

Hon Sue Ellery; Hon Peter Collier; Deputy President; Hon Dr Sally Talbot; Hon Michael Mischin; Acting President; Hon Helen Morton; Hon Ken Travers; President; Hon Rick Mazza; Hon Robin Chapple; Hon Jacqui Boydell; Hon Lynn MacLaren; Hon Liz Behjat; Hon Simon O'Brien

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**SELECT COMMITTEE INTO THE OPERATIONS OF THE ROYAL SOCIETY  
FOR THE PREVENTION OF CRUELTY TO ANIMALS WESTERN AUSTRALIA (INC)**

*Interim Report — “Select Committee into the Operations of the Royal Society  
for the Prevention of Cruelty to Animals Western Australia (Inc) — Extension of Time” — Motion*

Resumed from 23 March on the following motion moved by Hon Rick Mazza —

That the reporting date for the select committee’s inquiry into the operations of the Royal Society for the Prevention of Cruelty to Animals Western Australia (Inc) be extended from 6 April 2016 to no later than 19 May 2016.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [12.32 pm]: The motion before us, which came out of the tabling of the report yesterday by Hon Rick Mazza, is that the reporting date for the select committee’s inquiry into the operations of the Royal Society for the Prevention of Cruelty to Animals Western Australia be extended from 6 April 2016 to no later than 19 May 2016. I rise to indicate that the opposition will not support the motion, and I want to explain to the house why that is. It is an unusual thing for us to say to a committee that we do not believe that we should support its request for an extension of time, so I want to take a little time to explain why we have taken that position.

The house made a decision to establish a select committee. Our position at that time was that we did not support it. We expressed our concern at the time that we were worried that such a well-respected and, indeed, beloved organisation was perhaps going to be the subject of a witch-hunt through the establishment of the select committee, so we opposed the motion. Nevertheless, the house made its decision and we respect that and, indeed, the Labor Party nominated one of its members to participate on the select committee.

It is the case that the select committee has already sought an extension of time, and that was granted by the house. Because of my reservations about what this select committee was going to try to do and, perhaps, the way in which it was going to conduct itself, I have followed all the proceedings of the select committee that have been made public on the committee’s website. I have followed the *Hansard* of the respective public hearings that have been conducted. I have not read all the submissions that have been made, but I have read a number of them. Members will be aware that we received a letter not long after the RSPCA appeared at the first public hearing. I was not the only one to receive it, and the copy that I will refer to was directed to Hon Rick Mazza, as the chair of the committee, and is on the committee’s website. I am not aware—although I could stand to be corrected—of any witnesses taking the step of writing to members of Parliament to express concern about the way they were treated in a public hearing, but that is what the RSPCA felt compelled to do. The letter that was sent to Hon Rick Mazza, as the chair of the committee, is dated 13 September 2015 and states —

Dear Mr Mazza

**Select Committee — Hearing 7 September 2015**

RSPCA WA attended a hearing before the Select Committee into the Operations of the RSPCA WA (“Committee”) on 7 September 2015, represented by President Lynne Bradshaw, me as Chief Executive Officer —

That is David van Ooran —

and Chief Inspector, Amanda Swift.

I write to raise concerns regarding the nature and manner of some of the Committee’s questioning which prevented RSPCA WA representatives from providing to the Committee the best evidence on key issues.

In a separate letter to you, I have provided supplementary information to address allegations which, in my view, RSPCA WA representatives were not given a reasonable opportunity to respond to. It is unfortunate this evidence could not be provided in the same public forum in which the questions were asked, but I hope it will provide a more accurate account that will assist the Committee’s inquiry.

My specific concerns regarding process relate to Standing Order 181(e) of the *Legislative Council Standing Orders*, which provides that witnesses should have a reasonable opportunity to rebut allegations of criminal, improper or unethical conduct.

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Another issue for RSPCA WA representatives was that they were not afforded the benefit of Standing Order 181(a), which contemplates witnesses having access to relevant documents during an examination.

RSPCA WA representatives also were uncomfortable with the framing of a specific line of questioning. Hon Sally Talbot MLC noted the “leading way of framing the question” and the apparent discomfort of the witnesses. RSPCA WA representatives were concerned that the questions may have been directed to a specific case which is the subject of legal proceedings.

RSPCA WA has sought to assist the Committee’s inquiry by providing a comprehensive Submission. It is also facilitating a site visit to the Malaga Animal Care Centre. RSPCA WA has dedicated substantial time and resources to examining the wide range of issues canvassed in submissions to the inquiry and sought to provide the best possible evidence at the hearing. It is unfortunate that, in some respects, this was not able to occur.

In the event a further hearing is scheduled or there are other opportunities to assist, RSPCA WA welcomes the opportunity to provide the most valuable evidence to inform the Committee’s inquiry.

That letter is signed by David van Ooran, the chief executive officer. A copy of that letter was cc-ed to the President of the Legislative Council and to Mr Nigel Pratt, the Clerk of the Legislative Council. I, too, was sent a similar letter, as were other members of the Legislative Council.

The *Hansard* of the particular hearing that the RSPCA has referred to is quite disturbing. I think there was badgering and bullying of witnesses. The thing about *Hansard* is that it cannot pick up tone or inflection, so none of that is reported in the transcript. But to long-time readers of *Hansard*, which members in this place are, it is very clear that was certainly a very unpleasant—I am going to say it—and unprofessional way to conduct a hearing. As members of committees, it is often the case that we will be in a public hearing with witnesses appearing before the committee whom we do not agree with and whom we take a different point of view to and who we might find are doing their very best not to answer the question asked. I have experienced that quite regularly in estimates hearings, when ministers give answers to questions. It is not unusual for a member of Parliament participating in a public hearing, not to be getting the kind of information they are seeking. That does not mean that we should demean ourselves and the committee and, ultimately, the Parliament by conducting ourselves in a way that leaves witnesses feeling bullied and harassed, and feeling that they have no choice but to write to the President of the Legislative Council of the Parliament of Western Australia to lodge a formal objection about the way they feel they have been treated in a public hearing. I found that quite disturbing.

When the question came before us yesterday to support an extension of time into this hearing, I had to stop and question whether it was the right thing for us to support the committee having an extension of time if we could not be satisfied the committee was going to conduct itself in a way that treated people fairly. This is first time I have done this quite unusual step of explaining —

**Hon Michael Mischin** interjected.

**Hon SUE ELLERY:** The Attorney General will get his opportunity to contribute to the debate.

**Hon Michael Mischin:** I was just asking a question: when was this letter written?

**Hon SUE ELLERY:** It was written back in September.

**Hon Michael Mischin:** Why hasn’t something been done about it since then?

**Hon SUE ELLERY:** That is my point.

**The DEPUTY PRESIDENT:** Order!

**Hon Michael Mischin:** Why haven’t you raised this before now?

**Hon SUE ELLERY:** When I received the letter, I went and spoke to the President. I said to him that I was very concerned that a witness felt they needed to write this letter.

**Hon Michael Mischin:** Why didn’t you raise it with the house?

**Hon SUE ELLERY:** The appropriate thing to do was to speak to the President, because the person in charge of how committees conduct themselves and who is able to sit in on any committee hearing and provide guidance to chairs of committees is the President. The person who has that responsibility in this place is the President, and that is who I spoke to. I think that was the appropriate action for me to take at the time.

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The next opportunity I had to raise these issues is today, when I had to think whether it is appropriate that we give this committee an extension of what is effectively five weeks. When members read the committee's report that was tabled yesterday, they will see that it states its members are seeking the extension to consider relevant matters and to comply with Legislative Council standing orders. I am not sure what Legislative Council standing order they think they would be in breach of if they did not get an extension of time, so I would welcome any advice that can be provided to the house about that.

I am very concerned about how this committee has conducted itself, and if members go to some of the submissions, it is clear. Let us take the submission from the Sporting Shooters' Association of Australia Inc. This submission was sent to the committee on 30 June 2015. It goes to the heart of why the opposition opposed the establishment of this select committee in the first place. That submission is signed by Ron Bryant, the Western Australian president of the Sporting Shooters' Association of Australia; Geoff Jones, the national president and Tim Bannister, the national chief executive officer. The letter reads —

As our joint submission shows, the SSAA is concerned that the RSPCA WA is misusing government and/or public donations to fund an animal liberationist agenda, through misleading and inaccurate public educational campaigns, specifically against hunting.

It is an extraordinary position that we find ourselves in, whereby members of Parliament are not able to understand or establish the issue for themselves through the ordinary processes of Parliament. These include the asking of parliamentary questions, the estimates process—an extensive and detailed examination of the allocation of government funds—and through questioning of the Minister for Agriculture and Food with responsibility for the allocation of funds to the RSPCA, who has not been able to demonstrate to the house in any of the questions that he has been asked, that there is any evidence to suggest that the funds that are provided by the Western Australian government to the RSPCA for a series of contractual obligations have in any way, shape or form been misused.

*Point of Order*

**Hon PETER COLLIER:** I do not have a problem with the course of action the opposition leader is taking and I will comment on that in a moment. My point of order is that under standing order 41, which is about a reflection on a decision made by the chamber, this house made a decision that this issue would go to the Standing Committee on Legislation. We have made that decision. A vote was taken and we are perilously close now to reflecting on that decision and whether that decision should have been made. I do not mind the fact that the opposition leader may oppose the extension, but think at this stage I feel that she is reflecting on the decision that was previously made.

**The DEPUTY PRESIDENT:** I have been listening to the debate and although I take your point of order, I do not think she has crossed that bridge. I think she is on reflecting on her concerns at the time and what has happened subsequent to that decision being made and how that is impacting on her views on this motion. But I ask the Leader of the Opposition to take into consideration the concerns of the Leader of the House in concluding her remarks.

*Debate Resumed*

**Hon SUE ELLERY:** I take your guidance, Madam Deputy President. I am trying to explain to the house why I am taking the really unusual step to oppose what some would say is just an administrative matter and would ask why the house would say to a committee that we do not want to grant the extension. I am trying to explain the background to that. Members may disagree with me, but that is the purpose of my argument; it is not to reflect on a decision we made about a year ago now. It is to say, having observed the conduct through the publicly released material, I am reluctant to grant this committee an extension of time because of the way it has conducted itself. I should I guess put on the record that I got a phone call from Hon Sally Talbot on Friday advising me that she had been authorised by the committee to advise me that the committee intended to seek an extension of time, so I was aware on Friday that was going to happen. I was not given the reasons or anything like that, which is why I went behind the Chair to ask the Leader of the House, because I was not sure what we were going to see in the report as it would be some time before I could read the report to consider and discuss with my colleagues whether to support the extension of time. I thank the Leader of the House for that, because I was kind of operating blindly, which is as it should be, as deliberations of the committee should not be revealed. Since then, the committee's website has shown a letter from the RSPCA to the chair of the committee dated 22 March. The letter is headed "Select Committee in the Operations of the RSPCA WA—tabling date" and reads —

I refer to our discussions on 21 March 2016 and your letter of the same date, in which you advised that the Select Committee into the Operations of RSPCA WA (Committee) will be seeking that the

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Legislative Council extend the Committee's tabling date from 6 April 2016 to a date during a sitting week in May 2016. The Committee has sought RSPCA WA's response to the proposed course of action.

