

## STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

### *Thirtieth Report — “Application of Standing Orders to the Joint Standing Committee on Delegated Legislation” — Motion*

Resumed from 15 May on the following motion moved by Hon Kate Doust (Deputy Leader of the Opposition) —

That recommendation 1 contained in the thirtieth report of the Standing Committee on Procedure and Privileges, “Application of Standing Orders to the Joint Standing Committee on Delegated Legislation”, be adopted and agreed to.

**HON PETER COLLIER (North Metropolitan — Leader of the House)** [5.10 pm]: I stand to make a few comments on the Standing Committee on Procedure and Privileges report. I say at the outset that the government will support the motion. In essence, in October 2013, the sixty-ninth report of the Joint Standing Committee on Delegated Legislation identified two issues in relation to the operations of the committee. In short, I will draw the two issues from the report. Paragraph 2.2 states —

The Deputy Chair of the *Delegated Legislation Committee* (“the Joint Committee”) made the following statement upon presentation:

*There are different standards for appointment as a participating member on the committee in both chambers. A Legislative Assembly member must be appointed by the Assembly, whereas a Legislative Council member may be appointed by leave of the Joint Committee. The Joint Committee is of the view that there is a lack of equity between Council and Assembly members in the rules for appointment as a participating member on the Joint Committee. Two issues arise: firstly, it is completely unclear which Standing Orders apply to the Joint Committee; and, secondly, regardless of which Standing Orders apply, they have different application between members of both Houses. This lack of equity between members of the Legislative Council and the Legislative Assembly suggests a contradiction of the principle of equality between members of Joint Committees.*

*The committee recommends that the Legislative Council and the Legislative Assembly clarify which Standing Orders are to apply to the Joint Committee. Further, the Houses should clarify how such Standing Orders are to be applied to ensure equitable treatment of members from both Houses.*

It is about the clarification of the standing orders and the equity between members of the two houses. That is pretty much it as far as the report is concerned.

The report notes that there currently exists an inequitable inconsistency created by the differing regimes contained in the standing orders of each house. After fairly careful consideration, the PPC made a recommendation to resolve these two issues, and that is in the report. The recommendation states —

#### **In relation to the constitution, powers and procedure of the Joint Standing Committee on Delegated Legislation —**

- (1) The Standing Orders applicable to committees of the Legislative Council will apply to the Committee’s proceedings except to the extent that they impinge upon the functioning of the Committee.**
- (2) Legislative Assembly Standing Orders 249(1), (2) and (3), 252, 254, 262, 263 and 264 will apply to the Legislative Assembly Members of the Committee.**
- (3) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee, its deliberations and proceedings but may not vote, move any motion, or be counted for the purpose of a quorum.**
- (4) Leave under (3) may be given only for a specific inquiry, but any Member of the Legislative Council or Legislative Assembly may be given leave in relation to more than one inquiry.**

In short, the government believes that the recommendation resolves the two issues pointed out by the PPC and the government supports that recommendation.

Hon Peter Collier; Hon Robin Chapple; Hon Adele Farina; Hon Ken Travers; Hon Sue Ellery; Hon Nick Goiran;  
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**HON ROBIN CHAPPLE (Mining and Pastoral)** [5.14 pm]: I rise to thank the Standing Committee on Procedure and Privileges for having resolved an issue that had come before the Joint Standing Committee on Delegated Legislation. In essence, we discovered this merely by accident when we were approached for a participating member. As such, the delegated legislation committee sought clarification in its sixty-ninth report. The key issue, as has been articulated, is that under standing order 297 of the Legislative Assembly, standing order 249 applies to the Legislative Assembly members of the joint committee. The joint committee interprets the word “co-opt” in the Legislative Assembly standing orders to mean to co-opt to participate, as opposed to co-opt to substitute, in that members may be present at a meeting but may not vote. On behalf of the delegated legislation committee, I again thank the Standing Committee on Procedure and Privileges for looking at the issues that we presented to it and for making the recommendation contained in the thirtieth report.

