEE MARGETTS (Agricultural) [9.44 pm]: In speaking to the motion and the amendment, I decided to check the definition of the noun "filibuster" in the *Concise Oxford English Dictionary*. It states that it is prolonged speaking or other action which obstructs progress in a legislative assembly - I guess we could say a legislative council - while not technically contravening the required procedures. I use that definition because it appears that members opposite have made statements to that effect in the media. I am not sure whether they used the word "filibuster". The words "talking it out" probably have the same meaning. If members opposite made statements in the public arena that they intend to talk it out -

Hon Peter Foss: That has never been said.

Hon Norman Moore: What was said is that we will debate this legislation properly, because the other chamber did not do that, and we will take as long as is necessary to debate it properly.

Hon DEE MARGETTS: I thank members opposite for that clarification. The view of the Greens (WA) is that members should not be under any illusions that for the past four years at least we have been asking that speaking times be fairer so that we all, as members of this house who are elected to represent our constituents, have equal speaking times. That has not happened. It is still possible for the Leader of the House, the Leader of the Opposition and the lead speakers on a bill to speak for an endless amount of time. On various occasions they have prolonged their speaking times in order to obstruct progress.

Hon Peter Foss: Hon Tom Stephens used to do it all the time.

Hon Kim Chance; Deputy President; Hon Norman Moore; Hon Peter Foss; Hon Dee Margetts; Hon Ljiljanna Ravlich; Hon Derrick Tomlinson; Hon Simon O'Brien

Hon DEE MARGETTS: Absolutely. Our response to the public continues to be that even if there are speakers, particularly those with unlimited speaking time whose clear purpose is simply to use as much time as possible, we are more than willing to provide time for those persons to speak. However, it has been suggested that we start earlier in the day, as outlined in the amendment, so that there is less necessity to stay up late at night and we can all get a bit more sleep.

Several members interjected.

Hon DEE MARGETTS: It appears that the Leader of the Opposition wants us to declare that there will be a guillotine.

Hon Norman Moore: I want to know what your position is.

Hon DEE MARGETTS: The position of the Greens (WA) is that we are extremely unwilling to use that mechanism.

Hon Norman Moore: But you will if you are forced into it.

Hon DEE MARGETTS: Members opposite can correct me if I am wrong, but I refer to an article on the EBSCOhost web site, the source of which is stated as being ABC Premium News of 20 April 2005, which states in part -

Liberal MP Norman Moore says while it would be difficult to talk for four weeks straight, it is technically possible.

Hon Norman Moore: So what?

Hon DEE MARGETTS: It is technically possible, but I assume that even the Leader of the Opposition does not have a bladder that strong.

Hon Norman Moore: Do you know why you will not be a member of Parliament after 21 May?

Hon DEE MARGETTS: I know why. It is because I was not elected. There are many reasons.

Hon Norman Moore: It is because you are about to pass legislation that will disadvantage your electors, and they know it, so they tossed you out.

Hon DEE MARGETTS: It is reasonable when we are debating controversial legislation for members to give their heart-felt view of that legislation. We heard very long and in-depth contributions from members opposite when legislative reform was last debated in this place. The Greens (WA) are offering to provide members of the opposition who wish to speak fulsomely the time to do so.

Hon Norman Moore: That is very generous of you.

Hon DEE MARGETTS: Obviously if a member who had unlimited time in which to speak preferred to speak for shorter periods over four weeks - if that was technically possible - that would be an abuse of procedure. It would not be illegal, but it would be an abuse. That is the type of action that would be considered to obstruct rather than assist the process. We would like to provide the opportunity for members to air their views, and we would like each member to have the opportunity to participate in the committee stage or motions or whatever we will debate over the next four weeks. We would like also for the debate to conclude.