RSPCA WA has previously expressed its concerns to the Committee in relation to the significant impost on the Society's resources as a result of the Inquiry. Therefore, I am disappointed with the prospect of the Inquiry being extended, for a second time, by at least an additional four weeks.

**Hon Helen Morton:** Who is this letter from?

**Hon SUE ELLERY:** It is from David van Ooran again—the CEO of the RSPCA.

**Hon Helen Morton:** It is the same person?

**Hon SUE ELLERY:** Yes. The letter continues —

I understand that one of the purposes of the extension is to ensure RSPCA WA is provided with any adverse allegations that are being relied upon by the Committee and then given an opportunity to respond, in accordance with procedural fairness. RSPCA WA has requested procedural fairness in relation to adverse allegations that are to be relied upon by the Committee since its initial Submission dated 1 July 2015 (page 6), with the request being reiterated by President Lynne Bradshaw at the hearing on 23 November 2015 (transcript, page 2). No such material has been specifically provided to RSPCA WA for this purpose to date. Therefore, I would hope that any such material could be provided to RSPCA WA shortly and a reasonable opportunity given to respond within the current reporting timeframe of 6 April 2016.

RSPCA WA will have the additional material it is seeking to submit before the Committee very shortly. It includes our response to further submissions by the Department of Agriculture and Food, WA which were lodged in response to a Committee request of 24 February 2016. RSPCA WA only became aware of these submissions from a perusal of the Committee webpage on 15 March 2016.

I confirm your advice to me that the Committee will not be seeking further evidence apart from the final matters being submitted by RSPCA WA and to allow procedural fairness to be accorded. In these circumstances, RSPCA WA neither consents to nor opposes the proposed course of action.

Yours sincerely

**David van Ooran**  
**Chief Executive Officer**

**Hon Helen Morton:** Who was that addressed to?

**Hon Rick Mazza:** Me.

**Hon SUE ELLERY:** To Hon Rick Mazza as the chair of the committee, and it was put up on the committee's website on 22 March—so Tuesday this week.

I am, and I was, hesitant to take this step, but I did it, I guess, for two reasons. One, because I wanted the opportunity to ask those members of the committee to consider how they conduct themselves in the course of their deliberations and their treatment of witnesses, if there are to be any further witnesses. I also wanted to make the point that I am afraid that my reservations at the time we were debating whether the house would take this course of action have been confirmed, and on that basis on behalf of the opposition I am not prepared to vote in favour of an extension of time for this committee.

**HON PETER COLLIER (North Metropolitan — Leader of the House)** [12.54 pm]: The government will support the extension. I am surprised we are actually having this debate.

**Hon Ken Travers:** Does the Premier support this?

**The DEPUTY PRESIDENT:** Order, members! The Leader of the House has the call.

**Hon PETER COLLIER:** Thank you, Madam Deputy President.

I am the Leader of the Government in the Legislative Council and the government supports this extension. Can I just say a couple of things first of all? I am surprised that the Leader of the Opposition is opposing this for a host of reasons, but I do not intend to take up too much of the house's time. First of all, this house made a decision some time ago that we would send this issue to a select committee to investigate the issues that were raised in the chamber and debated in a very wholesome fashion. We debated that issue and it was agreed by this

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chamber that we would send it. We must respect that decision of this chamber that we would actually ensure that the committee system operated, as it should do, in a forthright fashion to identify any issues that may exist—arguments on both sides of the ledger. The committee should be given due respect, as it was, to ensure that it looked at both sides of the issues that were raised, and I have no doubt that it will come back. I have no idea what the deliberations have been or what decisions the committee will come up with, but I have no doubt that it has been very forthright in making sure that all sides were listened to.

In short, what the opposition is asking to do now, as I said, is to shut down this investigation and this committee report. The opposition is not asking for due process; it is saying that due process can no longer continue, because it is asking us to shut down a committee before it completes its deliberations.

**Hon Darren West:** They're looking for an extension.

**Hon PETER COLLIER:** Yes, the committee is asking for extension.

**Hon Darren West** interjected.

**The DEPUTY PRESIDENT:** Order, members! The Leader of the House has the call.

**Hon PETER COLLIER:** The committee is asking for extension and the committee has not finished with its deliberations. The committee is saying that it still has some work to do and I can respect the committee. If we do not respect the committee in this instance, we are setting an appalling precedent, Hon Darren West, and I would like the issue to come back next time another committee asks for an extension and for members opposite to say that they will support it. Just remember that, because the issue will come back.

In this instance, there is an issue —

**Hon Ken Travers:** Some of us have been around long enough to remember when we have done this in the past.

**Hon PETER COLLIER:** I cannot recall a situation. I may have been involved in one, I have been here for 10 years now, and it may have been the case. I certainly cannot remember a situation in which the house has not granted a committee an extension. I remember I was on a legislation committee with the honourable member—the Balga Works investigation. That is a perfect example.

**Hon Ken Travers** interjected.

**Hon PETER COLLIER:** Members opposite are obviously not interested in what I have to say, but we had to look into an issue there that was of considerable significance. Members opposite did not want to have the inquiry into Balga Works and the honourable member will remember that. At that stage we finally did get there and we had three or four extensions, Hon Ken Travers must remember that. It went on for 18 months in the long run, but the end product of the inquiry was that it was a very, very —

**Hon Ken Travers:** I won't forget it!

**Hon PETER COLLIER:** I remember it very vividly.

It was a wonderful inquiry and it really improved the situation with regard to private providers and access to training within our education system. The people who basically were victims of that system were actually provided with due compensation. We gave that committee a number of extensions. As I said, if the opposition take this in hand, it is all good and well to set a precedent at this stage and for the opposition to say it does not want to extend the deliberations, but remember that this is but one example. I would be very interested to see whether there are other cases in which we have not extended a time frame upon a request from a committee.

The opposition constantly advocates for legislation and issues to go to committees—constantly, that is all I hear. As Leader of the Government, I hear this constantly. On this side of the house, we have provided —

**Hon Darren West** interjected.

**Hon PETER COLLIER:** Hon Darren West has no idea about this. I have not finished what I am about to say and he already knows what I am going to say, so if he does not mind.

On this side of the house, we have provided opportunities—a lot more in this term of government than there have been previously—for legislation et cetera to go to committees. What happened here is that a legitimate issue was raised by members of this chamber.

Several members interjected.

**The DEPUTY PRESIDENT:** Order, members!

**Hon PETER COLLIER:** I did not open my mouth when the Leader of the Opposition spoke. She might not like what I have to say, but she has to listen to it.

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**Hon Sue Ellery:** No, I don't.

**Hon PETER COLLIER:** No, she does not, but tough. If she cannot sit in silence —  
Several members interjected.

**The DEPUTY PRESIDENT:** Order, members! The Leader of the House has the call.

**Hon PETER COLLIER:** As I said, we are not going to see eye to eye on this, but I just find the hypocrisy in this whole argument exasperating. Members opposite are the greatest advocates for things going to a committee. The committee is doing its job in a wholesome and fulsome fashion, in a very productive and constructive manner, and they are opposing it.

**Hon Darren West** interjected.

**Hon PETER COLLIER:** If Hon Darren West does not mind —

**The DEPUTY PRESIDENT:** Order, members!

**Hon PETER COLLIER:** The peanut gallery! Sorry, Madam Deputy President!

As a result of that, the Leader of the Opposition has raised some issues with regard to concerns from people who have been witnesses to this committee, and she did exactly the right thing. She spoke to the President about it, as she should have done, and she should have perhaps raised those issues again at other opportunities in the chamber, but to scuttle the deliberations of the committee to get her point across is just quite frankly breathtaking—absolutely breathtaking. I have to say that I will remember this in the future. I will remember this whenever other issues with regard to committees et cetera arise that the Leader of the Opposition has asked us to scuttle the deliberations of a committee. What I am saying is that it is incumbent upon this house to provide an extension to a committee. This is a legitimate request for an extension to a committee. I have no idea with regard to the deliberations of that committee.

*Sitting suspended from 1.00 to 2.00 pm*

**Hon PETER COLLIER:** I would like to conclude with a few comments that I raised prior to the break to essentially give rest to three issues that were raised by the Leader of the Opposition in her opposition to an extension of time for the committee.

Firstly, I raised the issue that on virtually every occasion when a committee requests an extension of time, it has been provided for. I take Hon Ken Travers' point at face value that he is aware of precedent when it has not been the case. I am not aware of that precedent and, in this instance, I have not heard of anything to the contrary to suggest that an extension of time should not be granted. As I said, we always talk about the valuable role of committees and nothing has been said to me or expressed today, nor have I heard anywhere else, anything to suggest that the extension should not be granted. That was the first issue.

The second issue Hon Sue Ellery raised regarded a witness's allegations of the committee's conduct. As I mentioned, in that instance, Hon Sue Ellery raised the allegations with the President in September last year. I have no idea whether the President responded or reacted to the claims, or whether he spoke to the committee or whatever. I am not aware of that. The committee's alleged conduct was not raised in this chamber by the committee itself or by any witnesses. Anyway, that is not justification for not granting an extension. If there is an issue with the committee's conduct, that needs to be dealt with separately. It is certainly not a reason to not grant an extension.

The third issue raised by Hon Sue Ellery was that a witness did not want an extension for potential adverse findings. That is an absurd criteria for not granting an extension—goodness gracious! If that was justification for not granting an extension, we would not have any committee reports or investigations. If we set the precedent with this justification, from now on, all members would need to say is that a witnesses has said that they do not want a committee report because it might provide an adverse finding. That is why there are committee investigations and why we have a committee system—to provide a forensic look at issues and to provide both sides of the argument. In this instance, the RSPCA has been provided with an opportunity to give its side of the argument. If anything, it has provided the RSPCA with an opportunity to refute allegations that have been made. That opportunity has nothing to do with the committee's actions; it has to do with the RSPCA's opportunity to correct the record if allegations have been made. That is what we have here. To curtail the committee would be an abrogation of this committee's responsibilities and the responsibility of committees throughout the Parliament of Western Australia. Curtailing the committee is exactly what we would be doing here. It has said that it needs additional time to ensure that the due process is continued through all avenues to make sure that a committee report with all the facts is provided. We cannot use as justification not to provide an extension that a witness does not want to have an adverse finding. That is just ludicrous; it is absurd.

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**Hon Sue Ellery:** That's not what I said.

**Hon PETER COLLIER:** That is exactly what the member said. She read a letter to that effect.

**Hon Sue Ellery:** That's not what his letter said either.

**Hon PETER COLLIER:** The member is talking about an adverse finding. If the member is using the justification of an adverse finding, it is absurd.

**Hon Sue Ellery:** You need to read his letter.

**Hon PETER COLLIER:** That is the point. Why did the member read it out in the first place?

**Hon Sue Ellery:** I think that I was trying to make the point that they had written again expressing their concern about the conduct of the committee. They did not say in that letter—you can read it; it is on the committee's website—that they did not want the committee to have an extension of time because they thought it was going to make an adverse finding. In fact, at the end they said that they neither oppose it nor support it. That is what they said at the very end.