**HON ADELE FARINA (South West)** [5.16 pm]: Members of the Standing Committee on Procedure and Privileges get to deal with some very interesting issues and this was one of them. The thirtieth report arises from the sixty-ninth report of the Joint Standing Committee on Delegated Legislation, which was tabled in both houses of Parliament on 31 October 2013. In its report, the Joint Standing Committee on Delegated Legislation informed both houses of Parliament of a unique challenge that it faced as a result of different standing orders in each house in relation to the appointment of participating members of the committee. The Legislative Assembly standing orders require participating members of the committee to be appointed by the Assembly, whereas the Legislative Council standing orders provide that a participating member may be appointed by leave of the joint committee. The joint committee reasonably expressed concern about the lack of equity between Council and Assembly members in relation to rules for the appointment of a participating member of the joint committee and sought clarification from both houses of Parliament. Specifically, it wanted to know which standing orders apply to the joint committee and it wanted advice on the lack of equity between the Council and Assembly members, which the joint committee viewed as a contradiction of the principle of equity between members of joint committees.

On 4 December 2013, the house referred the matter to the Standing Committee on Procedure and Privileges on motion of the Leader of the House. The Standing Committee on Procedure and Privileges, with the assistance of the Clerk, for whom we are always eternally grateful, considered the matter in detail, reviewing the Legislative Council resolution and the message transmitted to the Legislative Assembly for the purposes of establishing the constitution, powers and procedures of the joint committee. In brief, the Standing Committee on Procedure and Privileges agreed to three things: firstly, the standing orders of the Legislative Council apply to the operation and administration of the joint standing committee; secondly, it had always been the intent that the standing orders of the Legislative Council would be applied to the operation and administration of the joint standing committee; and, thirdly, there currently exists an inequitable inconsistency created by the differing regimes contained in the standing orders of each house of Parliament.

After considering various options, including amending the standing orders of one or both houses, the Standing Committee on Procedure and Privileges determined that the joint standing committee’s concerns could be addressed by both houses agreeing to a further resolution, and that resolution is set out in recommendation 1. It has already been read out by the Leader of the House, so I do not intend to re-read it. Fundamentally, the resolution affirms that the Legislative Council standing orders apply to the committee, except to the extent that they may impinge upon the functioning of the committee; notes that the Legislative Assembly standing orders that are set out in recommendation 1 apply to the Legislative Assembly joint committee members; and states very clearly that any member of the Legislative Assembly or Legislative Council may participate in the taking of oral evidence by the committee by leave of the committee and can also participate in its deliberations and proceedings but may not vote. Leave can be granted for more than one inquiry at a time. Also, leave is granted for a specific inquiry. I commend the committee’s report and its recommendation to the house.

**HON KEN TRAVERS (North Metropolitan)** [5.20 pm]: So there can be no ambiguity in the future in understanding this, it is worth placing on the record that this came about because a member sought to participate on a committee that was taking oral evidence. There was a view expressed at the time that that could not occur. Most of us took the view that under our standing orders there was a longstanding process that this could occur. It is worth clarifying this so there can be no dispute later. Part (4) of the recommendation states —

Leave under (3) may be given only for a specific inquiry ...

That leave only relates to the committee’s deliberations and proceedings; it does not relate to the ability of a member to participate. A member does not require leave to participate. That was one of the sticking points. I think the way it is written makes that point, but when one quickly reads it, one could very easily get the impression that part (4) suggests that leave is required for any of part (3) of the motion, but in fact it is only for those actions in the second half of the motion. It is worth noting, as we pass the resolution today, that that is the clear intent of the house. If other members do not agree with me, we need to debate that further. If there is

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general agreement and we pass the recommendation without anyone else objecting to that point, that should be the way that it is clearly interpreted.

**Hon Simon O'Brien:** Is that so that any member can participate in a hearing by asking questions and so on?

**Hon KEN TRAVERS:** That is right.

**Hon Simon O'Brien:** From either house?

**Hon KEN TRAVERS:** Members from either house can sit in on a hearing that is taking evidence, but if the committee goes into deliberations or private session—no, I think they can even stay in for the private session without leave. It is when they go into deliberations and proceedings.