I have a confession to make. When I was a member of another legislature, I was involved in one of the longest committee stages ever recorded in the Senate at that time. It was the nth hour on Christmas Eve when everyone was at their most tired and had yet more clauses to debate. After all attempts had been made to give each member time to speak, my colleague and I finally agreed to a time management procedure. Christobel Chamarette was extremely upset about the necessity to do that; she was in tears when the vote took place. Interestingly, the theatre went on and on. In a discussion in the corridor the Leader of the Opposition told me that he thought I would never get around to doing it. It was theatre. It was the Leader of the Opposition who wanted us to introduce the time management procedure. Similarly, it appears that the Leader of the Opposition wants someone to say that this debate will be curtailed. We are not prepared to say that - not now. We are prepared to say that we will do whatever we can to provide assistance so that this debate can take place and we can consider the clauses and deal with the legislation in the best way possible. That is our commitment. We are extremely loath to take steps to curtail the democratic process in this place. However, be assured that the Greens wish to see an outcome to this debate. If it is necessary to sit extended hours, we are prepared to provide that time. That is hard for us and for everybody.

Hon Norman Moore: If it is not finished by 21 May and we have had a proper debate, will you keep it going, seeing as you control the place?

Hon Kim Chance; Deputy President; Hon Norman Moore; Hon Peter Foss; Hon Dee Margetts; Hon Ljiljanna Ravlich; Hon Derrick Tomlinson; Hon Simon O'Brien

Hon DEE MARGETTS: I hope it does not get to that stage. As the Leader of the House mentioned, that decision lies with the opposition.

Hon Norman Moore: You are saying you will guillotine it before 21 May, and that is your position.

Hon DEE MARGETTS: I am not saying that.

Hon Norman Moore: I think your constituents have made a very good decision.

Hon DEE MARGETTS: The Leader of the Opposition would like us to say that we will guillotine this bill.

Hon Norman Moore: You already said it. Hon Chrissy Sharp already said it to the media. She can deny it all she likes.

Hon Robin Chapple: If you read the article properly, you would find that she did not do so.

Hon DEE MARGETTS: We are saying that we will give as much effort as possible to making sure the debate has as much time as is needed to give everyone the ability to participate reasonably. This is a very important debate for all of us.

HON KIM CHANCE (Agricultural - Leader of the House) [955 pm]: The government is pleased to support the amendment moved by the Leader of the Opposition.

Amendment put and passed.

Amendments to Motion, as Amended

HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training) [9.56 pm]: The Leader of the Opposition foreshadowed amendments. I move -

To delete "12 noon" and "11.00 am" and insert instead "10.00 am".

We have already heard comments on this matter. I do not want to take up a great deal of time. I have been on the other side of the chamber and I have heard the Leader of the Opposition say a number of times that when I get to this side of the chamber it will be the time I get to make decisions about the legislation that goes through this place and the priority attached to it etc. What we are attempting is not a first. We are in government and we have priority legislation. We will do whatever it takes to progress our legislation because we believe in the bill. We look forward to its successful passage.

HON DERRICK TOMLINSON (East Metropolitan) [9.59 pm]: I foreshadow an amendment to the amended motion, if it becomes further amended. I will move that "10.00 am" be replaced with "8.00 am" in both cases.

An opposition member: Why not 6.00 am?

Hon DERRICK TOMLINSON: Precisely. Why not 6.00 am?

The DEPUTY PRESIDENT (Hon George Cash): Order! We are dealing with an interesting matter of procedure. If Hon Derrick Tomlinson wants to move that, he has to move it now as an amendment to the amendment, because once the "10.00 am" amendments are agreed to the house will have made its decision.

Amendments put and passed.

Hon NORMAN MOORE: I will move that the motion, as amended be further amended in line 3, to delete "2.30 pm" and substitute "3.30 pm".

Hon Kim Chance: We will agree to that.

Hon NORMAN MOORE: As I explained, we have party meetings on Tuesday.

The DEPUTY PRESIDENT (Hon George Cash): The Leader of the Opposition has spoken on the motion and he is not in a position to move that amendment.