**Hon PETER COLLIER:** Just to conclude with this point, Madam Acting President, as I have said ad infinitum, the RSPCA never wanted this investigation in the first place. I met with the RSPCA prior to the investigation and I said that I thought it should use it as an opportunity to correct the record et cetera. That, in itself, is a reason to ensure that the committee is provided with sufficient time for every single allegation to be dealt with. Regardless of the outcome or the findings, the investigation should provide the RSPCA with a forum to do that. As I understand it, if I take what the Leader of the Opposition has just said, the sole reason that the opposition is not supporting this extension is due to the committee's alleged behaviour. In that instance, then, again, that is preposterous and fraught with problems. There are numerous avenues for the members of that committee to bring forward those allegations to this chamber but they did not. There are numerous avenues for those allegations to be brought forward to the President and they were. As I said, I have no idea whether the President acted on those concerns. We are being asked to take at face value the fact that allegations have been made and we do not know what the end product of that has been. All I know is that the committee is operating and functioning, and it is working on an inquiry. It would be ludicrous for us, as a house of Parliament, to usurp the process of that committee work. The house voted and agreed to the establishment of the committee. We need to provide that committee with absolutely every avenue we possibly can to do its work thoroughly, comprehensively and forensically. That is why, even if it takes an additional five weeks, which is all we are asking for here, we have to provide the committee with every opportunity to do exactly that. For those reasons, the government will be supporting the extension.

**HON SALLY TALBOT (South West) [2.08 pm]:** I will also speak in opposition to the motion. I want to start by thanking Hon Sue Ellery, the Leader of the Opposition, for her contribution to the debate in her opening remarks, which I think were of great substance and went straight to the heart of the reason that we, on this side of the chamber, are opposing this request for an extension. Obviously, my comments, in some sense, cannot be separated from my membership of the select committee. Everybody knows that I have been a member of the select committee since it was established last May. I want to make it clear from the outset that I will not be referring to any of the committee's deliberations. Indeed, I have taken great care—as I am sure other members of the committee who may be speaking today will—to ensure that I do not do that. I will refer only to material that is in the public domain already, and there is a great deal of that material. As honourable members will be aware, there is an enormous amount of material in the public domain and that is what I will make direct reference to. I will be talking about my perception of the issues that arose during the establishment of the committee and the way it has conducted itself during its public hearings, but also, and most importantly—these are the points that I want to stress—I want to talk about what people have the right to expect from a parliamentary inquiry, what the community of Western Australia has a right to expect when a committee of the house embarks on an inquiry of this kind and also, more particularly, what the subject of a parliamentary inquiry has the right to expect of this Parliament. I have several things that I want to say on that subject.

I will start by directly addressing the comments made by the Leader of the House. As I heard him, he gave three specific reasons for rejecting the arguments already put by the Leader of the Opposition. The first, in my mind, is entirely spurious. Anybody who has devoted any brain space at all to thinking about the nature of the argument will understand the problem that arises with this method of arguing. The Leader of the House said that virtually every extension request that comes to this place is granted; therefore, we should grant this one. That is a ridiculous thing to do. That is not how decisions are made. Just because a decision was made last week or last month or last year or in the last 10 years does not mean that that influences the way we behave today. We have to take an extension request on its merits and we have to make the determination about whether we grant that

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extension request on the basis of the merits of the arguments that have been advanced. That is the first point I want to make.

I want to digress slightly. Hon Ken Travers and I have the makings of a little disagreement because my view—I was advised by the Clerk—is that the debate we are having today is not just unusual, it is unique. I am not sure that we have ever debated a motion on an extension request by a committee when one party in this house has opposed that motion. I think that is unique. Hon Ken Travers may want to add to that if he cares to contribute to the debate.

The second thing that the Leader of the House raised was that in some sense, if we do not grant this extension request, we are curtailing the operations of the committee. I cannot understand the grounds on which the Leader of the House would advance that argument. As we all know, this committee was established on 13 May last year. It has already been running for 10 months. An enormous amount of evidence is on the public record already. To suggest that the committee will be under instructions to curtail its investigations is, frankly, ludicrous. There are very good reasons for opposing this extension request. Hon Sue Ellery has thoroughly articulated those reasons at some length. I agree entirely with every point that she raised.

The third point raised by the Leader of the House was that opposing this motion in some way indicates disrespect for the committee process. Again, I simply reject that out of hand. I think every member on this side and most members on the other side of the house would agree with me when I say that these days in the contemporary political and parliamentary environment, much of the real work of the Parliament is done in committee. In committee we are able to shed that adversarial stance that we often adopt in the chamber and we can argue with each other and change minds. The reality is that we do not do that as often when we are just debating in the chamber. I have great respect for the committee process. It is a respect that I attempt to elaborate, obviously, judging by the demeanour of those on the other side who are paying me a bit of attention, not entirely successfully, but I intend to do it every time I speak on a referral motion, when I point out to the house that we end up with better legislation and better outcomes in this place when committee inquiries have contributed to our reflections on an issue or a bill. I will maintain that stance. I reject categorically any implication that to oppose this motion is an indication of disrespect for the committee process—far from it.

I want to talk about what people have a right to expect from a parliamentary inquiry. As I said, this is a unique situation in that the opposition is opposing the request for an extension. I would go further than that and say that despite the various precedents that have already been referred to by speakers in this debate, the whole nature of this inquiry is in some sense unique. We have to remember that this inquiry is specifically into the operations of the RSPCA. In setting up this inquiry, members on this side of the chamber—I say sorry to Hon Rick Mazza as he finds himself sitting on this side of the chamber, so he should take that as a metaphorical “this side of the chamber” —

**Hon Ken Travers:** He should swap with the Nats.

**Hon SALLY TALBOT:** That might be something that Hon Rick Mazza wants to consider.

**The ACTING PRESIDENT:** Order! This is a very important debate that the house is having, and it has been referred to as a unique debate. I do not think we need frivolous interjections.

**Hon SALLY TALBOT:** Members on this side of the chamber raised several points, which I want to go through because they underline my reasons, as a member of this house, for opposing this motion. One of the things pointed out in that debate was that the RSPCA is simply not a rogue organisation. Indeed, the opposite is clearly true. The RSPCA is supported by the entire community. I know that that research about the brand recognition has been bandied around over the last year or so—98 per cent of people recognise the brand of the RSPCA—but that in itself does not tell us very much. The RSPCA is a not-for-profit charity. It was never suggested by anybody before the debate arose in this house that the RSPCA is in any way a rogue organisation. For goodness sake, the Western Australian Governor —

*Point of Order*

**Hon MICHAEL MISCHIN:** The honourable member is rehashing the debate that caused this matter to be referred to the committee in the first place. The issue here, with respect, is not the behaviour of the committee. If the committee has acted improperly, that is a matter that needs to be taken up through the proper channels, either with the President or by a member—we happen to have a member of the committee here who has not said anything about its behaviour since it was formed—in due course and in the proper fashion. The debate here ought to be about whether the committee, which has been directed by this place to do a job, ought to be allowed to extend its time in order to report to us. Ordinarily, one would have thought that that would focus on issues

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such as whether there has been an appropriate explanation given for it, not to rehash the debate that caused this matter to go to the committee in the first place.

**The ACTING PRESIDENT (Hon Liz Behjat):** I have been listening to the debate very closely because these matters that we bring before the house are obviously of a very sensitive nature. As has been said, it is a unique situation. The question before the house is whether an extension will be granted. I do not think we need to go back over things. Both the Leader of the Opposition and the Leader of the House have put the arguments whether the extension should be granted. The history of why the inquiry has come about is not relevant to this debate, and the behaviour of the committee during the course of the inquiry is not relevant to this debate. I now say that members need to be very cautious when they are speaking to the question, and the question is whether an extension of time for the reporting of the inquiry should be granted.

**Hon SUE ELLERY:** With the greatest of respect, the proposition that the Acting President just put is that the conduct of the committee is not relevant to whether an extension should be granted. That is a substantial part of my argument why the extension should not be granted. It is a point of view that others might not share, but I most respectfully disagree that it is not relevant to whether the extension is granted.

**The ACTING PRESIDENT:** The point that you raise is relevant to the fact that a standing order might have been breached in relation to some matters relating to the conduct of the committee. That is another avenue that can be looked at. Insofar as it actually applies to the extension of time question, I still maintain that the conduct issue is not a matter to be further debated. It has been raised and put out there by you in your contribution and also by the Leader of the House. I think that we should move on from that part and just refer to the extension of time question.

**Hon SUE ELLERY:** With the greatest respect, again, I am going to perhaps request that you leave the chair and seek some advice, because it is the core of my argument that the conduct of the committee is the reason to not grant an extension. Just because that is my view, it should not prevent others from expressing another point of view. There is, of course, a standing order about repetition, tedious repetition and the like and you might form a point of view about that, but I do not think that you could do that with only the second speaker from our side. If you were to insist that no other member, in the course of this debate, could raise the issue of the conduct of the committee, I would have to ask you to leave the chair and seek advice from the President, because I do not think that is a reasonable proposition to put to the house.

**The ACTING PRESIDENT:** To move the debate forward, if we can, it is open for members to put forward that the alleged behaviour of the committee during the course of this inquiry has been brought into question, but I do not think that you are able to go any further into those issues, because when it comes to the conduct of members during the course of an inquiry, that is a matter for a different standing order. I was not referring to tedious repetition when I referred earlier to the standing orders; it was just that it goes to conduct. Yes, members can certainly in the course of their contribution say that that is one of the reasons they oppose or do not oppose the motion, but insofar as going into any further particulars, that is probably not a wise course of action for members to take.

*Debate Resumed*

**Hon SALLY TALBOT:** Madam Acting President, you may not remember after that fairly lengthy interruption but I was not actually talking about that issue.

**The ACTING PRESIDENT:** I understand that, but a point of order was taken and I needed to address that at that time.

**Hon SALLY TALBOT:** I understand that. I am not surprised that Hon Michael Mischin is now going to presumably embark on a whole series of points of order, because I understand that this is intensely uncomfortable for members of the government.

**Hon Michael Mischin:** Why?

**Hon SALLY TALBOT:** People on the government's side of this chamber are uncomfortable about what is going on.

**Hon Michael Mischin:** What I want to know is whether a committee member is resiling from a motion of their own committee.

**Hon SALLY TALBOT:** Is Hon Michael Mischin taking a point of order here?

**The ACTING PRESIDENT:** Hon Sally Talbot has the call.

**Hon SALLY TALBOT:** I am not taking interjections.

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Several members interjected.

