

TEMPORARY ORDERS 40, 101, 146, 147 — STANDING ORDER AMENDMENTS

Amendment to Motion

Resumed from an earlier stage of the sitting on the motion moved by Mr D.A. Templeman (Leader of the House), to which Ms M.J. Davies (Leader of the Nationals WA) had moved an amendment.

MR Z.R.F. KIRKUP (Dawesville) [2.46 pm]: Mr Speaker, thank you very much for allowing me to continue my remarks post-question time. I will wrap up very quickly. All I would like to reiterate is that we fully support the amendment moved by the Leader of the Nationals WA that, of course, reflects the majority opinion of the Procedure and Privileges Committee and its recommendation on changes to standing orders. I would like to impress on all members to consider the importance of taking on board that committee report and to vote according to the wishes of that majority.

The SPEAKER: Excuse me, everyone; can you be quiet so I can find out what is going on.

MR R.S. LOVE (Moore) [2.47 pm]: I would like to comment on this amendment.

Several members interjected.

The SPEAKER: Members! Attorney General!

Mr R.S. LOVE: We had quite a lengthy discussion before question time on this amendment to the motion by the Leader of the Nationals WA regarding the proposed temporary change to standing orders. There were many speakers, I think, on the other side who were quite interested in making comment. I listened quite intently to the Minister for Police, and thought some of her commentary was valuable, at least insofar as the mechanics of breastfeeding are concerned and the need to ensure it is not interrupted by procedures in this house and that the ability to breastfeed is not in any way impinged upon.

Nothing about the amendment the Leader of the Nationals WA put forward in any way detracts from the ability of any woman in this house who has a baby to breastfeed that baby. That is not the intent whatsoever, nor is it intended to in any way seek to, I suppose, lessen or belittle the status of breastfeeding as opposed to bottle-feeding. It is not about that at all. The member for Central Wheatbelt was putting forward a proposition that there should not really be discrimination between the sexes. If a parent has a need to look after a baby at that time, they should be able to do that. We know also that circumstances can arise in future in which same-sex male couples may have babies, and they will be parents.

A bill is going through the upper house at the moment to actually allow that to happen. We have to move with the times and the amendment that was put forward was a very inclusive change. It was not meant in any way to upset anybody; it was not meant in any way to exclude anybody.

Mr D.J. Kelly interjected.

Mr R.S. LOVE: You just be quiet for a while, because I would like to have a say.

Mr D.J. Kelly interjected.

The SPEAKER: Minister for Water, I call you to order for the second time.

Mr R.S. LOVE: Some female members of the house have had unfortunate experiences in Parliament when they have had young children, and they felt that they had been slighted by the Parliament of the day. I am sorry that that happened to them. I am also sorry that the member for North West Central, as a parent, had to go through some difficult times as well, and he outlined those circumstances to the house. Nobody imagines that it is not proper for the house to change its views over time. Some of the events we heard about were 10 years ago or thereabouts. In fact, most of the people in this chamber now were not in the chamber at that time. I know the people who were adversely affected still harbour some hurt and perhaps some resentment about that, but it is not really relevant to the debate today because today we are talking about 2019, changed circumstances and changed personnel in the chamber.

I thought some of the comments descended at times into personal comments that hurt some members on both sides of the chamber. Some of the comments I heard were particularly hurtful to the member for Central Wheatbelt, and I think members should reflect on their own interjections and the words they have used in this house today. The member for Central Wheatbelt is a most well respected member of the community—in her own electorate, in the region she used to represent, the Agricultural Region, and throughout the state generally. I thought those comments were inappropriate. I want to put it on the record that she has my very strong support for the amendment she has put forward today, and I am sure she has the support of many, many women across her electorate and across the state. Contrary to what we have heard today, I do not think the Parliament should be a place where differences on matters like this are brought to the fore in any sort of party-political way. I do not believe that everyone on that side of the house actually supports the position that has been taken by the government today. In fact, we know that

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that is not the case because the majority of the Procedure and Privileges Committee that made the recommendation that babies should be allowed to be fed —

The SPEAKER: Attorney General, I call you to order for the first time. I have warned you about four times: have your meetings outside.

Mr R.S. LOVE: The majority of that committee are members of the ALP—members of the government.

Mr D.A. Templeman interjected.

Mr R.S. LOVE: No, I am not interested; thanks.

Mr D.A. Templeman interjected.

The SPEAKER: Leader of the House!

Mr R.S. LOVE: Here is the report, recommendation 2. Does the Leader of the House want me to read it out? The Leader of the House knows very well what is in the report. I will read it out. Recommendation 2 states, in part —

The Committee recommends —

Standing Order 40

That as a trial for 2019, Standing Order 40 be amended by inserting the following sentence at the end of the Standing Order: ‘A stranger does not include a member’s baby being fed by that member’.

It does not make reference to breastfeeding; it says “fed”, so if the Leader of the House does not mind, I would like to continue what I am saying.

Circumstances in our society are changing; everybody knows that. I was at Kalgoorlie last week and met with a group of women who are desperately trying to get child care because that town has a very high employment rate; it does not have a very high unemployment rate, but a very high employment rate. The mining companies are desperate to get the partners of their workforce back into the workforce—women who have had babies and also men who are parenting—and child care is a real issue in that area. Having spoken to women out there who are working in mining professions and cannot do their job every day because they have to run around and make arrangements for their children, it occurred to me that that sort of thing is not a very productive way for a community to be.