**Hon Peter Collier:** Your interpretation is right.

**Hon KEN TRAVERS:** If the committee takes oral evidence, whether public or private, the member does not need to seek the leave of the committee. If it is a joint committee, every member of Parliament has the right to attend. As is the case with one of this chamber's committees—I will use the Standing Committee on Estimates and Financial Operations as an example—any member of this chamber is entitled to attend and ask questions at those hearings. Obviously the chair will allocate the time when it is time-sensitive. I think most committees give priority to committee members, but that is a procedural matter of the committee; not a decision. The right of any member is there; the leave only goes to the relationship between deliberations and proceedings. If the committee is drafting a report, the member would need leave to participate in the drafting of that report. I wanted to make that clear so there could be no ambiguity. If I remember correctly, Hon Rick Mazza was prevented from asking questions at a hearing about gun licensing fees before the Joint Standing Committee on Delegated Legislation. A number of us were surprised. At the time we understood that the —

**Hon Nick Goiran:** Outrage.

**Hon KEN TRAVERS:** “Outrage” is probably right. When I examined it, I understood why. It is good that we are finally clarifying this matter.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [5.24 pm]: I rise to indicate the opposition's support for this recommendation. The point made by Hon Ken Travers is right, and it is good that the record of today's conversation will confirm that. It appears to me that the chamber is in concurrence.

**Hon Peter Collier:** In furious agreement.

**Hon SUE ELLERY:** I heard “furious agreement” from the Leader of the House. That is good to hear in respect to part (3) of recommendation 1 relating to the right of members of the Legislative Council to participate.

This is one of three reports from the Standing Committee on Procedure and Privileges that this chamber will deal with today. I commend the Standing Committee on Procedure and Privileges for its work on a couple of reports that we are dealing with which will tidy up some things that have been outstanding for some time. The opposition is happy to support the recommendation in this report.

Question put and passed.

*Standing Committee on Procedure and Privileges — Thirty-first Report — “Standing Order 37(2): Member's Right of Speech” — Motion*

Resumed from 15 May on the following motion moved by Hon Kate Doust (Deputy Leader of the Opposition) —

That recommendation 1 contained in the thirty-first report of the Standing Committee on Procedure and Privileges, “Standing Order 37(2): Member's Right of Speech”, be adopted and agreed to.

**HON PETER COLLIER (North Metropolitan — Leader of the House)** [5.26 pm]: I rise to offer the government's support to the thirty-first report of the Standing Committee on Procedure and Privileges. It was remiss of me not to thank most sincerely the Standing Committee on Procedure and Privileges for its work in rectifying these issues. In this instance I am talking about a phrase that I think will become very familiar over the next week—“unintended consequences”. In this instance the unintended consequence is a standing order that relates to speaking on a motion and the opportunity to speak on an amendment to the motion. It was identified by the ever-astute Hon Nick Goiran, if I remember correctly, on a motion moved by Hon Rick Mazza.

**Hon Ken Travers:** Shall we ban everybody and allow you to grant exemptions to let them back in?

**Hon PETER COLLIER:** To let them back in?

**Hon Ken Travers:** Yes.

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**Hon PETER COLLIER:** We will get to that ad infinitum over the next week, I am sure.

For members' benefit, Hon Helen Morton moved an amendment to Hon Rick Mazza's motion. The Leader of the Opposition stood to speak to the amendment, which is when a point of order was raised by —

**Hon Sue Ellery:** I was cut off in my prime! That is why he gets under my skin.

**The DEPUTY CHAIR (Hon Liz Behjat):** Thank you for that point of clarification, Leader of the Opposition, from earlier today.

**Hon PETER COLLIER:** The Leader of the Opposition must acknowledge that with the unanimous consent of the house she was allowed to complete her contribution that day. Suffice to say, standing order 37(2) precluded the Leader of the Opposition from speaking to the amendment. It was an unintended consequence of standing order 37(2). We wanted to rectify that as we did not think that was appropriate. That is exactly what this recommendation will do. Standing order 37 states —

... a Member may speak once —

- (a) on any question before the Council;
- (b) on any amendment thereon; or
- (c) in reply (if entitled under Standing Order 39).