**The ACTING PRESIDENT:** Hon Sally Talbot has the call!

**Hon SALLY TALBOT:** Thank you, Madam Acting President. To return to my substantive point, the reason I was just reminding members about the way in which this committee was established was that I was addressing the question about how Parliament conducts itself and what people have a right to expect when a parliamentary inquiry is established by this place. I was just pointing out that the RSPCA hardly counts as a rogue organisation: it is a charity, it has hundreds of volunteers working for it, its chief patron is the Governor of Western Australia and it self-generates more than 90 per cent of its income, and yet this highly respected charity finds itself the object of an inquiry by a very powerful instrument of this Parliament—a select committee. I will say a little more in a minute about the way in which the committee was established, because that is absolutely important. What I am suggesting is that the community of Western Australia has a right to expect that when this kind of inquiry is established, the inquiry will be done in a timely fashion and that it will not, in and of itself, irrespective of any findings of that committee, cause any damage to the institution or organisation that is being investigated. I put it to the house that that is not the case when it comes to granting this extension of time. That is why we should be opposing it.

I will just make a couple of comments about the establishment of this committee. It is clear that the government allowed this committee to be established. There was lengthy debate in this place. Hon Rick Mazza came in here with a motion about some issues that he has very, very strong beliefs and very strong views about, which he has communicated to this house. I know that in debate in the other place and in the community at large there has been a lot of criticism of the establishment of this select committee. Going through some of the debate, particularly in the other place, there are references to virulent attacks on the RSPCA, McCarthyist inquiries —

**The ACTING PRESIDENT:** I need to say that you are straying into areas that I advise you are probably best not to go. Stay on the topic at hand of whether there should be an extension. There is no need in the question on the extension of time to go into what other people may think of the organisation that is the subject of the inquiry. You need to stay very close to the question, which is that an extension of time from 6 April to no later than 19 May be granted for this committee to report. That is the question before the Chair and not what historically brought about the inquiry, not what Hon Rick Mazza may have thought at the time of bringing his motion to the house and not what the government may have thought of what Hon Rick Mazza said—they are not matters for debate. In front of the house now is purely the question on the extension of time.

**Hon SALLY TALBOT:** If I had managed to draw breath before you made those comments, I was going on to say that despite those strong comments and that strong language —

**The ACTING PRESIDENT:** But you still put those strong comments on the record. Were you then going to say that we should disregard them?

**Hon SALLY TALBOT:** I was going to say that while that strong language has been used, the bottom line is that the first victory one must have when doing business in this place is to convince enough members that there is a case to answer.

**Hon Peter Collier:** And we did.

**Hon SALLY TALBOT:** And we did that; I thank Hon Peter Collier, but I do not need his prompting. It is in my notes. Hon Rick Mazza did that. He persuaded enough people in this place to support his motion. Therefore, I reject the comments about the committee somehow being established on spurious grounds. Hon Rick Mazza persuaded a majority of people in this place that there was a case to answer. That is what I am trying to do now; I am trying to persuade a majority of this house that it would be the right thing to do to have this committee report in line with the reporting date that has already been approved by this house, recognising that that already represents a significant extension of time on the original time lines. Honourable members do not need to be reminded that the committee was set up on 13 May 2015 and that its reporting date was 3 December; it had seven months in which to produce a report. It would have seemed like enough time. The chairman came back to the house at the end of last year and submitted a request for an extension to 6 April. Honourable members will remember that there was no dissent from that motion—everybody agreed. We have all had enough committee experience to know that collecting evidence and hearing evidence from witnesses can indeed be a long and complicated process. The first request for an extension was supported unanimously by this house. However, I remind members again that before the end of last year—members would have seen the list of hearings on the public record—there had already been 16 public hearings and over 130 submissions. These are all on the internet. That was clearly taken into account by the house when the committee brought the first request for an extension into the house. Madam Acting President, you will remember that one of the other reasons for casting

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doubt on the merits of a long inquiry in the first place was that Hon Ken Baston, the Minister for Agriculture and Food, had already announced that he would inquire into the provision of animal welfare.

*Point of Order*

**Hon HELEN MORTON:** We are now referring to part of the debate around sending this to a committee. I ask that the member stick to whether we need to extend the reporting time on the committee's deliberations to five weeks.

**The ACTING PRESIDENT (Hon Liz Behjat):** I understand what the minister is saying. I was listening very closely to what the member was saying. I think she was providing a chronological time line on the events that have led us to today. I am sure that that is just one of the dates she was mentioning in this time line she is presenting to the house. That is the way that I have understood her contribution to the debate.

*Debate Resumed*

**Hon SALLY TALBOT:** Thank you, Madam Acting President. You are absolutely right, and following my line of reasoning. We have had the report of the independent review of the Animal Welfare Act and the minister has announced a revamp of the whole animal welfare system. Another reason it is appropriate that we reject this request for an extension of time for the committee is because the minister did an enormous amount of very constructive work in that review towards addressing many of the issues raised in this place by Hon Rick Mazza in the original debate.

We approved the first extension of time. We now come to a request for a second extension of time. As I said before, and I know this makes some members of the government very uncomfortable, the fact is that as a major charity in this state, the RSPCA, has a right to expect that this inquiry into its operations—its government funding and objectives and the use of its powers—should be conducted in a timely fashion. Another extension of time goes against the interests of that organisation. I suggest that that is what is making government members so uncomfortable. They have been timid and given in on points of principle because they have been courting dissident members on their own side of the house to curry political favour with them. Government members have given into them and will allow this process to run on. They have lost control of it. The point I am making is that it is a very unsavoury reflection on how this Parliament conducts itself.

Several members interjected.

**The ACTING PRESIDENT:** Order! There is only one person with the call. Please, with respect to Hansard, and as we have said before, this is a unique debate and everybody will have an opportunity to contribute to it, but only one person at a time can do that and at the moment it is Hon Sally Talbot.

**Hon SALLY TALBOT:** Thank you, Madam Acting President. I know it is making people on the other side very uncomfortable. They have been timid. I have never been timid in my political life and I will not start being timid now. I am going to name this for what it is, which is exactly as Hon Sue Ellery said. There is no justification for prolonging this inquiry over another month or so of this year.

I want to elaborate on what I think is the most important matter here, which was also touched on by Hon Sue Ellery. The interim report that we are considering in this debate refers, at point 4, to the Legislative Council's standing orders and principles of natural justice. It reads —

A short further extension is requested to enable the Committee to consider relevant matters, to comply with the Legislative Council Standing Orders and principles of natural justice prior to tabling its report, and to properly discharge its reporting obligations to the Legislative Council.

I want to draw the attention of honourable members to the comments that Hon Sue Ellery has already raised about the content of the letter received by the committee on 22 March, which is now on the committee website. The letter was signed by David van Ooran, the chief executive officer, and addressed to the chairman of the committee. I draw the attention of honourable members to the third paragraph of the letter, where he writes —

I understand that one of the purposes of the extension is to ensure RSPCA WA is provided with any adverse allegations that are being relied upon by the Committee and then given an opportunity to respond, in accordance with procedural fairness. RSPCA WA has requested procedural fairness in relation to adverse allegations that are to be relied upon by the Committee since its initial Submission dated 1 July 2015 (page 6), with the request being reiterated by President Lynne Bradshaw at the hearing on 23 November 2015 (transcript, page 2). No such material has been specifically provided to RSPCA WA for this purpose to date.

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That is the key sentence: “No such material has been specifically provided to RSPCA WA for this purpose to date.” The letter goes on —

Therefore, I would hope that any such material could be provided to RSPCA WA shortly and a reasonable opportunity given to respond within the current reporting timeframe of 6 April 2016.

I go back to a hearing held by the committee, and as I said all of this is in the public domain. In a hearing on Monday, 7 September, in session 1 on page 3 of the transcript—if anybody wants to cross-reference it—Lynne Bradshaw said the following —

If adverse material is raised during the inquiry that the committee considers relevant to its findings and recommendations, RSPCA WA seeks the opportunity to respond to those specific matters if it has not already done so.

In his letter of 22 March, Mr van Ooran is confirming that the RSPCA has received no message from the committee about adverse findings. Remember that I am addressing this point specifically under the heading of what people have a right to expect from a parliamentary inquiry of this nature, particularly when they are the subject of that parliamentary inquiry.

**Hon Jim Chown:** And your bias is showing as a member of that committee.

**Hon SALLY TALBOT:** This goes to the issue of how Parliament conducts itself. Clearly, Mr van Ooran is referring, in relation to adverse findings, to standing order 181. I draw the attention of honourable members to standing order 181, “Witness Entitlements”, particularly paragraph (e), which reads —

a reasonable opportunity to rebut allegations of criminal, improper or unethical conduct made against the witness if the allegations are relevant to the Committee’s inquiry;

Because of material in the public domain about this committee inquiry, there is a clear obligation on this Parliament to address the issue of what the RSPCA is entitled to assume about the way the committee is proceeding. Obviously, there are a number of weeks —

**Hon Jim Chown:** As a committee member, have you discussed this with the committee?

**Hon SALLY TALBOT:** Hon Jim Chown knows he cannot ask me that. What does Hon Jim Chown think he is doing?

**The PRESIDENT:** Order! With respect, what one party thinks of something in the committee cannot enter this debate. We have a very, very narrow debate about whether this house approves an extension of time for the reporting by this committee. The only considerations before the house are: Has the committee had enough time to complete its research and its hearings? Has the committee had enough time to complete its deliberations? Has the committee had enough time to provide any party with natural justice or procedural fairness? Has the committee had enough time to complete its report? The fourth point of the report tabled yesterday by Hon Rick Mazza, the chair, summarises the nub of the whole thing. It reads —

A short further extension is requested to enable the Committee to consider relevant matters, to comply with the Legislative Council Standing Orders and principles of natural justice prior to tabling its report, and to properly discharge its reporting obligations to the Legislative Council.

That is the sole focus of this debate. We cannot drift into any of the deliberations of the committee; we cannot drift into any of the opinions on anybody in relation to anybody else or any issue; and we cannot drift into the opinions of, perhaps, one of the witnesses in the whole matter. It is entirely a matter for the committee. The committee has come to us as the house, asking us to approve an extension of time to fulfil all those obligations. That is the sole focus of this report and this debate.

*Point of Order*

**Hon KEN TRAVERS:** Is it possible for you to have those written points about the scope of the debate circulated to the house to assist the debate this afternoon?

**The PRESIDENT:** I doubt you would understand my scribble.

**Hon KEN TRAVERS:** I thought they might have been typed out.

**The PRESIDENT:** No, they are not typed out.

**Hon KEN TRAVERS:** I listened to them, but I thought it might be useful to have them distributed.

**The PRESIDENT:** Do you want me to repeat them?

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**Hon KEN TRAVERS:** It probably would not hurt, actually.

**The PRESIDENT:** Has the committee had enough time to complete its research and its hearings? Has the committee had enough time to complete its deliberations? Has the committee had enough time to provide any party with natural justice or procedural fairness? Has the committee had enough time to complete its report? That is the sole focus of what an extension of time application should be about, and the debate must focus on that and not drift into other matters that take us into the deliberations of the committee or the opinions of various people with regard to whatever issue or whichever person is involved in the whole issue. Let us stick to those parameters.