Similarly, within this chamber we should be seeking to be a workplace where parents—including men and women, although I know that at the moment women take most of the burden of that relationship—should be allowed to contribute fully in the Parliament. What is proposed by the member for Central Wheatbelt will enable that to occur. It does not discriminate, whether or not a person is physically breastfeeding a child. Children and babies need to be nurtured whether they are being breastfed or bottle-fed. I do not subscribe to the proposition that a parent can just hand the baby to anyone and say, “Here, take my baby while I run inside and vote.” That is preposterous. We would have to have a support network here in the Parliament for that to happen, and that has not been provided. We know, for instance, that electoral staff cannot work in the Parliament, so who will look after the baby while the person runs in? Are they just going to give it to one of the staff members out there, such as someone in the tearoom? Will they be appropriate to do that? No, they will not be. We would need to have a support network if that were the case. Babies, whether or not they are being breastfed, need to be nurtured, loved and looked after. This amendment will enable that to happen.

Throughout this debate the ranks on the other side have been pretty thin. I do not know whether that is because some members on that side actually do not support the way the government has butchered this recommendation of the Procedure and Privileges Committee by making it political and trying to exclude certain parents from being able to participate by feeding their babies when they are in the chamber. I do not see the need for any discrimination, either between the sexes or between women who can or cannot, or who choose to or choose not to, breastfeed their children. I do not see why that should be an issue.

Mrs M.H. Roberts interjected.

Mr R.S. LOVE: I am sorry; I did not laugh at the minister when she was speaking.

Mrs M.H. Roberts interjected.

The SPEAKER: Minister for Police!

Mr R.S. LOVE: I did not laugh at the Premier.

Mrs M.H. Roberts interjected.

The SPEAKER: Minister for Police, I call you to order for the first time.

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Mr R.S. LOVE: What we are seeing is the typical pattern of behaviour by members on that side. They become nasty, they become personal, and they politicise a situation that should be a matter of humanity—something that we can all share in because we are all people, whether or not we are parents, grandparents, aunts or uncles, or whatever we are. We all have some appreciation of this issue.

We also heard it suggested that some members on this side should not have been speaking to this matter because they happen to be men. As dads, I am sure they understand family situations. Why should they not speak? We all have to vote, we all have to contribute on these matters. These are matters for the Parliament; they are not matters for a select group within the Parliament. They are matters for everybody in the Parliament to discuss and debate. Why would anyone try to limit anyone's right to do that? I do not understand what the mentality is behind somebody wanting to do that. This is not a matter of life or death; this is a matter of inclusion, and I do not know why the government is trying to limit that inclusion. I do not know why the government is choosing this path of not being progressive. I thought the Labor Party was the party that prided itself on being progressive.

Its members are starting to sound like a certain Prime Minister I remember from their side who said a few years ago that marriage was between a man and a woman. That person was the former PM Julia Gillard. We know that this country changed the law with overwhelming support from most Australians to ensure that marriage was not just a matter between a man and a woman. Strangely enough, that happened under a Liberal–National coalition government—amazing! Once again, we see a very strange set of circumstances in which the members on that side of the house, who hold themselves out to be so progressive, are actually the ones who are trying to limit social inclusion. I do not understand it. I do not understand why they have become such a negative, nasty, catcalling group of people on such an issue of common, decent humanity for both sides. The member for Central Wheatbelt's amendment to this motion is admirable and I urge everybody to support it. I will be interested to see how many government members are on the government's side when this amendment comes to a vote.

MRS A.K. HAYDEN (Darling Range) [3.00 pm]: I am pleased to make a contribution to the debate on this amendment. I note that at the moment we are not talking to the standing order motion that is before us. We are talking to just the amendment to standing order 40 that was put by the Leader of the National Party to insert after the word “breastfed” the words “or bottle-fed”. I make my contribution on the note that the recommendations put forward by the committee who considered the standing orders are not being reflected in the standing orders that we are being asked to debate, and that I support the amendment put forward by the National Party. I apologise that I did not hear the contributions to the debate that occurred prior to mine, but I will make sure I go back over *Hansard* and have a read. I believe that some accusations were made in this place, but the very reason that certain accusations were made today and hurt people is what we should consider when making decisions on standing orders. As I have said in this place many times, I wonder if this is an appropriate place for children, let alone babies, to be, but I will put that in my contribution to the debate on the motion. At the moment, we are debating the amendment put forward by the Leader of the National Party.

I want to congratulate the member for Moore for putting forward a very positive and respectful contribution that plays a bigger role in this place than the yelling and screaming that occurred across the floor earlier.

Mr D.A. Templeman: You were not here; you wouldn't know.

Mrs A.K. HAYDEN: Let me tell the member that I have been told —

Mr D.A. Templeman: So you were hiding. You were here but you weren't participating.

Mrs A.K. HAYDEN: I heard it from outside the chamber when I was coming in.

Mr D.A. Templeman interjected.

The ACTING SPEAKER (Mr T.J. Healy): Members! The member has heard your interjections.

Mrs A.K. HAYDEN: I rest my case on why it is an inappropriate place for children. Perhaps there are more children in this place than we realise.

Mrs L.M. Harvey: Just rise above the disrespect, member.