...

(3) A Member may speak more than once —

- (a) in Committee of the Whole House; or
- (b) in explanation in accordance with Standing Order 38.

Recommendation 1 clarifies what was an assumption—it was assumed that that was the situation. This will formalise the situation. I thank the committee for its work and Hon Nick Goiran for pointing out that issue. The government will support the recommendation.

**HON ADELE FARINA (South West) [5.28 pm]:** This is another interesting matter that was referred to the Standing Committee on Procedure and Privileges. I am not sure that I can agree with the Leader of the House in that it was an unintended consequence. A former Deputy President of this house was quite indignant and upset about an incident that happened when a motion was being considered back in 2011, from memory. The house was considering a motion that was subject to a maximum time limit, and an amendment was moved to that motion. As a result, for the rest of the time that was allowed for consideration of that motion, all the contributions were to the amendment and not to the substantive motion. The Deputy President thought this was quite wrong because it denied the opportunity to speak to the substantive motion. At the time that the house was considering the review of standing orders, the then Deputy President moved the amendment to standing order 37(2) to restrict the ability of members who had already spoken on the substantive motion to speak again on the amendment because it drew out that debate on the amendment, taking up the maximum time permitted for the motion, and denied members the opportunity to actually consider the motion. There was a clear intention by the then Deputy President and the house when it agreed to adopt standing order 37(2). In another debate on a motion, we found that although there was a benefit in moving that amendment, there are some consequences that flow from another perspective. In that case, the amendment was moved by Hon Helen Morton, as the Leader of the House said, and it denied the Leader of the Opposition, due to the application of standing order 37(2), the opportunity to talk to the amendment because she had already spoken to the substantive motion. That came about because Hon Nick Goiran took a point of order and reminded the house of the amendment to the standing order that the house had agreed to as part of the review of standing orders. I was in the chair at the time and had to agree that that was in fact the correct interpretation because that was the intention of the amendment to standing order 37(2). I referred the matter to the President for his determination because I appreciated that it had a consequence that was not thought of at the time,

**Hon Peter Collier** interjected.

**Hon ADELE FARINA:** I will pay that to Hon Peter Collier: it was an unintended consequence. The intended consequence was that we deliver an outcome in a certain set of circumstances, but it had an unintended consequence in another set of circumstances. To ensure that the business of the house could proceed in the way it should, the President, while acknowledging that that was the intention and the ramification of adopting standing order 37(2), suggested that the house could consider giving leave to the Leader of the Opposition to speak, and that occurred. As a result, the Standing Committee on Procedure and Privileges determined that it should look closely at the matter. Upon balancing the benefits and negatives attaching to this amendment, the

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Standing Committee on Procedure and Privileges determined that standing order 37(2) should be removed so that the house could revert to the way it operated previously under standard meeting procedures, because they are clearly understood and are on balance probably the best way to go. It also means that Hon Nick Goiran will not be able to take another point of order on this point!

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [5.33 pm]: That last comment of Hon Adele Farina is motivation for me to support the proposition! Of course, I am speaking facetiously; I am a big fan of Hon Nick Goiran.

I rise to indicate the opposition's support for the recommendation of the thirty-first report of the Standing Committee on Procedure and Privileges. The Leader of the House and Hon Adele Farina have clearly explained the circumstances that led to this matter. I thank the Standing Committee on Procedure and Privileges for the work it has done to ensure that this house is able to conduct its debate sensibly, so that people are able to speak to the amendment and to the motion. That is a standard principle of how to conduct a reasonable debate. It is important not to get caught up in the technicalities of the standing orders so that we do not move far away from sensible debate and are able to conduct ourselves according to the basic rules of debate. I am happy to indicate that the opposition supports the recommendation of the report.

Question put and passed.

*Thirty-third Report — "Temporary Orders—2015" — Motion*

Resumed from 19 November on the following motion moved by Hon Adele Farina —

That recommendation 1 contained in the thirty-third report of the Standing Committee on Procedure and Privileges be adopted and agreed to.