*Debate Resumed*

**Hon SALLY TALBOT:** My view is this: it would be a very sad day for this Parliament if it did anything to lend weight to the fear that the Parliament is engaged in what the RSPCA has referred to as “The creation of an environment of suspicion and doubt that is calculated to damage the good reputation of the RSPCA”.

**Hon Peter Collier:** Did you just listen to what the President said?

**Hon SALLY TALBOT:** It would be a very sad day. Look, I know this is embarrassing for the government.

Several members interjected.

**The PRESIDENT:** Order! Now the member on her feet is drifting into a commentary on something or other that may or may not eventuate as a result of a vote on the extension of time. This debate is about whether this house grants the extension of time or it does not. They are the sole parameters of the debate.

**Hon SALLY TALBOT:** I will continue to direct my remarks to you, Mr President.

My remarks can all be framed in those parameters that Mr President just outlined. I think he did an excellent job of providing those parameters. I fear that Mr President has probably given Hon Ken Travers about an extra 25 minutes if he cares to contribute to the debate. My remarks are about what people have a right to expect from the way the Parliament conducts itself. I would be surprised if there was disagreement about the fact that there is an obligation on us to limit reputational damage, and clearly we have put ourselves in a position —

Several members interjected.

**Hon SALLY TALBOT:** Look —

**The PRESIDENT:** Order! If the member wants to make some comments about that, they have to relate to one of those points: has the committee had enough time to conduct its research or have the parties involved received natural justice and procedural fairness. That has to be adhered to, and you cannot drift into a wider debate about opinions on various things.

**Hon SALLY TALBOT:** We know the concerns of the subject of this inquiry because they have been well articulated. Hon Sue Ellery has talked about letters that were distributed. I thought they went to all members of Parliament, so I was surprised that there was such amazement on the other side of house about the fact that that letter was distributed. That letter clearly refers to reputational damage. What has also been raised in the public hearings—I have all the transcripts; I do not have time to go through them, but if members are interested they can look them up; they are all in the public domain—is the financial damage being done to the RSPCA because of the length of time that this inquiry has taken. I remember, as my colleague Hon Lynn MacLaren, who is another member of the committee, will recall, Lynne Bradshaw’s remark several months ago that in the 90 minutes that the RSPCA —

**The PRESIDENT:** Order! With due respect, you are now definitely transgressing into the elements of the committee’s work. That is not the matter before the house today; it is whether the committee needs an extra few weeks to provide the report. If you cannot stick to those parameters, I will sit you down.

**Hon SALLY TALBOT:** Thank you, Mr President. You will be glad to know that I am on my final couple of notes about issues I wanted to raise. Going through the published transcripts of the committee hearings, it is evident that the RSPCA has always shown respect for the process —

Several members interjected.

*Point of Order*

**Hon RICK MAZZA:** Under standing order 177, I think the member has drifted into some of the deliberations that we had. This report for an extension of time was, of itself, a deliberation of the committee. I think she has drifted into that, Mr President.

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**The PRESIDENT:** It is a valid point of order. As I pointed out, the member on her feet must refrain from making any reference to any of those deliberations.

*Debate Resumed*

**Hon SALLY TALBOT:** As I said at the opening of my speech, I am not referring to any deliberations of the committee.

Several members interjected.

**Hon SALLY TALBOT:** My point is that it is important to consider how Parliament conducts itself—what people have a right to expect when they are subject to a parliamentary inquiry of this nature.

I am putting forward the proposition that no further extension should be granted and that this house has done everything it could reasonably be expected to have done to give the committee time to complete its deliberations. I fear a further extension of time will continue to add weight to the suspicions that the establishment of this committee have given rise to. We may not give weight to those suspicions, but it is incumbent on us to address those suspicions. The government cannot deny a contrary point of view and simply say that it does not exist because the government is hearing it from this side of the house.

**The PRESIDENT:** Order! I understand that the member on her feet is a member of that committee and that the arguments the member is making now, I assume, may have been made in the committee, but she cannot tell me—I know that. If you have those views and opinions, it is in that forum that they are addressed. The member knows the process in this house. When a report on a matter is tabled, there is an opportunity for this house to debate that report. That will be an opportunity, but now is not the time; this debate is simply about whether the committee needs more time to report.

**Hon SALLY TALBOT:** Thanks, Mr President. In conclusion, as a member of this place I think it will be a sad day if Parliament appears to be contributing, by granting this extension, to an attempt to undermine the integrity of an organisation like the RSPCA by allowing this inquiry to drag on. I finish by agreeing with something that Hon Rick Mazza said when this inquiry was set up in May last year. He said let us have an inquiry because “it will clear the air and set the record straight”.

**Hon Mark Lewis:** When did he say that?

**Hon SALLY TALBOT:** It is in *Hansard*; the member probably never reads it. Hon Rick Mazza said we should have the inquiry and that “it will clear the air and set the record straight”. My view is that this request for a further extension of time should be absolutely and categorically rejected by this house.

**HON MICHAEL MISCHIN (North Metropolitan — Attorney General)** [2.53 pm]: This is a sad day for Parliament for a number of reasons, and the politicisation of this particular issue is the most unfortunate one. Nothing has demonstrated that more than Hon Sally Talbot’s comments and her assertion that somehow the government finds this uncomfortable. She repeated that several times.

**The PRESIDENT:** Order! I guide the member who is on his feet in the same way that I guided the previous member. Whether there are differences of opinion, based on politics or views about anything else, is irrelevant to this debate. The only thing we are concerned about is whether the committee has had enough to complete its obligations.

**Hon MICHAEL MISCHIN:** Indeed, and I make the point that the setting up of this committee in the first place was opposed by the opposition, and that is fine. What is being relied upon is a complaint from a party being inquired that is now being used as a basis for saying that the committee that this house has directed do a function—to do a job and report back to us—ought to not proceed to its conclusion. We have no evidence to support the veracity of that, but that is what is being relied upon. There are ways of dealing with those issues if they have substance, but the house has set up an inquiry and is entitled to expect that be drawn to a conclusion. As Your Honour said—sorry!

Several members interjected.

**The PRESIDENT:** It is a Parliament and not a court of law.

**Hon MICHAEL MISCHIN:** That is a long force of habit. But as you, Mr President, have pointed out, the question before us is a very narrow one. What is disturbing, and it is germane to this issue, is that we have a report from the committee, of which Hon Sally Talbot is a member, that has no dissent from any member of that committee and is presumably the submission of that committee to this house. I do not descend into questioning what the deliberations may or may not have been at the time that this was being dealt with by the committee and its resolution to approach this chamber and seek an extension of time of some five or six weeks in order to

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complete its function, but I find it astonishing that a member of the committee, who had not voiced her dissent or qualification to the committee's recommendation and the motion, should now stand up and try to undermine it.

**Hon Ken Travers:** It is not the first time that has happened in this house.

**Hon MICHAEL MISCHIN:** On your side of the chamber it may have. It has not happened in my time.

As you have pointed out, Mr President, the question is whether the committee has had sufficient time to complete its function. It may be that there ought to be an inquiry into that, if that was thought to be unreasonable, by determining just how frequently it has met and whether the reasons for it not being able to meet within the time and deal with its work through scheduling meetings is the result of, say, one or more members not being available for it to complete its deliberations.

**Hon Helen Morton:** Yes, not ever turning up.

**Hon MICHAEL MISCHIN:** In my experience as a chairman of committees, I find sometimes that members are not available.

*Point of Order*

**Hon SALLY TALBOT:** There is a clear implication there, which I would ask the Attorney General to withdraw, that members have not been turning up. Hon Helen Morton was helping him out there, by saying that they have not turned up to the meetings. I would ask that the two members opposite withdraw the imputation that I have not been turning up to meetings.

Several members interjected.

**The PRESIDENT:** Order! Did the Attorney General want to comment on the point of order?

**Hon MICHAEL MISCHIN:** I may have struck a nerve, but I had no particular member in mind. I was simply pointing out that having been a chairman of a committee, sometimes its work cannot be completed in a timely fashion because one or more members are either unavailable or fail to turn up to meetings, or hearings cannot be scheduled at a time when it is convenient to a witness.

**The PRESIDENT:** Order! Let me clear this point of order. There is no point of order. I do not know whether members have turned up or whether they have not. I have no knowledge of that and I assume the Attorney General had no particular knowledge of it either. It was maybe a throwaway line. It did not mention anybody in particular. Once again, the bit that concerns me most of all is that that is irrelevant, quite frankly, to the debate, whether or not people have turned up. The debate must centre on the clear question of whether or not we extend the time for this committee to report.

*Debate Resumed*

**Hon MICHAEL MISCHIN:** My point was simply that there may be very good reasons why a committee may not be able to complete its function within the time set by the Parliament for that, and one of the reasons in my experience has been the ability to time meetings, hearings and things of that nature. If the house had thought it proper to go into those sorts of things—that is, to have the committee justify why it has not completed its functions within the time set—so be it, but none of that has been raised. As Mr President has said, there have some limited grounds for this. We have not heard any debate on the justifications or failure to justify it. We have to take the committee's report at face value, and it states that it needs some additional time to properly discharge its reporting obligations. This house is entitled to hear what that committee has done and have it report in due course. If that means extending the reporting time by five or six weeks, so be it. It would be extraordinary if a committee's work ought to be thrown away and this house denied the opportunity to hear from it by way of a proper report simply because of extraneous claims.

**HON ROBIN CHAPPLE (Mining and Pastoral) [2.59 pm]:** Having served in this place on and off since 2001, I am reminded that over many years we have dealt with extensive committee work. In my view, by its very nature, this is a very limited inquiry; it is very specific. I have seen extensions of committee time asked for in the past for some of the committees I have served on, some which have been very complex and some which have covered many aspects, but this is a very narrow and limited report.

It has been going since 13 May 2015 and it has already been granted one extension. Given the limited nature of the inquiry, which is actually very small and very simplistic, I do not believe —

**Hon Rick Mazza** interjected.

**The PRESIDENT:** Order!

Hon Sue Ellery; Hon Peter Collier; Deputy President; Hon Dr Sally Talbot; Hon Michael Mischin; Acting President; Hon Helen Morton; Hon Ken Travers; President; Hon Rick Mazza; Hon Robin Chapple; Hon Jacqui Boydell; Hon Lynn MacLaren; Hon Liz Behjat; Hon Simon O'Brien

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**Hon ROBIN CHAPPLE:** It is very, very simple. Sorry, an unruly interjection caught my mind.

It is to be noted that the honourable Leader of the House said in his contribution to the debate that this house had carried out more committee work than many other Parliaments, and I think that comment was much to the chagrin of the Labor Party because during the governments of 2001 and 2005 virtually every piece of legislation in this chamber went to a committee.

**Hon Peter Collier:** Did it grant extensions in those instances, when they were asked for?

**Hon ROBIN CHAPPLE:** Very seldom.

**Hon Peter Collier:** You never granted an extension?

**Hon ROBIN CHAPPLE:** Not in normal committee work, no, because the committees —

**Hon Peter Collier:** Were extensions asked for? Did they ask for extensions and you —

**Hon ROBIN CHAPPLE:** Very seldom.

**Hon Peter Collier:** No, was an extension ever requested and rejected?

**Hon ROBIN CHAPPLE:** No, not that I was aware of in that period. I am being very clear. We have to remember that in those select committees—that is what this is; it is not a normal committee, it is a select committee—we managed to do the work, in the majority of cases, in the time given, and we dealt with some very, very complex and difficult legal matters in some select committees.

