

**BUSINESS OF THE HOUSE — EXTENDED SITTING HOURS**

*Standing Orders Suspension — Motion*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.02 am] — without notice: I want to move a motion to give effect to an agreement that has been reached behind the Chair with the leaders of the respective parties on how we might add some additional hours next week. I move —

That so much of the standing orders be suspended as to enable the following variations to the order of business and sitting days and times to those agreed by the house on 16 October 2019 until the Voluntary Assisted Dying Bill 2019 is read a third time as follows —

- (a) Tuesday, 26 November 2019 —
  - (i) the sitting to commence at 1.00 pm;
  - (ii) the sitting be suspended between 4.15 pm and 4.30 pm; and
  - (iii) members' statements to be taken at 10.30 pm or at an earlier time ordered by the house.
- (b) Wednesday, 27 November 2019 —
  - (i) the sitting to commence at 12.30 pm;
  - (ii) no committee reports; and
  - (iii) the house to sit beyond 9.45 pm and take members' statements at 10.30 pm or at an earlier time ordered by the house.
- (c) Thursday, 28 November 2019 —
  - (i) the house to sit beyond 5.20 pm and take members' statements at a time ordered by the house.
- (d) The house to sit on Friday, 29 November 2019, at 10.00 am and conduct the following business —
  - (i) prayers and formal business;
  - (ii) orders of the day;
  - (iii) the sitting to be suspended between 12.30 pm and 2.00 pm;
  - (iv) questions without notice to be taken at 4.30 pm; and
  - (v) members' statements to be taken at 5.00 pm.

For the benefit of members, the leaders of the parties were trying to create additional hours to try to avoid sitting through the night and adding additional weeks to the sitting schedule. For the interest of members, so far on the debate associated with this bill, we have added 22 hours. When we add the additional 22 hours to the normal scheduled amount of time we allocate to deal with orders of the day, so far we have spent 51 hours dealing with this bill. The proposal before the house now adds an additional 15 hours next week to normal sitting hours. The total additional hours that will have been added is some 29.5 hours, to take us to the end of next week. It is worth bearing in mind as well that with a bill of this kind, one could anticipate, and indeed it was reasonable to anticipate, a lengthy clause 1 debate, for example. We spent 14.5 hours on clause 1. The intention of the leaders has been to provide the house with enough time for members to pay due scrutiny to the bill, and that is what we have tried to do. My personal view is that with the additional hours we are adding to next week, we ought to be reasonably able to get through consideration clause by clause in the Committee of the Whole House stage—I am hopeful—by the end of next week, so that we then have the following week to deal with the third reading. That is my hope.

I also need to point out and assure members on why the intention to sit on Thursday night is worded in that way in the motion before us today. Our view was it would give us flexibility. If we were close to finishing a particular clause or a particular element of the debate, we thought that if we added an extra hour or so we could get through it and that gives us the flexibility to do that. It was not intended, and is not intended, to be a sit-through-the-night exercise next Thursday. We are advised that that is the best form of words to give us that bit of flexibility. If we think we are close to getting to the end of clause whatever and we push on a little further, we will be able to do that. I thank the leaders of each of the parties for their cooperation in trying to accommodate everybody's needs to try to avoid sitting through the night or having to add additional weeks. I commend the motion to the house.

**HON PETER COLLIER (North Metropolitan — Leader of the Opposition)** [10.07 am]: I thank the Leader of the House for those comments. She is quite correct; they do reflect discussions between party leaders for extended

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hours for next week. I have a couple of things to say with regard to the motion. Can I just clarify the first component, for those who may be wondering, which says —

... to the order of business and sitting days and times to those agreed by the house on 16 October 2019 until the Voluntary Assisted Dying Bill 2019 is read a third time ...

This motion does not effectively mean that we have to finish the third reading of the bill. If we, by chance—I would say it is highly unlikely—get through the third reading, we will go back to the normal times. Is that correct?

**Hon Sue Ellery:** That is absolutely correct.

**Hon PETER COLLIER:** Good. The Leader of the House also mentioned the house sitting beyond 5.20 pm on Thursday. It is anticipated that we will go to about 6.20 pm, I would imagine, but probably not much more. We thought that if we were halfway through a clause or we were somewhat close to finishing a clause, we would finish that clause and then rise. The intent is definitely not to sit long hours on the Thursday night. Ideally, we will rise some time close to 5.20 pm or 6.00 pm. With that in mind, this motion does reflect the discussions that have been had by party leaders and the Liberal Party will support the motion.

**HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA)** [10.09 am]: Can I just clarify that the motion that has been handed to members is the correct one?

*Point of Order*

**Hon SUE ELLERY:** The motion I have for Tuesday, at part (a)(ii), states —

the sitting be suspended between 4.15 pm and 4.30 pm; and

Several members interjected.