**HON ADELE FARINA (South West)** [5.35 pm]: This is another matter of great interest that came before the Standing Committee on Procedure and Privileges. There is nothing like asking members of this place to consider something a little bit different to get a whole set of reactions from one extreme to the other. The purpose of the thirty-third report of the committee was to address a private member's motion, moved by Hon Robyn McSweeney and debated in the house on 5 December 2013, that the house should consider changing its sitting times.

Pursuant to standing order 112, the motion lapsed upon the conclusion of the debate, noting that the Standing Committee on Procedure and Privileges resolved to inquire into the sitting times. The Standing Committee on Procedure and Privileges sought to canvass the views of members through the various party rooms to enable some discussion to occur in those places. Of course, the feedback was varied. Finding a consensus in those very different responses the committee received took a bit of effort and a fair bit of toing and froing as the committee worked through the matter. A general consensus formed around an earlier adjournment on a Wednesday evening in line with the Legislative Assembly. The Standing Committee on Procedure and Privileges was mindful to ensure that no reduction in the available time of particular items of business and to maintain the orderly transaction of the business of the house.

Following much debate and consideration, general consensus was found around two options. Option 1 provides for a start time one hour earlier on Tuesdays and Wednesdays and for sittings to conclude at 6.20 pm, with members statements to follow, and the retention of the afternoon tea adjournment. Option 2 provides for a start time one hour earlier on Tuesdays; the Tuesday dinner break would be reduced to one hour, from 6.00 to 7.00; Wednesday start time would remain the same; and Wednesday and Thursday afternoon tea suspensions would be discontinued. The Standing Committee on Procedure and Privileges resolved that both of those options should be distributed to members for the purposes of seeking their views. Again, a range of views were expressed, and in some cases beyond indicating which option they preferred, other alternatives were proposed. However, out of those discussions a majority view indicated a preference for option 1.

In putting forward option 1 the Standing Committee on Procedure and Privileges also felt it was important to look at temporary orders, which would enable the house to trial whatever option the house decides on for a period of six months so that it can be reviewed at the end of that six months in the case that we find that that option does not work for whatever reason. For example, there is some concern that starting an hour earlier on a Wednesday could interfere with committee work. We, of course, know how important the committee system is to the functioning of this house and we certainly do not want to impinge on the work of the committees. What is proposed is that in supporting option 1, a temporary order would give us a six-month period to see whether that earlier start time has a negative impact on the work of committees and will enable us to review that at the end of that period.

The precise words of the committee's recommendation are set out at page 5 of the report. As I said, option 1 achieves the objective of an earlier adjournment on Wednesday and retention of afternoon tea for those

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who feel that is very important, and I have already covered the concern about the committee reports. While the committee was inquiring into this matter of sitting times, it received correspondence from a member expressing concern about the time limits imposed by standing order 21 for the consideration of committee reports. The committee resolved to consider this matter as part of this report to the house and to expedite a resolution to the concerns raised by the member. The member rightly pointed out that time limits for speaking on committee reports did not reflect the considerable effort and value of committee reports and did not provide members with sufficient time to speak, especially when the report contained complex matters and if there were an extensive range of issues canvassed in the report. The member proposed a range of remedies, which were considered in detail by the committee. Perhaps in hindsight it would have been a good idea if we had attached that letter to the report, though we have not. I want to err on the side of caution and not run through those remedies, because we have not attached it to the report but the member can speak up and put those if the member so wishes. Having considered all the various options, the committee was very concerned that we do not fall back into the problem that we had before the review of standing orders in which we had committee reports sitting on the notice paper for weeks, months, and even years in some situations without having an opportunity to consider those reports. What we have seen in operation in the house since the change to the standing orders is a very efficient process of getting through committee reports and being able to talk to them while they are still current. I think that is very important and we do not want to lose that. In trying to balance not losing that and also picking up the concerns raised by the member, the committee determined to amend the speaking times by way of temporary orders again, so we can review this in six months' time if they are not achieving the objective, and to enable all members to speak for up to three periods of 10 minutes per report. To facilitate the early consideration of committee reports, even with this change, a further change was proposed by the committee, which is listed on page 6 of the report —

Where the debate on an order of the day listed under (2) has reached one hour of consideration and further orders of the day are listed on the Notice Paper, the debate on the order of the day shall be postponed.