**Hon Peter Collier:** But this committee does need extra time. The committee has asked for extra time. It's not for us to make a value judgement on whether or not they need it. They have asked for extra time.

**Hon ROBIN CHAPPLE:** I understand, but it has already asked for an extension of time once, and that was —

**Hon Peter Collier:** Yes, but they've asked for another extension.

Several members interjected.

**The PRESIDENT:** Order! Let the member make his own contribution.

**Hon ROBIN CHAPPLE:** The committee in this case has already asked for one extension of time for what I would point out—I am not saying it is not complex—is a very narrow subject. I have been involved in very wideranging committee inquiries that were complex and had a lot of legal matters to deal with. I am sure that the President, in his former role in this chamber, has seen some of those very, very complex inquiries. I point out that in my view—and it is my view; I am not on the committee, so I do not know—this is a very, very limited inquiry. My view is that it has until 6 April to report on this matter and there has been a lot of deliberation. The point I make that is really quite interesting is that we know from letters that are in that committee's public arena that quite a number of times the RSPCA has sought the ability to respond to allegations and that ability has not been granted. That is not the fault of the RSPCA. RSPCA president Lyn Bradshaw, at the hearing of 23 November 2015 —

**The PRESIDENT:** Order! With respect, you are quoting a view of one party on this issue; you are not quoting the committee's view on this.

**Hon ROBIN CHAPPLE:** I agree.

**The PRESIDENT:** As I said, we cannot stray into what one party thinks about a process or does not think about a process. We have to stick within the narrow parameters of this motion. You have mentioned that the topic is, to you, a narrow debate; well, this is far narrower. We are simply debating whether or not we, as a chamber, give the committee an extra five weeks to report. That has to be what this debate is about.

**Hon ROBIN CHAPPLE:** Thank you, Mr President. I was drawn into that comment by an interjection, and I will not go down that path in the future.

In my view, virtually a year is enough time for this committee to finish its deliberations. To seek a further extension is, in my view—I am not part of the committee—a bridge too far.

**HON JACQUI BOYDELL (Mining and Pastoral) [3.05 pm]:** To me as a new member of the house, this seems a fairly simple debate. The chair of the committee has asked members of the house for an extension of its inquiry into the issue that the committee has been asked by the house to report on. As the Attorney General suggested to the house, a unanimous report to the house from the members of the committee asked for an extension. I assume, as a member of the house that has delegated that authority to the committee members, that with all genuine intent those committee members are undertaking their roles in that committee to consider with

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due diligence the evidence before them, as asked by the house, and to fairly report to the house. If the committee has asked this house to grant it an extension to do its job, I suggest that the house would do that. The flipside of every argument that has been put by the opposition—that the committee somehow intends to create a negative position for the RSPCA—is that granting an extension might actually give the committee an opportunity to not find an adverse response as it gathers its evidence. It is a very simple matter. We have a unanimous report to the house seeking an extension of its reporting time and I, for one, support that.

**HON LYNN MacLAREN (South Metropolitan)** [3.08 pm]: I, too, would like to comment on the interim report before us, and I do so in the very clear knowledge that what we are talking about is a very limited debate. I am a member of that committee and I am very cognisant of not wanting to reveal anything about what is going on in the committee, because that is taboo and I certainly will not be doing that. But I do feel that if we have a system whereby the Parliament has an interim report before it that is asking for an extension of time—it is not advising the Parliament that there is an extension of time, but is actually asking the Parliament to consider it—then it is appropriate for us to debate the merits of that request. Otherwise, we would have a system in which the committee merely advises the house that it is going to take a little bit longer. The fact that we have a report for deliberation, which gives us an opportunity to either accept or reject the report, is important, and I think that point is getting lost in this debate. Is it valid for us to consider whether the time that has been granted to the committee is to be extended?

We have considered that request once before, and this chamber determined in its wisdom that it would, in fact, grant an extension. That extension was granted some time before 15 October 2015 and the original reporting date was 3 December. The reporting date was extended late last year to 6 April 2016. That date is coming up in a couple of weeks—it is now 24 March—and that is the next deadline that this chamber, in its wisdom, has decided the committee should meet. Like everyone in this chamber, I have participated in debates about whether we are going to send something to a committee, and every single one of those debates has a set end time. Sometimes we negotiate that end time and sometimes that end time is the matter of debate. Then we agree, as a chamber, whether or not that end time is an appropriate end time. The types of things we consider in that debate include whether, under the terms of reference that we establish in this chamber, the work can be done within that time.

Those debates have already been had. We have already looked at the terms of reference given to this committee. We have agreed to establish this committee. We have agreed to populate this committee with members from every party in this chamber. We have said that the terms of reference mean that this committee should be done with its work—the Parliament provides us with the resources to complete that work—within that time period. It is not an endless point or endless stream.

*Point of Order*

**Hon LIZ BEHJAT:** Mr President, I seek your guidance in this matter. We have before us what I understand is an interim report of a committee. The final paragraph in that report states —

The Committee therefore requests an extension of time ...

My interpretation of the words “the committee” is that the whole of the committee, not the majority of the committee, is seeking that extension of time. I find it quite strange that if the committee as a whole has agreed to that extension, two members of the committee would come into this place and speak against a report that was put in the name of the whole committee. I seek your clarification on that point.

**The PRESIDENT:** It is not a point of order. It is a view that has been put to the house by a couple of members of the committee. What individual members do is entirely up to them. The way in which they express their point of view is entirely up to them. It is not unheard of that members who sign their name to a committee change their mind along the way. I think that what the member has raised as a point of order is really an observation. It is not a point of order.

*Debate Resumed*

**Hon LYNN MacLAREN:** Thank you, Mr President. The observation that the member has made illustrates one of the complexities of the debate that we are having today, which is that we cannot know what is going on in the committee. The Leader of the Opposition is not on that committee. The Leader of the House is not on that committee. The only people who know what is going on in that committee are the membership of that committee. Therefore, we are limited in what we can debate here.

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**The PRESIDENT:** Order! The member makes that point. But can I just remind the member that the only thing we know as a chamber is what is reflected in the report that has been tabled in the house. The member cannot, within the context of this debate, start making observations about what the committee is doing and what is happening within the committee.

**Hon LYNN MacLAREN:** Thank you, Mr President. I appreciate your guidance. You have given us guidance about the four points that we can discuss. The first is: has the committee had enough time to complete its research and conduct hearings? We can discuss that. However, we cannot really know that. We can only make a guess about that, according to what the terms of reference are, and according to the original decision about the time period within which the committee should complete its work.

*Point of Order*

**Hon RICK MAZZA:** Mr President, Hon Lynn MacLaren is a member of the committee. The report that we have put in is a majority report. There has been no minority report about this extension of time. The member is now starting to talk about some of the deliberations of the committee. I think she is straying towards breaching standing order 177.

**The PRESIDENT:** The member has started to couch a comment around one of the points that I raised about the consideration of this report. The member certainly cannot then start going into “We have heard from this one, this one and this one, but we still have to hear from this one”, or whatever. I will be interested to see where the member goes with that argument. She cannot go too far into that argument, of course, in terms of the deliberations of the committee.

*Debate Resumed*

**Hon LYNN MacLAREN:** Mr President, I will certainly go by your guidance as I progress, because I would not want to stray beyond the limited terms of this debate. Members will be questioning how they should debate this interim report and how they vote in this matter. The public record is on the committee website. That indicates that the committee has done quite a bit of research and had quite a number of hearings, and the dates on which submissions were received and hearings were held are on that website. It is evident, therefore, that the committee has been working. I point members to that website. If members have a question about whether the committee has had enough time to complete its research and conduct hearings, they can educate themselves by looking at the public record on the committee website. I do not want to stray too much into saying when submissions finished and hearings finished. Members can do that for themselves. I have made enough comment about it to point members to that. Mr President, the second thing that you said we can talk about is: did the committee have enough time for deliberations? We can only go by the fact that the terms of reference that we agreed to are set out and repeated in the report before us. The time frame that was envisaged initially was the end of December. The time frame was then extended to the end of April. A further extension has now been sought, and I am speaking in opposition to that extension. Members may wonder whether the committee has had enough time to conduct its deliberations. I would argue, based on the evidence, that it has had enough time.

The third point is: has the committee been given enough time to provide natural justice? Many members have strayed beyond what we believe are the narrow terms of this debate and gone into detail about what particular individuals might think about whether natural justice has been granted. My understanding of natural justice is that a person is given the opportunity to comment on the evidence, contemplate any adverse evidence, and provide an alternative view and speak up for themselves if that is necessary. Again, I would refer to the report before us, and to the two extensions that have already been granted, and I would argue that the committee has had enough time to provide natural justice.

*Point of Order*

**Hon RICK MAZZA:** Mr President, the member is talking about whether we have had enough time or not. She is a member of the committee. A report has been tabled requesting an extension. The member is now starting to speak about whether the committee has had enough time. That is part of the deliberations of that committee.

**The PRESIDENT:** Members, the fourth point refers to the principle of natural justice. Even though I am an ex-officio member of every committee of this place, I have not been to this committee, and I certainly was not part of the deliberations, so all I can assume, and all I know, is what in this report. This report is telling me that a further extension is requested to enable the committee, prior to delivering its report, to deliver on the principle of natural justice as part of its obligation as a committee. The member on her feet is telling us her view of that. Hon Lynn MacLaren is a member of the committee. Therefore, the house is entitled to think that she was a signatory to this report. The member obviously has a different point of view. The member cannot tell us how she expressed

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that view within the committee. Basically, the only thing the member can do with regard to that question, and all these questions, is say yes or no. She really cannot elaborate much more than that.

*Debate Resumed*

**Hon LYNN MacLAREN:** Thank you, Mr President. I will now take the final point that you made, which is: has the committee had enough time to complete the report? On 13 May last year, the house in its wisdom passed a motion to establish this committee. We then reconsidered whether the committee should be granted an extension of time, because originally the committee was going to complete its report by 3 December.

As a chamber, we then determined that we would indeed extend the time that the committee spent till 6 April, which is in two weeks. I would say that the committee has had enough time to complete its report. Other members might have different views but because this interim report is before us today in the chamber, I have a view about it. I am using my position in Parliament to express that view, and that is my view.

**HON SIMON O'BRIEN (South Metropolitan)** [3.21 pm]: I thought that this would be a very brief order of business. The only thing that compels me to rise to my feet now is that I am concerned about some of the ideas that are being put about the way that this house and its committee system are run. My concern is that an unfortunate precedent might be taken away, at least in the minds of some members, if some things are not made clear.