Mrs A.K. HAYDEN: Yes, absolutely—show respect.

My guess is that the whole point of members from the other side putting forward this motion is to try to show equality. They have put forward an amendment to what the committee has recommended, and I will read it out for the sake of *Hansard* and those who are tuning in. The recommendation put forward states —

Only the Speaker may admit strangers onto the floor of the Chamber. When a division is called, strangers will withdraw. Members of the Council will be admitted to the Chamber in the area behind the Chair and may remain there during divisions. A stranger does not include a member's baby being fed by that member.

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We are debating whether to include the words “or bottle-fed” after the word “breastfed”. Regardless of whether a person is male or female, they should not be alienated and treated differently from a female who is breastfeeding. We all know that not every woman has the privilege of being able to breastfeed. For medical reasons or otherwise they may not be able to breastfeed. For us to say that only those women who have the privilege of breastfeeding may be on the floor of the chamber to do so, is not equal. It does not align with the argument being put forward by the opposition about being equal and setting an example by delivering better for this society. For women who cannot breastfeed, it is further alienating them than they have already been alienated by many within our community. A very good friend of mine tried to breastfeed for a very long time and was unable to do so. She was distraught that she could not do it. As a woman and as a mother, she saw it as a failure to not be able to breastfeed her child. She took that on without the added assistance of people putting her under pressure. But when mothers get that added pressure, how do members think they feel? We are meant to be setting an example for our community and our society. Although members on the other side say that they are doing this for equality and to provide mothers with rights, we should provide that right regardless of whether a mother is breastfeeding or bottle-feeding. We should not discriminate against a woman who simply cannot breastfeed.

Standing orders are meant to reflect the way in which we conduct ourselves on the floor of the Legislative Assembly and how we go about our business to make sure we deliver on democracy, which is why we are here. The standing orders are not to be manipulated. They are not to be changed to send a certain message out into the public. The standing orders operate fairly and evenly for every single member who sits in this place, no matter what side of the chamber they sit on. The member for Moore highlighted in his speech that comments were made that have offended members in this place. Comments have been made on this very topic to bully or intimidate or to insinuate that males have no right to make a comment —

Mr V.A. Catania: Or females who don't have children.

Mrs A.K. HAYDEN: Yes, or females who do not have children.

Mr P. Papalia: So you weren't here and listening to any contributions, but you are making accusations.

Mrs A.K. HAYDEN: Did the member not just listen to me? I suggest he listens to me and stops interjecting. I actually said, “Referring to the member for Moore's comments —

Mr P. Papalia interjected.

The ACTING SPEAKER: Member, do you seek to take interjections?

Mrs A.K. HAYDEN: Absolutely not.

Mr P. Papalia interjected.

The ACTING SPEAKER: Minister, please allow the member to make her contribution. Can the member please direct her comments to the Chair.

Mrs A.K. HAYDEN: As I was saying, I was referring to some very intelligent comments made by the member for Moore. He referred to comments that were made across the floor to certain members saying that if a member is a woman who has not had children, or a man, they do not have the right to make comments in this place on these — Several government members interjected.

The ACTING SPEAKER: Members!

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Leader of the House, the member has indicated that she has decided to not take interjections.

Mr P. Papalia interjected.

The ACTING SPEAKER: Minister!

Mrs A.K. HAYDEN: We are debating the standing orders and how we are meant to operate in a place that is meant to be above all law and above all standards, yet I cannot even make my comments without being interjected on in a nasty, bullish way, as to be expected from government members over and over again.

I will make reference to those comments later on in my response to the debate on the standing orders. Members might then start to change the way that they comment and interject. However, the comments made by the member for Moore have actually —

Mrs M.H. Roberts interjected.

The ACTING SPEAKER: Minister!

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Mrs A.K. HAYDEN: Oh please! Can people just be quiet.

Point of Order

Dr D.J. HONEY: The member can barely get a word out without being interjected on by ministers on the other side.

The ACTING SPEAKER (Mr T.J. Healy): I understand what the member is trying to say. Members, please allow the member for Darling Range to make her comments. Can the member please direct her comments to the Chair.

Debate Resumed

Mrs A.K. HAYDEN: I will start again. We are in this place to set an example. We are here to make sure there is equality across our state that we represent. The standing orders are here to make sure that every member in this place has the same right and ability and is treated equally. Today's debate has shown that that does not happen and that we are in a very sad place when people cannot debate an issue without going to personal references and making personal comments. Yesterday, the Premier asked that personal comments not be made towards him and his family, yet a day later members under his government are making awful accusations across the floor. I believe that we need to stand up and start lifting the bar in this place and start acting like the leaders and representatives of the community that people vote us in to be.

The government is taking the position to change the committee's recommendation, which is to allow breastfeeding and bottle-feeding onto the floor of the chamber. If this government is serious about changing the way people see women and mothers in the workforce, why did it not adopt the full recommendation? Why did it amend the recommendation? That is the question before us: why was that recommendation amended and diluted to allow only breastfeeding mothers the right to come onto this floor and feed their children? The questions are not: Should women be able to breastfeed on the floor of the chamber? Should bottle-feeding be allowed? The questions are: Why has the government chosen to dilute the committee's recommendation? Why has this government broken it down and made it only about women who have the privilege to breastfeed their children, isolating those women who cannot? That is the question before us right now and I support the Leader of the Nationals WA's recommendation and amendment to change this standing order.