Hon SIMON O'BRIEN: I have an overwhelming urge to move an amendment to this motion. I move -

That the amendment be amended as follows -

To delete "2.30 pm" and insert instead "3.30 pm".

Hon PETER FOSS: In speaking to the amendment, I would like to put to bed the concept that, if the house sits earlier, members will get more sleep. That rationale is very much like the daylight saving argument. The amount of sleep we get is determined by the amount of time available between the house's rising and the time it commences. It is fallacious to say that we will get more sleep if the house starts earlier and rises earlier. It is almost as good an argument as that which claims the curtains will fade because of daylight saving.

Extract from *Hansard*
[COUNCIL - Wednesday, 27 April 2005]
p721c-731a

Hon Kim Chance; Deputy President; Hon Norman Moore; Hon Peter Foss; Hon Dee Margetts; Hon Ljiljanna Ravlich; Hon Derrick Tomlinson; Hon Simon O'Brien

Hon Kim Chance: I think I said it would get us home a little earlier.

Hon PETER FOSS: It will get us home a little earlier, but it will get us out of bed a little earlier, so we will come back to Parliament half asleep; we will have the potential for an accident on the way to work rather than on the way home. That is wonderful.

Hon Derrick Tomlinson interjected.

Hon PETER FOSS: Yes, then we would not have to go to bed at all. The government's reasoning is fallacious in two ways. When I was in practice many years ago, and as the state would not have daylight saving, I started my own daylight saving by coming into the office an hour earlier.

Hon Derrick Tomlinson: And your curtains faded.

Hon PETER FOSS: The funny thing was that I went home at exactly the same time as I did without the daylight saving. I just worked an extra hour every day because the signal to go home was when it went dark.

Hon Kim Chance: Did you find your milk went sour?

Hon PETER FOSS: The milk went terribly sour and the curtains in my car were totally faded, but -

The DEPUTY PRESIDENT (Hon George Cash): Hon Peter Foss is speaking to the issue of the deletion of "2.30 pm" and the substitution of "3.30 pm". I cannot understand where the milk comes into it, but I will allow a little leeway. In the end, members, Hon Peter Foss is entitled to speak to the amendment, and only that.

Hon PETER FOSS: I was referring not to milk, but to the hour. The change from 2.30 to 3.30 pm will be sensible. The entire concept of starting earlier in order not to sit later is fallacious. The amendment not only has the advantage of enabling a party room meeting of upper house members, which is highly desirable in trying to deal with things, but it gets away from the fallacious argument that starting earlier will provide more sleep. It will not. In fact, I expect the opposite to be the case.

Hon Kim Chance: We are going to agree to the amendment.

Amendment put and passed.

Motion, as Amended

Question put and a division called with the following result -

Ayes (17)

Hon Kim Chance	Hon Jon Ford	Hon Dee Margetts	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer (<i>Teller</i>)
Hon Kate Doust	Hon Nick Griffiths	Hon Ljiljanna Ravlich	
Hon Sue Ellery	Hon Kevin Leahy	Hon Christine Sharp	
Hon Adele Farina	Hon Lynn MacLaren	Hon Ken Travers	

Noes (14)

Hon George Cash	Hon Peter Foss	Hon Norman Moore	Hon Derrick Tomlinson
Hon Murray Criddle (<i>Teller</i>)	Hon Ray Halligan	Hon Simon O'Brien	Hon Bruce Donaldson
Hon Paddy Embry	Hon Barry House	Hon Barbara Scott	
Hon John Fischer	Hon Robyn McSweeney	Hon Bill Stretch	

Motion, as amended, thus passed.

The DEPUTY PRESIDENT (Hon George Cash): Order, members! For those members who may not have kept pace with the amendments, please report for duty on Tuesdays at 3.30 pm, Wednesdays at 10.00 am and Thursdays at 10.00 am. I cannot give a closing time, but I am sure there will be one.