If debate is postponed on a committee report that has already had a fair bit of consideration, and the following Wednesday when it comes up other reports are listed, the report that has already had some consideration falls to the bottom of the list. That ensures we are still getting through reports in a timely manner and that the consideration of those reports is current to the date of the report. We tried to reach a balance that addressed the concerns raised by the member without losing the benefits we had experienced from the current changes to the standing orders. I commend the report and recommendation to the house.

**HON PETER COLLIER (North Metropolitan — Leader of the House)** [5.43 pm]: I rise to indicate that the government will be supporting the recommendation from the Standing Committee on Procedure and Privileges. Once again I thank the committee for the work it has done on this issue. It is a rather contentious issue, as Hon Adele Farina has said, and I do not intend to go over all the recommendations on the time changes, suffice to say I note that the committee report states that the majority view of members indicates support for option 1. That indicates a divergence of opinion in the committee, as I am sure there was in each of our party rooms. It is an area in which some people like the status quo, while some people would prefer an earlier concluding time on a Wednesday. That is why I think the committee's recommendation to make a temporary order is eminently sensible. This will provide an opportunity during the autumn session 2015, if this is approved by the house today, to give it a try to see what happens and to see if we like starting an hour earlier on Tuesday and Wednesday and then concluding, potentially, at seven o'clock on Wednesday. If everyone finds that is not working, we then have the opportunity after a few months to go back to what we have always done or perhaps try something different.

I commend the committee on providing those options and that it will be a temporary order. I also strongly support, and the government strongly supports, the recommendation as it reflects time for speeches on committee reports. As Hon Adele Farina said, committee reports often take months, if not years, to conclude. It seemed that in a number of instances we were not giving those committee reports the respect they deserved, so the notion of having an opportunity to discuss them in a more forensic fashion on an individual level and also a collective level, again, is eminently sensible. The government supports the recommendation and the adoption of the temporary orders. Once again, I thank the committee for its work.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [5.46 pm]: I rise to indicate the opposition's support for these changes, but I want to take a few minutes to talk about a couple of things. I made the point in our caucus meeting today—I do not know if I am breaching party rules; I probably am, but what are they going to do?—that change happens incrementally. The other observation I made was that every time there has been a change to standing orders in my period here, since 2001, it has been done by consensus and that is an important principle of how we reach agreement about how we work together. We spend a lot of time working

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against each other. The nature of our name “opposition” is such that we spend a lot of time taking different positions and doing our very best to outsmart each other and thinking of ways around the tricky schemes that we think the other side has thought up. It is important that all sides agree to the set of rules that we use to do that. That is the convention of this place. It is not the convention in the other place, but it is the convention here and it is one that I am glad to see we are continuing today. If we start with the first principle that we will do this by agreement, inevitably it means compromise. That means we do not all get what we want. There are some elements to option 1 that are less than satisfactory to people on this side of the house, and I will flag what they are; however, we respect that we are achieving change incrementally and we also respect that we need to do this by consensus, so we are happy to proceed down this path.

I want to make a couple of points. First, WA Labor does not support the continuation of a stop-work tea break in the middle of our working day. We are not opposed to people stopping and having a break, as is the case in the majority of workplaces. People should feel free and have the opportunity to take a break, have a cup of tea, a chat and something to eat, but whether the entire workplace needs to stop, and work comes completely to a conclusion to allow that to happen, is where we take a different point of view and ask: in 2014, do we all need to stop at exactly the same time and stop the work of the chamber so that we can have a cup of tea and an egg sandwich?

**Hon Nick Goiran:** Will you take an interjection?

**Hon SUE ELLERY:** I would love to take an interjection from my favourite member, Hon Nick Goiran.

**Hon Nick Goiran:** How do I participate in the proceedings of the chamber and take a break at the same time?

**Hon SUE ELLERY:** Maybe each day Hon Nick Goiran might have to take his break at a different time. I think the honourable member has been here long enough to know that it is not every day that any single member is participating in every single debate to the same extent, so I think it might be the case that on some days not all members will get an afternoon tea break. That might happen, but I suspect that on the majority of days, Hon Simon O'Brien, everyone would get a cup of tea and an egg sandwich if that is what they wanted.