Division

Amendment put and a division taken, the Acting Speaker (Mr T.J. Healy) casting his vote with the noes, with the following result —

Ayes (18)

Mr I.C. Blayney	Dr D.J. Honey	Mr R.S. Love	Mr D.T. Redman
Mr V.A. Catania	Mr P.A. Katsambanis	Mr W.R. Marmion	Mr P.J. Rundle
Ms M.J. Davies	Mr Z.R.F. Kirkup	Mr J.E. McGrath	Ms L. Mettam (<i>Teller</i>)
Mrs L.M. Harvey	Mr A. Krsticevic	Dr M.D. Nahan	
Mrs A.K. Hayden	Mr S.K. L'Estrange	Mr D.C. Nalder	

Noes (35)

Ms L.L. Baker	Mr M. Hughes	Mr M.P. Murray	Mrs J.M.C. Stojkovski
Dr A.D. Buti	Mr W.J. Johnston	Mrs L.M. O'Malley	Mr C.J. Tallentire
Mr J.N. Carey	Mr D.J. Kelly	Mr P. Papalia	Mr D.A. Templeman
Mrs R.M.J. Clarke	Mr F.M. Logan	Mr S.J. Price	Mr P.C. Tinley
Mr R.H. Cook	Mr M. McGowan	Mr J.R. Quigley	Mr R.R. Whitby
Mr M.J. Folkard	Ms S.F. McGurk	Mrs M.H. Roberts	Ms S.E. Winton
Ms J.M. Freeman	Mr K.J.J. Michel	Ms C.M. Rowe	Mr B.S. Wyatt
Ms E.L. Hamilton	Mr S.A. Millman	Ms R. Saffioti	Mr D.R. Michael (<i>Teller</i>)
Mr T.J. Healy	Mr Y. Mubarakai	Ms A. Sanderson	

Pair

Mr K.M. O'Donnell

Mr D.T. Punch

Amendment thus negatived.

Motion Resumed

DR D.J. HONEY (Cottesloe) [3.16 pm]: I wish to briefly address a couple of matters. The first one is directly to the Minister for Transport. I want to make it very clear to the minister, through the Chair, that in the conversation we had today, I do not pass any comment about the minister, how the minister felt about matters or the minister's experience. That is purely a matter for her to discuss; however, the matter that I was referring to very directly in my interjection during that matter was that members on this side were laughing and mocking her because of those feelings. I do not believe that to be true at all. I do not believe that members on this side were laughing and mocking

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her. Equally, I fully respect the way that she feels and I do not seek to in any way decrease the validity of the minister's statement of those emotions.

I get to the substantive topic of breastfeeding. I strongly support this part of the changes to the standing orders. I think this is a very important inclusion to our workplace. The reason I say that is that my wife and I had six children and my wife was able to breastfeed all our children for extended periods, much more than a matter of months. She did that because she had a work environment that in some way allowed that. She was an academic at a university, and that enabled her some flexibility in the way that she could do that. It was an extremely onerous and difficult thing for her to do, but she was determined to do it because she felt very strongly that that was very important in raising our children. And she was able to do it. In fact, can I say more generally, all workplaces should seriously look at this issue. The reasons for not allowing breastfeeding in workplaces I think, in large part, are made up. If there is a genuine safety issue for the child, then there may be a case. If they are in the middle of a refinery, that may be the case, but if they are in a workplace or an office environment such as this, there is no reason whatsoever that a woman should not be able to breastfeed her child.

Breastfeeding is unique. It is patently obvious that I have never had to breastfeed; however, having been a father very involved in the raising of his six children I do at least have some reasonably close association. What is very clear and obvious for mothers who feed their child is that the mother and child become completely in sync. When the child is hungry and wants to be fed, quite typically the mother has an urgent need to feed the child. It is not something that can be put off, delayed or put aside, and for the mother it can be extremely painful if they cannot feed the child when the child needs to be fed. I can see no practical reason that a woman should not be able to feed her child in this chamber. There is an opportunity for this place to show leadership and guidance in this area for other businesses; businesses such as law firms, accounting firms and engineering firms where people do not have an unsafe environment, they have a safe environment.

In relation to the comment on noise, there are very few occasions I disagree with some of my colleagues, but on this one, I might say that our babies grew up in a very noisy household. There were eight people in our household, six of them now, and they are passionate about politics. Some have very diverse political views, not necessarily mine, and they are happy to express those views vociferously.

Mr D.J. Kelly interjected.

Dr D.J. HONEY: The member will be pleased to know they all vote for me, but they may not always agree with me!

Our babies seemed to thrive on a noisy and boisterous environment. They were quite content. They seemed more content in that environment than in a quiet and more serene environment. I think there are some leading lights in this area. Because this is an opportunity to do so, I want to recognise Professor Cheryl Praeger at the University of Western Australia. I am not sure how many members know about Professor Praeger. She is an outstanding and world renowned mathematician.

Mr W.R. Marmion: She lives in my electorate.

Dr D.J. HONEY: Yes, she lives in the member for Nedlands' electorate and is still regularly seen in the electorate. In the late 1970s and early 1980s, Professor Praeger had a very famous tricycle that she used to take her babies and small children around the campus in. She kept her children with her much of the time. She really was a leader in showing that someone could perform at an international level and at a very high level whilst still being, in essence, a full-time carer for her young children and not having to make that choice. I am certain that Professor Praeger had to make certain changes and compromises that she would have preferred not to have made, but I recognise her as a leading light and as someone, at a practical level, who challenged some of the notions around the ability for children to be in workplaces.