**Hon Jacqui Boyde:** I think it is just an administrative error, Madam President.

**Hon SUE ELLERY:** Maybe that was an old one sitting on my table. I will sign the correct one. I do not want to blame anybody. I do not know what was copied, but it is not what I signed. I signed one with the 4.15 pm break.

**The PRESIDENT:** We will take a moment while this is copied and distributed so that people can see what is up for debate. I think that most people now have a copy of the motion.

*Debate Resumed*

**Hon JACQUI BOYDELL:** Thank you, Madam President. The National Party supports the motion moved by the Leader of the House.

**HON SIMON O'BRIEN (South Metropolitan)** [10.13 am]: We now have the correct motion before us, which does include a break on Tuesday at 4.15 pm. Here we are, on 22 November, and now, with this amended motion, we can see that democracy is not dead on this date, because that element, at least, has been resurrected.

I refer to the comments made by my party leader. He enjoys our support, including mine, though perhaps without a great degree of enthusiasm. I rise not to berate the house but to try to offer some constructive comments and observations about the management of the house and, in particular, how we manage the processes when we are confronted with a bill such as the one that is consuming so much attention at the moment. I note that we are sitting ever-increasing and ever-varied hours. I have commented previously about the undesirability of doing both those things, and I restate that now. It is not a good way of going about business. I am sure that I am only one of 36 members here who has to respond through my office to requests for meetings and availability with “I don’t know”, because I do not know if or when we will be sitting on a particular day. That is, of course, unsatisfactory. Similarly unsatisfactory is that every other element of parliamentary business, including consideration of committee reports, private members’ business and, of course, the consideration of the balance of the government’s legislative program, has been cast completely to one side. Everything has been excluded apart from the consideration of this bill. I think that strikes directly at the issue.

May I just say—again, I am offering these remarks in a constructive way on this occasion—that the person I feel sorriest for in all this is my good friend Hon Stephen Dawson. His is a difficult and onerous role. He finds himself at the committee table for extended and extensive periods. I have been in that situation, too, though not quite on the scale that we are witnessing him being subjected to, and I do not think that is the way to do it.

I offer the following as observations, having regard for those matters that I have just raised. I would have thought that the way to deal with this bill is not to ever increasingly vary and extend the sitting hours, because there is some principle somewhere that says that consideration will expand or contract to fill the time available. I dare say that will be a prophecy that will be fulfilled; indeed, I think we are observing it. Noting what has been going on—it is not too late, I might add, for the Leader of the House and her colleagues to take this on board if they are of a mind to do so—we might relieve the burden on the minister and his advisers and be able to deal with some other, I am sure, important bills that need to be dealt with in due course by adopting a different pattern. The minister should

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not be condemned to sit at the committee table ad infinitum until we are done, for a few very good reasons. An alternative would be to adjourn debate on the current bill from time to time. That would allow two things to happen. Firstly, it would enable the government to bring on other matters. Perhaps it is the government's idea that it is going to complain long and hard at the end that the evil Liberal Party is responsible for delaying all the bills that the government is not bringing on, but it could bring them on and the house could deal with them. In that way, we would make progress on a number of fronts. It would give the minister and his advisers some physical relief, not only for the sake of taking a break, but also for making progress. We often hear the expression "discussions behind the Chair", and there is a very good reason for that—it facilitates what happens out here on the floor of the house. That is not able to be done while the minister and all his advisers are stuck in here almost 24/7.

I respectfully submit that when the government is faced with members who have all sorts of questions to raise, propositions to put forward and amendments to move, in the process of dealing with them, the government needs to get together outside the house—in some smoke-filled backroom or whatever they use these days—and say, "What are the matters that concern you? Can we talk through these amendments? Do you have some questions that you want to ask?" It could get it all done that way so that it would not interrupt the flow of the business of the house and would facilitate the progress of the bill, rather than us being here ad nauseam when all that goes on is one member speaks at a time in plenary session.

Those are my suggestions and I have offered them, I hope, constructively. They are an alternative to what is being proposed in the general course, which seems to be going ahead on the principle that we have made some radical changes to try to address the situation but none of that is working and therefore we need to do more of the same. That is not the way to go about fixing problems or addressing the matters that are before us. I offer those comments for members' contemplation and, hopefully, for the consideration of the Leader of the House and the minister responsible for the bill. They might find the course that I have outlined, which does work and has worked in the past, might be a better way forward and might result in better outcomes, whereas I think the government wants quicker outcomes. Perhaps the government is directed by people from outside this place and maybe that is not what they want. Maybe they want this to continue to an ongoing saga so that they can get out there and complain about Hon Nick Goiran daring to ask questions or move amendments, and all of that. But I do not think that is a game that this house is remotely interested in playing. To pick up a theme from this morning's press, I do not think it is a game that the majority of Western Australians really want to see played out either. I offer those suggestions about the better management of the house and this bill, and we will see how much imagination the government has in picking up those suggestions.