I thank the President for the way that he is, as usual, presiding over this matter with some similar awareness. I have seen frowns of concern amongst other members around the chamber as some of the speakers we have heard have had trouble working out what we are talking about. This will resolve itself to the question that is before the Chair with a yes or a no; we have to ultimately drill the matter down to that. In order to clarify what this debate is really about for posterity and for the future practices of the house in what already has been described as a unique debate—I am not sure whether it is unique, but it is certainly unusual in some members' experience—we need to clearly understand a couple of things. In addressing this motion, I would like to put the issues before the house in these terms.

Firstly, without in any way reflecting on another debate about an organisation that is the subject of an inquiry, the debate about whether or not a select committee has to be set up was had a long time ago when this house resolved that the select committee be set up. Therefore, as the Leader of the House and others have said, it is quite right that we now have to let the select committee that we have appointed do the job that we told it to do. That is the first issue and it is entirely relevant to talk about what the committee needs to do to conclude its inquiry in the fashion that was anticipated when the house ordered the inquiry.

The second issue is that we have to have regard for some of the matters that were touched on by Hon Robin Chapple who, as he points out, has been and gone from this place a few times over the years. He reminded us that there have been lots of referrals to committees in the past with reporting dates. In general, those reporting dates are part and parcel of the operations of a committee. A committee will plan its inquiries with a view to drilling down to tabling the report on or before the reporting date. That is the normal planning process. Hon Robin Chapple advised us that, in the past, there used to be lots more of these types of referrals a few Parliaments ago—indeed, there were. Inevitably, the committee report would be tabled on time. I remind members of the house, or advise some newer members of the house, that that was in quite different circumstances. For example, if a bill is referred to the house, quite often the reason it is referred to report on a particular date has been the subject of debate for those on both sides who, behind the Chair, are responsible for helping the good conduct of business to occur in the house. They may have agreed on that date so that the balance of the processing of a bill, or whatever the instrument is, can occur in an agreed time frame. I can recall some referrals to committee that were given what would appear to members today to be an impossibly short time frame. I recall one that I think was one or two days—not sitting days, but days. That would not give a committee the time to do all the things that some members have spoken about, with ads in the paper calling for submissions and all that. However, if that was the case, the committee that was charged with reporting on a matter within a very short time frame did so. Obviously, the report would not have been particularly voluminous, but it did examine the things that had to be examined. That is quite apart from the procedure that has traditionally existed in the house, at least over the last couple of decades, whereby a select committee is appointed, on motion by a private member, and agreed to by the house. Generally, a fairly lengthy reporting period is provided for and sometimes the inquiry does not know which path it will ultimately have to take. We have seen requests for extensions of reporting times come to the house in those circumstances. Almost inevitably, I think, those extensions have been generally granted without debate. Matters about whether committee members are using their time wisely, doing more than they should, or not working hard enough, would not even arise. Certainly, Mr President, as you have already ruled, they do not arise even today.

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Two issues did arise today. Firstly, an interim report from the select committee came out requesting, through need, a further extension; given this debate, I have even gone and got a copy of the interim report. As has been pointed out—it is pertinent to point it out again—that is a unanimous report. There is no dissenting report. Gee, having heard what I have heard today, it would have been really interesting if there had been; it could have been a doozy! Anyway, there is no dissenting report. The second of the two matters is a statement that accompanied the tabling of the interim report yesterday. In accordance with the normal procedure of the house, the President invited the chairman to give a statement in support of the committee's report. Hon Rick Mazza gave his statement, which included the following terms —

The committee has sought and received submissions and further evidence, and conducted a number of hearings throughout the inquiry. Written evidence was received as late as this week. The committee has held frequent meetings to progress the inquiry and its consideration of the draft report. A short further extension is requested to enable the committee to consider relevant matters to comply with the Legislative Council standing orders and principles of natural justice prior to tabling its report —

I presume that is its final report —

and to properly discharge its reporting obligations to the Legislative Council.

At face value, I, and I am sure other members, would accept that statement and the interim report. Without knowing what is going on behind closed doors, because we do not need to, that tells us exactly why, on this occasion—as frequently happens on other occasions with other select committees—a short extension is required. In accordance with the rules of this place, that tabling statement has to be agreed to by the members of the standing committee. It is not the words of the chairman, thank heavens. I am the chairman of a standing committee. God, if I had to give my own statement in three minutes, I would be battling! What happens is that, behind closed doors, the committee members agree unanimously that the draft in front of them shall be the statement delivered by their chair to the house—we all agree on that.

**Hon Ken Travers:** And you still struggle to keep it below three minutes.

**Hon SIMON O'BRIEN:** And I still struggle! That is what we received from this particular select committee. Again, without going into what happens behind closed doors, the time for members of that committee to object to that statement, which of course is the justification for why the extension is sought, was before it was agreed to by them. If we are not very careful, we will not only argue about things that the President has quite rightly pointed out should not be argued about today, but also muck up a system that works, because committee members unfortunately do not agree with what they apparently agreed with, twice, at the recent meeting of the select committee. If they want to change their minds, they can do so, but it really weakens the argument to the contrary if they do not then object to the report and provide a minority report if they feel that disappointed about it. They have agreed to the tabling statement. We know that it must have been agreed unanimously because they are the rules of the game and our advisory officers will make sure that the rules are adhered to. They are now turning around and saying that they did not really mean that when they agreed to it.

I hope members will learn a bit from this that might keep them out of strife, because there are traps for players in committee processes, particularly when matters get controversial. What we have to do today is what we have been exhorted by the Leader of the House and others to do, and that is to focus on what the issue really is. It comes down to a yes or no question. We need to avoid basing the debate and the decision on the notion that we somehow have licence to revisit the decision that was made by the Legislative Council when it set up this select committee in the first place. That is not available to us. What we do have available to us is a unanimous report from a select committee requesting an extension of time that is supported by a statement agreed to by the members of that select committee, apparently without exception, and gives the reasons that the extension should be granted. Those are the only matters up for debate, as you have observed, Mr President. I want to place those things before members so that they not only understand what this debate is about, but also make sure that they do not misunderstand all these other matters relating to reporting dates, select committee referrals and so on. We have a very good committee referral system, and we certainly do not want it derailed by people labouring under false apprehensions in the future. I support the motion that has been moved.

**HON KEN TRAVERS (North Metropolitan)** [3.33 pm]: Debates such as the one we are having this afternoon can provide guidance and assistance to the house on how we conduct our business. I listened very carefully to the terms of the debate that you outlined, Mr President. My recollection of those terms, and I made notes, is that what we are looking at today is for the house to decide on whether the committee has had enough time to do the research for the inquiry—this is my brief summary of it—whether it has had enough time to carry out its deliberations, whether it has had enough time to ensure that it provides natural justice and whether it has had enough time to write the report. During my time in this house, I have seen the corporate knowledge of this place change as new members come in. As members, we lose some of the understanding of certain things that we learn

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when we first arrive in this place. I do not mean this with any disrespect. I hope Hon Rick Mazza knows that I hold him in the highest of respect. I do not always agree with him, but I hold him in respect. I hold Hon Nigel Hallett in a high degree of respect, but I do not always agree with everything he says or does. The reason we set time frames is that the house is sending a clear message to a committee that that is the time frame in which it expects it to complete its work. There is an obligation on all of us who sit on committees to work towards the time frames we are given by the house for our inquiries and to seek to complete the work in that time. I was certainly told when I first came into this place that as members of Parliament our first obligation is to this chamber, our second obligation is to the committees of the house and our third obligation is to the electorates that we represent. That is the order that we must operate within. The obligation is to seek to work towards the time frame that has been set for us.

I accept that the standard process of this house over many years has been that when a committee has sought an extension, an extension has been granted almost as a matter of course, but it has not always been that way. There have been times, either through the formal or informal processes of this house, when that has not occurred. I remember, as a relatively new member of this house, serving on a committee dominated by government members that was looking into the dairy industry, which is an industry that I am sure is well known to you, Mr President. It was a very controversial matter about the deregulation of the dairy industry. We wanted more time to look at that matter. I have tried to find the debate in *Hansard* but I have not been able to, so maybe it occurred as part of the informal practices of the house. I vividly recall that, as a committee, we wanted an extension of time but we were not able to get it. I remember that the committee members sat out in the old sunroom, as I would call it, before we had the members' lounge, trying to work —

**Hon Simon O'Brien:** Members' corridor.

**Hon KEN TRAVERS:** The members' corridor, sunlounge—whatever you want to call it. It was a beautiful place. We had to work very quickly to get a report into this place to meet the time frames of the house, so it is not without precedent. I remember very clearly when I sought to set up a highly controversial select committee into finance brokers. I think Hon Simon O'Brien would have spoken in that debate. In fact, Mr President, you probably spoke in that debate. It was one of the longest debates we had in this place on setting up a select committee. I think every government member spoke against it. It was always clear to me that we were under difficult time frames. In fact, one thing that happened with that committee was that we were obstructed from getting information. We had to come back with an interim report to the house because we had sought information from government agencies but we had been frustrated in getting it. We ended up having our committee expanded from three members to five members. We did get extensions, but we got one extension and then a second extension for one week. It was always clear that we would get only one week. I remember the finance brokers' saga that the Leader of the House spoke about earlier today. I make the point that the inquiry into the finance brokers was established in June and reported by December. The inquiry into Balga works, which the Leader of the House also spoke about earlier, was again a highly controversial matter. It was established with a little bit more ease, but as a committee we worked towards a deadline to get that report completed. The Leader of the House said that we had numerous extensions, but I went back to the report—maybe they are not mentioned in the report—and looked at the original reporting time frame for that committee. That inquiry was established in June 2007, to report by 18 October 2007. The committee sought, and was granted, an extension of time until 29 May. Again, it was an incredibly detailed and complex matter—I am sure the Leader of the House would agree—that required a range of people to be afforded natural justice, and we completed it within less than a year. The point I am making is that there is an obligation on all of us to work towards a time frame when we serve on committees and the house gives us terms of reference. The Select Committee into the Operations of the Royal Society for the Prevention of Cruelty to Animals Western Australia is seeking an extension of time. It was originally set up on 13 May last year. On 15 October it came to the house and requested an extension of the original reporting date of 3 December to 6 April, which is a fairly substantial period of time. I do not need to remind you, Mr President, that the importance of that was that it gave the committee time when the house was not sitting. If I remember correctly, during the Balga Works inquiry, we spent a fair bit of time having inquiries during the house's July break. I know that this committee has worked relatively diligently on these matters, but the simple fact is that it was given a clear time frame to report by 6 April.