That is my contribution. I am very strongly supportive of this. This is a very important symbol more generally and I think it is very important for workplaces that young women, like my three daughters, will not have to make the agonising choice whether to breastfeed or participate in a workplace.

MR S.K. L'ESTRANGE (Churchlands) [3.22 pm]: It is not every day we come into this place to vote on a motion to essentially change the standing orders. I know there are a few standing order boffins in this chamber! Often, the Minister for Mines and Petroleum loves digging right into the standing orders in some detail.

Mr W.R. Marmion: He's always right!

Mr S.K. L'ESTRANGE: We can see why: they go back some time; one only has to see some of the references made in the standing orders. Some date as far back as 1931, such as the one on page 18. One on page 22 dates back to 1903. When we decide as a Legislative Assembly to come into this place and make changes to what is essentially the rules that determine how we debate very important matters on behalf of the people of Western Australia, matters that become legislation, legislation that impacts on lives, it is that gravity, importance

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and significance of this chamber that sometimes gets lost when people drive passionate opinion attached to certain discussions. Ultimately it comes back to what is decided in this place impacts on the Western Australian community. When we choose to change the standing orders, albeit the changes we are making here are temporary changes to be adopted from 19 March 2019, it is important that we think very carefully about what those changes are and how necessary they are.

Fortunately, the Procedure and Privileges Committee did a fair bit of work on this. It tabled a report called “Enhancing the Legislative Assembly’s Procedures”. No doubt that committee would have taken this matter pretty seriously. Fortunately for us, it is a highly qualified and experienced committee. Chairing that committee is the Speaker of the Legislative Assembly, the member for Albany, and the Deputy Chair is the Deputy Speaker of the Legislative Assembly, the member for Maylands. The committee also comprises the member for Geraldton, of course, a member of the Liberal Party in opposition; the member for Pilbara, a member of the Labor Party on the government backbench; and the member for Roe, a member of the National Party, also forming part of the opposition. In total, it comprises three Labor members, one Liberal and one National. All of those people brought considerable experience, no doubt, to the deliberations that would have gone into making these changes to our standing orders.

What also should be recognised and acknowledged in this place is that the committee staff have a fair bit to do with how those deliberations on changes take place in committee meetings. The committee’s principal research officer is Dr Isla Macphail. Dr Macphail has a Bachelor of Arts with Honours, a Master of Philosophy and a PhD. No doubt she is a very, very well credentialed and qualified person to have on the secretariat of that committee. It also has Ms Kirsten Robinson who has a Bachelor of Arts with Honours and a Master of Arts, and is the Clerk, no less, of the Legislative Assembly.

Mr W.R. Marmion: Highly esteemed.

Mr S.K. L’ESTRANGE: She is the highly esteemed and experienced Clerk who fully understands the ins and outs of the standing orders.

Mr D.J. Kelly: No-one doubts their skills.

Mr S.K. L’ESTRANGE: I am glad to hear it, because I will get to the importance and significance of this, if the minister would let me.

The committee also has Mr Scott Nalder, BJuris (Hons), LLB, BCL and Deputy Clerk of the Legislative Assembly. This group came forward as a collective to bring in “Enhancing the Legislative Assembly’s Procedures”. I dare say that we would have entrusted in them, given their experience and qualifications, to put to the Assembly what they think would be the best recommendations for us to consider. I think they would have taken that job pretty seriously.

Page 1 of the report gives a little background about how the committee went about its business in recommending these proposed changes. The committee states in its first paragraph —

Some of these initiatives are geared towards providing enhanced opportunities for private members and the public to raise matters of concern regarding their electorates or to question Government policy and administration ...

That is a key aspect in the opening paragraph of why this committee set about making changes.

Under our Westminster system, which of course this Parliament bases a lot of its traditions and processes and procedures on, a key role of the opposition is to hold the government to account. A key role of the opposition is to represent the people of Western Australia to make sure that their concerns are being heard in Parliament. We know that under a Westminster government, the executive government—which is cabinet members; backbenchers are not members of government, they are members of Parliament—is often bound by its party rules. For example, we know that government backbenchers are not permitted to cross the floor on issues if they disagree with the government. We know that to be a fact. It is part of the rules of their political party. That puts more of an onus on opposition members of Parliament to do some of the backbench Labor members’ jobs for them in holding the government and its ministers, who are the executive under our system of government in Western Australia, to account. That is essentially what this committee was referring to and how important it is that we enhance the procedures of this Assembly to make the government more accountable to Parliament. That was a key aspect of what this committee put forward.

Let us not be lost on this: three of the five members of that committee are Labor members. Two of those Labor members are the most senior people of this chamber. Let us remember, we are talking about the Speaker and the Deputy Speaker of this chamber. We are not talking about government but of the conduct of procedures in the chamber. The two most senior representatives in this chamber are on that committee, and both are Labor members. When they are putting forward recommendations, they are putting forward recommendations as Labor MPs.

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Two of those three are the most senior members of this chamber. The considerations of that committee should be taken very seriously.