**Hon Adele Farina:** Chocolate cake!

**Hon SUE ELLERY:** Or chocolate cake.

**Hon Ken Travers:** Simon used to sneak out early to get the egg sandwiches until more were provided.

**Hon Simon O'Brien:** I still do!

**Hon SUE ELLERY:** In respect to the afternoon tea break, we think that is an opportunity lost. In respect to whether we need an hour and a half for dinner, we also think that is an opportunity lost. We do like to go and watch the ABC news—they are not there.

**Hon Ken Travers:** Especially that lovely Jessica Strutt.

**Hon SUE ELLERY:** Especially that lovely Jessica Strutt; yes, we do.

We do love to go and watch the ABC news at 7.00 pm, and it is handy that our bells are not ringing at 6.55 pm; nevertheless, if members want to watch the seven o'clock news, it is not going to be the case that every night at seven o'clock they will be required to be in the chamber because not everyone will be participating in the debate at exactly the same time. So, again, we think that shortening our dinner break by half an hour would have been a sensible way to proceed, and the fact that we have not done that, we see as an opportunity lost.

The other area that we particularly want to pay attention to in the review after the six-month trial is whether starting earlier on a Wednesday has any impact on the work of committees. Several of our members—I suspect there are several on the other side as well—are on more than one committee. It is not unusual for our committee members to be engaged in committee activity right up until 15 minutes before we sit. Some of our members are concerned about what the proposition to sit an hour earlier will mean for how they manage their committee work. It is not always the case that the solution is as easy as saying that they can start their committee hearings at 8.30 am, because we will, of course, have sat late the night before, and people will be trying to get through the traffic. Even though, of course, the Minister for Transport tells us congestion is fixed, I suspect it actually is not yet.

**Hon Ken Travers:** If you ride a motorbike, you can come down the bus lane today or tomorrow.

**Hon SUE ELLERY:** Okay.

I am not sure that committees will be able to make up that time. It is not going to be very easy for them to say they are going to start at 8.30 am, because some members have to travel or have family commitments such as dropping their kids at school.

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**Hon Phil Edman** interjected.

**Hon SUE ELLERY:** Hon Phil Edman is not the only one. Dropping kids at school and getting here by 8.30 am is not possible. If people are coming from Rockingham to get here by 8.30 am, they might as well sleep here if we have sat —

**Hon Nick Goiran:** What time do most people end up starting work in the rest of Western Australia?

**Hon SUE ELLERY:** Earlier.

**Hon Nick Goiran:** Perhaps 8.30 am, and they have to drop off their kids at school too.

**Hon SUE ELLERY:** Indeed, but they do not always sit through until 9.45 pm the night before; that is the thing.

If our shifts were just the hours that the house sat, we would be having a different debate, but I know that all members do more work before the house actually sits. I certainly know we do. On a parliamentary sitting day, those of us in leadership positions have a range of commitments that start early in the day. A good member of Parliament will frequently go to breakfast functions and all the rest of it. It is not unusual for any of us to be at work functions at 7.00 am or 7.30 am and to leave our work at 10.00 pm or 10.30 pm. That is not unusual. I do not think the proposition of working a day like that on the Tuesday and then getting in here for an early committee meeting at 8.30 am on the Wednesday is reasonable. I think the notion that we can fix the fact that committees have lost an hour on the Wednesday by just saying they can start an hour earlier on the Wednesday is impractical for many reasons. I will be really interested to see, when we do the review at the end of the six months, how committee members have managed to do that, and whether they feel that their capacity to do the work that they set themselves and that the house sets them has been in any way compromised by the fact that they have lost an hour on Wednesdays. That is an important issue.