**HON COLIN TINCKNELL (South West)** [10.21 am]: I endorse the words of Hon Simon O'Brien 100 per cent. Obviously, commonsense is not very common at times. Whilst I work with the other leaders to add hours to the sitting times, the fact that an unreasonable time limit was put on this bill did not allow the chamber to cover all matters of the bill, to ask questions and suggest amendments. I think that has been the problem from day one. The politics that is playing out in the media is disgusting, and I am hoping that we, as 36 members—not political parties, as this is a conscience vote—continue to ask every question that we need to ask and move every amendment that needs to be moved, and that this bill leaves this house in a better state than it was when it came into it.

**HON ROBIN CHAPPLE (Mining and Pastoral)** [10.23 am]: I rise very briefly to speak on this motion. When I entered this place in 2001, we did not have the standing orders that we have now. We used to sit through to 3.00 am or 4.00 am, so we have actually moved forward quite dramatically in that process. I remember that in 2004 there were special standing orders for us to sit every Friday; therefore, what we are doing now is not much different from what we used to do.

**HON NICK GOIRAN (South Metropolitan)** [10.24 am]: I rise to support the motion moved by the Leader of the House and I indicate that I am supporting it as I have on every other occasion that the Leader of the House has sought to extend sitting hours for the purpose of this bill. I supported that particular motion previously and I am doing that again today. The reason that I do so goes to the heart of why I decided in 2006 to take steps to sell half of my equity in a law firm that I owned and join the Liberal Party to seek to become a member of Parliament. In 2006, I made a very serious decision that was going to impact upon my family both in terms of the personal time that I would be able to spend with them and in terms of the financial contribution that I would be able to bring to my family. In 2006, I took that decision very seriously, and I did that because, as a legal practitioner, I was appalled by some of the legislation that was coming out of Parliament. I left, as a legal practitioner, having to explain to my clients the injustices that were occurring to them. Why? It was because of the words in bills and in legislation. I felt so sorry for those clients and fed up with having to say sorry and explain to them that that was the state of the law in Western Australia that I sold my half-share in a law firm that I owned and said to my family that I was going to join the Liberal Party to hopefully become a member of Parliament, which would mean less time with them and less money into our family, but I thought it needed to be done.

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I cannot tell you, Madam President, how many times over the journey that some people have asked whether I actually like the job that I am doing. Over the last 10 years, I have said to them, "Not particularly, but it is a job that needs to be done." As I continue to serve and after making the sacrifices that I have made on behalf of my family, I will never be bullied by any member of Parliament or any person outside of the Parliament, least of all the current Premier of Western Australia or the editor of *The West Australian*.

I support the motion moved by the Leader of the House, because I have already said that I am quite happy to sit for as long as the government wants to address this bill. The government decides what the priorities are for Western Australia and the proposals that it brings to this Parliament. Personally, I do not think this bill is the most important priority for Western Australia. I think the High Risk Offenders Bill has a more pressing need to be addressed before Christmas, but that is just my view. The government is entitled to say that it wants this other bill dealt with first and it does not want us to deal with anything else, and I am happy to facilitate that, but, equally, I am not going back on the commitment that I made to my family in 2006 and say that I will just wave through legislation.

Yesterday, when we considered three amendments, according to some, including the Premier of Western Australia, I was holding up the passage of the bill. The first amendment—a very good one—was moved by Hon Martin Pritchard and it had its origin in work done by the member for Armadale. I supported the honourable member and congratulated him on his courage in moving that amendment. We then moved to an amendment by Hon Charles Smith, who was seeking to bring in a safeguard from the Northern Territory legislation. The government's own minister, Hon Stephen Dawson, moved the third amendment that we dealt with yesterday, and we found, after an interrogation by me, a flaw in that amendment. To his credit, he agreed, conceded and we made a change. That is exactly what the house of review is supposed to do. All I am saying is that I am committed to doing that for the entirety of my time in this Parliament.

I will finish on this note. Schedule 4 of our standing orders states —

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member's conduct as a Member or induce a Member to be absent from the Council or a Committee.

In other words, there will be no coercion of members of Parliament, because to do so is a contempt of the Council as per schedule 4 of our standing orders. I call on the Leader of the House, who has been very moderate in her remarks during the course of this debate and when moving motions of this kind to ensure that that standard she has applied during this debate is maintained outside the chamber, including on Twitter and other places, and also to have a word to the Premier, who is absolutely not assisting the passage of this bill.

**The PRESIDENT:** Given this type of motion requires an absolute majority, I have counted the numbers in the house and there being no dissenting voice, this motion is carried with an absolute majority.

Question put and passed with an absolute majority.