The approach taken by the Procedure and Privileges Committee, as outlined on page 1 of its report, was to compile a survey, seek members' feedback and invite members to provide further suggestions and comments. The report says that the survey received a strong response. The committee was embarking on being inclusive because all members of this place have the right to be heard on this matter and have a say in shaping the changes to the rules of the chamber, because the standing orders are what we all have to comply with when representing the views of our electorates, our political parties, our shadow portfolios or whatever. It is important that the committee be inclusive, and it was. When the committee formed its recommendations, it took into consideration the views of all members of Parliament regardless of what side of the political divide they sit. The report went on to say —

The Committee has decided to recommend a trial of those proposals which received overwhelming 'Yes' responses ...

That is important because it also shows that the committee took the views of all MPs seriously, regardless of where they sit politically. It is a good thing it did that because if members go back and look at *Hansard* from when standing order changes were made in the past, they will find that on all occasions—members can correct me if I am wrong, if they wish to look—the opposition and the government agreed to the changes that would be made well in advance of the changes being brought into the chamber. It is disappointing that on this occasion there are two examples of amendments having to be moved in the chamber because agreement was not achieved before the changes were brought into the chamber. That is unfortunate because, as I say, the minute we have disagreement on something like this means that it is more likely than not that it will be decided along party lines. That is not in the spirit of what changing standing orders is all about and it is not the intended outcome of the committee that wrote the report. That committee, with the Speaker and Deputy Speaker as its Chair and Deputy Chair, both of whom are Labor MPs, never intended putting forward recommendations that the government, which is on their side of the political divide, would set up to debate along party lines. That is not appropriate and should never have occurred. Unfortunately, this sets a very, very irresponsible precedent. Given that disagreement, the motion to change standing orders should never have been brought before the chamber. It should have continued to be negotiated outside the chamber until an agreement was made and then brought forward so that this chamber, which sits above the government—it is the Legislative Assembly of the Parliament of Western Australia—could have had a reasoned discussion to support the agreed changes. That opportunity was lost, and it was lost under this government's watch. That is disappointing because the government has gone against the advice of its own Speaker and Deputy Speaker and the committee that was formed to make the recommendations. It is unfortunate that that has occurred.

I bring members' attention to one of the amendments that have been put to us today, paragraph 3(a), part 2, that I would like us to look at seriously in the context of what I have just said. I ask all members to look it. I also refer members to page 5 of the committee's report. So that we are all clear, I will read parts of the committee's report that deal with changes to grievances. It says —

Question 7 of the survey proposed:

Five grievance debates (six minutes per speaker) with the extra grievance going to the Opposition.

This question received 32 'Yes' responses and 15 'No' responses.

Again, getting back to something that the committee saw overwhelming support for, the committee supported it. The report continues —

Grievances are a particularly valuable opportunity for members to raise matters of interest or concern to them and/or their electorates without the restrictions imposed on Questions (with or without notice) or the need formally to propose a motion. Equally valuable, the member receives a response from the relevant minister, unlike, for example, the House of Representatives where members grieve and ministers very seldom respond.

The Committee is of the view that reducing the grievance and response to six minutes each would still provide adequate time for a member to put their case and for a minister to make a considered response. Making a one-minute reduction to the time limit of each grievance and response would enable an additional grievance to be made and responded to each week. Over a parliamentary year, this would provide approximately 20 additional opportunities for Opposition members to raise a matter of importance with a Minister.

The highly qualified, highly experienced Procedure and Privileges Committee, with a highly experienced secretariat supporting it, made a recommendation to this place that more opportunity be given to the opposition

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benches—given the context of what I said earlier, government backbenchers are rarely allowed the opportunity to vote against the government; in fact, we know that they are not allowed to cross the floor—which is made up of members from the National Party and the Liberal Party, two parties independent of each other in their structure and organisation, to share from one week to the next an extra grievance. Essentially, this would lead to more accountability and transparency in this Parliament by holding cabinet ministers, the executive, accountable for the way they go about their business on behalf of the people of Western Australia. That is what the committee recommended. We thought that was a pretty solid and sound recommendation. Before this recommendation came into the chamber, there was some discussion about it. We tried to tell the Leader of the House that this is what the committee is recommending, and we support the committee's recommendation. We do not think that going against the committee's recommendation is in keeping with the process, and that is how we have found ourselves in the situation we have today.

I will discuss another interesting aspect of grievances and a statement I made at the time about the goodwill of the government. I refer to my comments in this place at 4.42 pm on Thursday, 21 February because it is important that those members who were not here at 4.42 pm that day understand what happened. On that day, just before we rose for the day, I highlighted something that had occurred that day. The *Hansard* reads —

... at the start of the day, the government Whip approached the opposition ...

It went on to say that if the opposition were —

... to get the Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill done by 4.00 pm ... the motion on the temporary orders changes that was to be debated ... would state —

(i) deleting “Four” and substituting “Five”; and

As is the case now. The key difference is —

(ii) inserting the following sentence at the end of the standing order: “The fifth grievance will be allocated to the opposition each week.” ...