We are in a difficult position to determine the answers to the questions that you, Mr President, rightfully put before us this afternoon about whether the committee has had time to do the research and inquiry, do the deliberations, provide natural justice and write the report. The only thing we have before us this afternoon to assist the house in its deliberations is the interim report. Nothing in that report suggests that anyone has sought to frustrate this inquiry by bringing it to a close. Perhaps we can all learn some lessons from this so that the house can better deal with these matters in future, and I mean no disrespect to members of the committee. If the committee had been frustrated by people in trying to finalise or gather evidence, I would have expected the

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interim report to have concluded this. The problem is that we have to make assumptions in this place about these matters. The information that we have received is that the committee has sought and received submissions. I am not sure of the close-off date for submissions, but that is something that committees used to set. I remember that it was always a question of whether we would receive late submissions. The committees that I have served on dealt with that by saying to the staff that the committee may receive a late submission, but we could not guarantee it. However, if we got a submission that was too late in terms of the committee's deliberations, it would not be accepted, because there has to be a cut-off point. When the house sets up these inquiries, there needs to be a point at which the evidence is cut off. If we go back to what this committee is inquiring into, which is the operations of the Royal Society for the Prevention of Cruelty to Animals, there needs to be a cut-off point. The committee called for submissions. Do we allow this inquiry to go on forever and a day for someone to make a submission and appear before the committee? Does it become a standing select committee of the house that continues to take submissions? No, of course it does not. It needs to have a cut-off point for submissions. The way in which this committee manages its work should have been clearly aimed at meeting its reporting time. All the research and inquiries, which includes the seeking of submissions, should have originally been completed to allow the committee to report in December last year. We granted that extension, which I assume would have been to go through the next stage of the inquiry, which is the deliberations and the provision of natural justice. In October last year when we extended the reporting time from December to April, the committee should have been working towards those conclusions by 6 April.

This report says that written evidence was received as late as this week. What does that mean? Has a new allegation been received or is it responses to the material that has been put out? The point is that in future when we get reports such as this before the house, it would be of great assistance to the house when those reports come before us if, instead of just getting written evidence, we get some indication of whether it is a new allegation that the committee has to deal with or whether the committee is finally getting back responses to the matters that it has requested. Is it a response to the procedural fairness issues which have been dealt with and which have raised a new set of questions that the committee needs legal advice on, or something of that nature? There is still an obligation on this house and members of a committee to meet the time frame that they were given. That is the difficulty that we now face as a house. The problem I have with that statement is this: is the committee still trying to gather evidence? Will it come back before the new reporting date in May and ask for another extension because it is still gathering evidence? At what point do we draw the line and say enough is enough? The house made a decision in May last year to have an inquiry into the RSPCA. That is fine, but this house still has an obligation today to consider whether we should allow this inquiry to go on.

I know that this inquiry has caused the RSPCA immense expense as it seeks to protect its reputation against a range of what I believe to be—I am not trying to prejudge the report—scurrilous allegations without substance or foundation. There is a point at which we need to bring this inquiry to a conclusion so that the RSPCA is not constantly having to spend money. This house has an obligation to an organisation of that sort of standing in the community to not allow a never-ending saga to go on and on, which supporting this extension would allow. I make it quite clear that I have already said to the RSPCA that I intend to make a significant donation to it to help it cover its costs, because I am embarrassed about the expense that it has been put through.

Several members interjected.

**Hon KEN TRAVERS:** No, no.

**Hon Darren West:** Lots of people donate to the RSPCA.

**Hon Peter Collier:** How do you know we don't already donate?

**Hon KEN TRAVERS:** I know you do. I am just saying that, because we have to think about our obligations as a house and as individual members on this matter. This is a very difficult situation. Members of this house can look at the website of the committee and see what information has been made public. There may or may not be private information. I am not aware of anything of a substantive nature that has come out of this inquiry so far that would cause the committee not to meet not only the first reporting date, but also the extension granted to it last year.

One of the key issues that this committee was asked to inquire into on our behalf is the RSPCA's funding from the government. Based on when I expect the budget to be released—I do not know whether the government has formally released the date—the current reporting date for the committee will be before the budget cut-off date. It is clear that if we extend the reporting time by the six weeks, I think it is, requested by the committee, that would take the reporting date beyond the budget cut-off date. One of the reasons that 6 April is a good date for the committee to work towards is that if there is an issue out there, it can be brought to the attention of this house

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and everybody else before the budget cut-off date. That is another matter that needs to be taken into consideration.

I will return to the points that Mr President laid out as the terms of today's debate. They are: has the committee had enough time to do the research and inquiry, to do the deliberations, to provide natural justice and to write the report?

**Hon Liz Behjat** interjected.

**Hon KEN TRAVERS:** Sorry; I am not sure what the mumbles were about, but anyway.

**Hon Liz Behjat:** I said, "Obviously not, because the whole committee has asked for an extension."

**The PRESIDENT:** Order! I know the member on his feet is trying to get to his concluding remarks.

**Hon KEN TRAVERS:** There has been a lot of debate this afternoon about the nature of this report, and whether it was agreed or dissented to. Maybe not everyone in this place has done it, but I am pretty sure, looking around the chamber, that I see faces of people on both sides who have signed off on reports and who have subsequently voted in a different way from what was written in their report. It is never a particularly comfortable thing, but it is not isolated to any side or part of this chamber.

**Hon Michael Mischin:** I have never signed off on a report I have not agreed with while on a committee. If I disagree, I put in a qualification or I do a minority report.

**The PRESIDENT:** Order!

**Hon Michael Mischin:** Is that not what the member does?

**The PRESIDENT:** Let the member conclude his remarks, because I think he is getting there.

**Hon KEN TRAVERS:** I am trying to get there, trust me.

The point I want to make is that in many reports it is very easy for a committee member to take the different pieces of evidence and provide either a majority or minority view of the committee. I am about to go back on to a committee, and I look forward to working with Hon Robyn McSweeney and Hon Donna Faragher. We have had different views, but we have been able to put those different views in a report and table it.

**Hon Simon O'Brien** interjected.

**Hon KEN TRAVERS:** That could be the case, but I am not sure what that will mean for the time frame for the Pilbara port bill.

**The PRESIDENT:** Order!

**Hon KEN TRAVERS:** The point I am trying to get to, if I could not have an interjection for a second, is that it would be extremely difficult to provide a minority report for an inquiry of this nature, because only matters of fact can be provided. If the majority of a committee has not published or referred to any private evidence it received, it is my understanding that it could not be put in a minority report that goes to the deliberations of the committee either. One of the interesting things that I think members often forget is that even when a member is put into the position of writing a minority report, they can make their views known only about what is in the public domain as a result of the work of that committee. If committee members hold a different view to the majority report of this committee, I think it would be extremely difficult, if the majority of the committee is not prepared to include the information, for dissenting members to put an alternative view. I am not suggesting the other committee members would do that with any ill intent; it may be a case of expecting it to be just a formality of the house to grant an extension. But if that information is not put into the committee report, it becomes extremely difficult, I would have thought, for members to put an alternative view to the majority report that does not include either private evidence or committee deliberations. I ask members, before they get too excited or upset about those matters, to contemplate how hard it would be to write a minority report if they were in that position.

Several members interjected.

**Hon KEN TRAVERS:** If members on the other side think that is the case, they should feel free to do that.

**The PRESIDENT:** Order! I think the member has pointed out a very valid point on reports. There is the opportunity—it is an important opportunity we have as members—to issue a minority report; other reports may reflect to the house a differing view on things by saying "the majority" without naming people. I think Hon Ken Travers has made that valid point, but we need to move on to the question about the extension of time.

**Hon KEN TRAVERS:** There is no doubt that the establishment of this committee was controversial. The house made a decision and the committee was sent away to do that work. The committee should have worked towards its time frame. I have served on a number of committees that have been controversial, and all have sought to

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complete their work in the allotted time. The two examples I give are the inquiries into finance brokers and the Balga Works program. Neither of those committees went beyond a year. We are now being asked to extend beyond a year. I would have thought —

Several members interjected.

**The PRESIDENT:** Order! Let us get the member to wind up his contribution, because I think, having served with the member for quite a while, he is moving towards that point.

**Hon KEN TRAVERS:** I was, but based on the interjections, I will just remind members of the exact time frames. The government clearly wants absolute precision in this debate. The Legislative Council established the inquiry into Balga Works —

**Hon Helen Morton:** No; we're talking about this one.

**Hon KEN TRAVERS:** What? Does Hon Helen Morton want me to finish or does she want —

**Hon Simon O'Brien:** We do.

**Hon KEN TRAVERS:** Maybe if members opposite just stopped for a second; all right?

**Hon Simon O'Brien:** Do you want an extension? Sorry; no.

**Hon KEN TRAVERS:** It is a good point, Hon Simon O'Brien. Extensions of speaking time are not automatically given in this house, and nor should extensions for committee reports be automatically given. When we do give an extension of time, it is often because of massive unruly interjections coming from the other side. The Leader of the House has given me an extension on, I think, one occasion. Even he knew that his members had interjected so much that it was not unreasonable to give me an extension of time.

Several members interjected.

**The PRESIDENT:** Order! I am trying to search for the relevance. There is relevance of analogies, but we need to get back to the content of the motion.

**Hon KEN TRAVERS:** As I learnt early on from Hon Peter Foss and Hon George Cash, when sitting on the government side it is best to not interject if we want to bring the debate to a close.

**Hon Sue Ellery** interjected.

**Hon KEN TRAVERS:** Those opposite will be out of government before they work it out.

The Balga Works inquiry was established on 27 June 2007 and it was granted an extension until 29 May 2008—less than a year. I put it to the house that that was a matter that had far more complexity and required far more —

Several members interjected.

**Hon KEN TRAVERS:** I am not going to take the bait on this occasion!

The finance brokers inquiry took six months. Had all committee members diligently worked with the goodwill and good efforts towards achieving their time frame, the time frame had run out and they had come back to ask for an extra week to table out of session, I think that is probably something we would have agreed to. But to ask for another six weeks without any clear substantiation related to any of the issues raised in the scope of this debate today by Mr President does not justify a further extension. In fact, having been on a committee that faced similar circumstances, it is my view that if we were to refuse the extension today, there is enough time between now and 6 April for the committee to meet, bring the issues to a conclusion and provide a report to the house. There is still plenty of time for the committee to do that. It has been done on the committees that I have served on and there is no doubt that the members of this committee could do the same. Of course, whatever happens today, we will wait to see whether this inquiry was all worthwhile.

*Division*

Question put and a division taken with the following result —

Ayes (20)

Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Jim Chown

Hon Peter Collier  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills  
Hon Nigel Hallett

Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Rick Mazza

Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Brian Ellis (*Teller*)

**Extract from *Hansard***  
[COUNCIL — Thursday, 24 March 2016]  
p1853b-1875a

Hon Sue Ellery; Hon Peter Collier; Deputy President; Hon Dr Sally Talbot; Hon Michael Mischin; Acting President; Hon Helen Morton; Hon Ken Travers; President; Hon Rick Mazza; Hon Robin Chapple; Hon Jacqui Boydell; Hon Lynn MacLaren; Hon Liz Behjat; Hon Simon O'Brien

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Noes (11)

Hon Robin Chapple  
Hon Stephen Dawson  
Hon Kate Doust

Hon Sue Ellery  
Hon Lynn MacLaren  
Hon Martin Pritchard

Hon Amber-Jade Sanderson  
Hon Sally Talbot  
Hon Ken Travers

Hon Darren West  
Hon Samantha Rowe (*Teller*)

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Pairs

Hon Phil Edman  
Hon Martin Aldridge

Hon Adele Farina  
Hon Alanna Clohesy

Question thus passed.