That agreement was made by the Whip, who approached me. I did not approach the Whip. The government Whip came to me as the manager of opposition business and said, “Excuse me, Sean, I need to talk to you.” I said, “Yes, Whip, what is it?” He said, “We want to do a deal.” I said, “What’s the deal?” Again, it is not us going to them. He said, “If you guys help us get the container deposit bills done by 4.00 pm, you get the fifth grievance each week.” I said, “Are you sure about this? Is this 100 per cent?” The member for Balcatta knows this, because I saw him three or four times that morning to reconfirm that the deal was on. He said that it was. He repeated it several times. Correct me if I am wrong, member for Balcatta. Feel free to stand up or interject at any time, because I am happy to be corrected on this. He confirmed with me clearly that as long as we got that container deposit legislation all done by 4.00 pm, that fifth grievance would be ours, and that was the government’s position.

What did we do? We honoured the agreement presented to us by the government. It was not easy to honour that agreement because there are several members on this side of the chamber who were extremely keen to talk at length on the container deposit bills and to go into some detail during consideration in detail. As manager of opposition business—as all members know, not a paid position—I had to go and have conversations with fellow members of the opposition to say, “Look, guys, can you rein it in; can you pull up on what you really want to say and can we speed up consideration in detail?” That was because we—I mean me, in discussions with the Leader of the Opposition, the Deputy Leader of the Opposition and my colleagues—determined that the offer made in good faith by the government was more valuable. We decided it was more valuable because we agreed with the committee who put out the recommendation. We agreed that it would give more opportunity for the scrutiny of government. That is why we agreed to pull back on our keen and motivated members who wanted to speak in detail on the container deposit bills but were stopped. Some of them were not happy, members. I mean that, member for Balcatta. Some of them were unhappy. The Whip and I had to work it in. It was not easy, but we honoured what you presented to us. We said, “Okay”, and we got it done.

Today we find that that agreement has not been honoured. Today we find that what was agreed in good faith, presented by the government to us, would have actually complied with the recommendation of the committee in its report “Enhancing the Legislative Assembly’s Procedures”. What members were doing by giving us that deal was complying with the committee recommendations anyway. On both counts, what they were doing was probably at the time taking advantage of the situation to try to get the container bills through, when members knew in their hearts that they should have always been complying with the recommendations of the committee anyway, as I outlined at the start of my speech. Anyway, we were not going to play around with that.

Today, to have a motion on the *Notices and Orders Of The Day* that does not include the recommendation of the committee and does not include the government’s own pledge to us in good faith is not a gentlemanly thing to do.

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I am sorry for sounding gender specific there, but it is not. It is not appropriate, and I do not know why the members opposite did it. I think they seriously need to sit down and have a conversation with themselves. For goodness sake, if we make a deal, it is like shaking a hand on something and then saying, “We have what we want; now we have changed our mind”, because that is what they have done.

I know a lot of members opposite. I have worked with a lot of them on committees, and we see each other in and around the Parliament when we are not in the throes of fighting out some policy issue in here. They are decent people. A lot of them are decent people; there are a few with question marks over their name. But the people involved in this know in their hearts that what they are doing here is wrong—the member for Mandurah knows it and the member for Balcatta knows it—because they made a deal, they shook hands on it, they got what they wanted and then they changed their minds. That is completely unacceptable. If their kids did something like that, they would have them on the mat in front saying, “Hey, sunshine, that’s unacceptable”, and they know it. When we teach children about ethics and values, the first thing we teach them is to honour their commitment. That is what we teach. We teach them to be accountable. When I have my nine-year-old or 11-year-old in front of me because they have done something wrong and they try to argue back, I tell them to stop. My 11-year-old son is often a better debater than I. I say, “Stop, James. What did you do? Have you gone against what should have been done?” Once they reply, “Yes, dad”, they are accountable. Here is the Leader of the House’s opportunity to be accountable for his government Whip coming to us and doing that deal that we agreed on, and here is the Leader of the House’s opportunity to make sure that he is not only honouring the agreement, but also honouring the committee that put forward the proposal in the first place, which was that the fifth grievance go to the opposition. It is really important.

Amendment to Motion

Mr S.K. L’ESTRANGE: With that in mind, to assist the Leader of the House; the government Whip and member for Balcatta; and all the members here who know what accountability means, and to ensure that the chamber is able to address this matter properly, I move —

In part (3)(a)(ii) —

To delete the words “alternate between government and opposition each week” and substitute —
be allocated to the opposition each week

DR M.D. NAHAN (Riverton — Leader of the Opposition) [3.47 pm]: I want to make some comments on this. The member for Churchlands went through it in great detail. We are dealing with the rules of the house. As the member for Churchlands pointed out, generally those rules or standing orders are longstanding, and generally they are agreed to in a bipartisan manner prior to coming in and voting in this house, because they are the rules by which we operate not only in this government, but also in future governments. I recognise that this is a temporary change to standing orders to see how it works. But the intent clearly is that if it works, it will remain as part of our standing orders. These are the rules on which this Parliament and future Parliaments will operate. As we all know, governments and positions in Parliament change from Parliament to Parliament. You are in opposition in one Parliament; you can be in government in the next, and back to opposition in another Parliament. That is very important, and parties have recognised that these rules have to be bipartisan. They have to be bipartisan to work now and in the future. That is why we set up the Procedure and Privileges Committee to look at these issues, and, as the member for Churchlands went through in great detail, it is an eminent committee—the pre-eminent committee in this house.

The committee was instructed to look at various issues. It brought in expertise from outside, including the Clerk, the Deputy Clerk and the member for Armadale. It ensured that it was supported by all members of Parliament. It had a series of proposals and they were put to a vote. The committee report that was presented to this house recommended changing the standing orders only for those issues that received overwhelming majority support. We are discussing one of those issues now—that is, to shrink the time allowed for grievances, to expand the number of grievances taken and, as the report recommends, and as voted on, to give the additional grievances, around 20 a year, to the opposition.

Grievances are a very important part of this Parliament. They give members of Parliament a chance to come in and present an issue to a minister, and speak not only on behalf of people in Western Australia, but often speak about a crucial issue that a member is struggling to get through the normal processes on behalf of their constituencies. That is one of the most effective and important mechanisms of this Parliament. We deal with really important and crucial day-to-day issues confronting our constituents. Generally, ministers respond in a more or less objective and positive manner. They try to solve the problems. The Minister for Housing helped me address a really important public housing issue involving a constituent—he has now left after resolving the issues—who was basically being driven crazy by neighbours. I raised it in a grievance because I was not getting anywhere

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through the bureaucracy. When I raised it, the minister resolved it. I had another issue with someone who was accused of throwing cigarette butts out of a vehicle. The Minister for Environment, through his parliamentary secretary in this place, addressed it.

I admit that it is very important for members opposite to raise issues. Members opposite have more ready access to their colleagues who are ministers. They can have discussions with their ministers all the time. Also, as the member for Churchlands pointed out, if the grievance relates to government policy, because of the rules of the Labor Party, the backbenchers opposite struggle in Parliament to address it in a public manner because they are prevented from taking a view that opposes government policy. They can do it behind closed doors. That is great. The issue is to resolve it. This is a really important, practical part of delivering on behalf of our constituencies. This is really important for the opposition.

We support what the Procedure and Privileges Committee recommended. We voted on these proposals as members. Why have a vote if it is just going to be ignored? That is what the government is trying to do. More importantly, as the member for Churchlands pointed out, we repeatedly raised with the Leader of the House the fact that we had trouble with the deviations from the committee report. Then he did a deal with us during the last sitting: if we finished a debate—truncated the debate—on an important issue in time for the government to get the legislation to the other house, it would adhere to the recommendations of the privileges committee and give the extra grievances to the opposition as recommended by the committee as a result of us all collectively deciding to do so through our vote. Today we found out that that deal is off, with no explanation. Again, the government is setting a precedence here by changing the standing orders and therefore the rules of this place. It is undermining that process. Once it sets a new precedent, future rule making is based on the precedent that is set. Basically, it has a process that we collectively and unanimously decide to alter the rules of this place. If the government deviates by using its numbers to ram through changes to the standing orders that the opposition parties disagree with, it is changing the rule-making processes of this house. There will be ramifications in the future. Future governments will look at that and say, “Forget the committee. Forget the views of this chamber. We will just use our numbers to dictate the standing orders.” When that happens, this place will fall apart and we will not be able to operate the way we are meant to—that is, in an objective and open process in which we hold the government to account or articulate our positions as ministers. Like life generally, we need rules. Those rules must be fair and open to all. They cannot be biased because one group is in a more powerful position than another. That is what the government is doing in this instance, and with no clear explanation.

We put forward an amendment to the motion. The amendment is clear. We go back to what the privileges committee—a pre-eminent committee of this chamber—set up to look at temporary alterations to the standing orders. Its recommendation was based on a survey of us all. The majority—I think the vote was 32 to 15—said that there should be changes to the length of grievances and an increase in the number of grievances, and they should all be given to the opposition. That is what we collectively decided through that vote and that is what the privileges committee recommended. That is what the government agreed to do last time we met. This amendment will ensure that we go back to what the committee recommended, what we collectively voted on and what the government agreed to last time. The government should not use its numbers to unilaterally determine the standing orders of this place. If it does, it sets a precedent that in the future will potentially be used against it. I am not threatening the government but once it starts going down that process of using its power and its numbers in this place to determine the rules, it is undermining governance not only in this chamber, but also in this state.

Several members interjected.

Dr M.D. NAHAN: We are talking about an amendment to change the standing orders of this place. We are talking about what flows from an inquiry instigated by this chamber for the pre-eminent committee in this house to look at temporary changes to the standing orders. Its recommendations were based on a survey undertaken by all members. The recommendations were based on those changes that had the overwhelming support of the majority of us, which means government members. Government members make up the overwhelming majority of members in this place. One of the recommendations related to grievances. The committee recommended that the number of grievances be expanded and they be given to us. Also, the Leader of the House agreed, through his Whip, to do this two weeks ago. If the government is going to unilaterally ram through and negate—that is, go against the privileges committee’s report, and that is what it is doing—these recommendations against the wishes of us all collectively and against the deal that the government Whip did two weeks ago, it is undermining the governance of this place unnecessarily.

Several members interjected.

Dr M.D. NAHAN: Members are trying to change the subject.

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The standing orders govern the operation of this place. Historically, they have been agreed to unanimously. That is what we thought we had today. When we walked into Parliament this week, we thought we had an agreement —

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Members!

Dr M.D. NAHAN: — but the Leader of the House violated that. These amendments to standing orders are temporary, but they might become permanent in the future; it will depend how they operate. We do not support this change. The government is fundamentally setting a new precedent on the formation of and changes to standing orders in this place. Future governments will look at how this is done and we will remember that.

Debate adjourned, pursuant to standing orders.