I do not expect—I know they do not—people who are not in the bubble that we live in to understand the difference between perhaps attending a social function at night, which many people have to do in the course of their work, and dealing with complex, detailed legislation like the piece of legislation we are going to deal with tonight. It is not an easy piece of legislation to deal with. There are some very complex issues, and we are tasked with, on behalf of the taxpayers of Western Australia, coming up with the very best possible piece of legislation we can. We will be doing that at 10 o'clock at night, having started work perhaps at seven or 7.30 in the morning to attend the meetings that we have to attend early in the morning on a sitting day. To me, that is a really important reason for the overall objective of trying to sit one night fewer during a sitting week, and it was the reason we have agreed to accept these changes, even though we think they have not gone as far as they need to. It is important that we try to get the work–life balance a bit better.

One of the great things about being a member of Parliament is that we do have, from time to time, enormous flexibility; we do. We should not kid ourselves that we all work 24/7, 365 days a year, because we do not.

**Hon Nick Goiran:** A bit of sleep would be good occasionally!

**Hon SUE ELLERY:** Yes.

We have periods of enormous flexibility, but we also have periods of enormous inflexibility when we just have to be at place X or meet with group Y because that is just what has to be done. If it means we meet them at a breakfast meeting or a function after hours, so be it. There is a difference, I think, in the nature of our work and that of others. I want to acknowledge that there are periods when we have great flexibility, but there are also times when we do not, and for those reasons I think it is important that we take the step of not sitting later than about 7.00 pm on a Wednesday so that we give ourselves the opportunity to do the other things we need to do. The notion that that means we will all be sitting at home on our couches watching telly on a Wednesday night will not be true for any of us, because we will all do other things on a Wednesday night. But it might also mean that I get to sit on the couch and pat the dog and talk to my husband occasionally on a Wednesday night. That is important to me because my husband is a shift worker, so it is literally the case that we have passed each other on Berwick Street in our cars, with me going to work and him coming home from work.

**Hon Nick Goiran:** Do you flash your lights at each other?

**Hon SUE ELLERY:** Yes; we wave.

**Hon Ken Travers:** I might text him to see if he wants me to say anything on his behalf!

**Hon SUE ELLERY:** I spoke to him about an hour ago and he was standing in the supermarket saying, "I don't know what I want for dinner." I said, "Really? Well, you're in the supermarket; just pick something."

**Hon Robyn McSweeney** interjected.

**Extract from Hansard**

[COUNCIL — Wednesday, 26 November 2014]

p8796a-8812a

Hon Peter Collier; Hon Robin Chapple; Hon Adele Farina; Hon Ken Travers; Hon Sue Ellery; Hon Nick Goiran;  
Hon Phil Edman; Hon Alyssa Hayden; Hon Simon O'Brien

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**Hon SUE ELLERY:** Exactly! “What do you want me to do about it?” as she ate an egg sandwich at afternoon tea!

The point I am trying to make is that it is important for us to take steps to get our work balance right, because we work in one of the weirdest jobs it is possible to work in; it is also one of the best jobs it is possible to work in, and I do not begrudge a minute of it. But it is sensible for us to take a sensible approach to how we manage our hours. I am really pleased with the recommendations in this report. It is incremental change, one little step at a time, and I just hope that in my political lifetime we do not have afternoon teas at some point.

Just before we need to rise, I want to commend the recommendation in respect to how we deal with committee reports and commend the member who raised that. I think that is a sensible solution, and I look forward to seeing how this matter progresses at the end of the six-month temporary order.

**The ACTING PRESIDENT (Hon Liz Behjat):** I will give the call to Hon Nick Goiran, but noting the time, I think it is time we took a break for an hour and half, and I will leave the chair until the ringing of the bells.

*Sitting suspended from 6.00 to 7.30 pm*

**HON NICK GOIRAN (South Metropolitan) [7.31 pm]:** I rise to contribute to the consideration of report 33 of the Standing Committee on Procedure and Privileges. I indicate at the outset that I support the recommendation outlined in the report, being one of its co-authors, which calls on the Legislative Council to adopt the temporary orders contained in appendix 1 of this report. The changes to the standing orders that have been outlined by previous speakers cover two things. The first is an issue with the consideration of committee reports, typically taken on a Wednesday afternoon, and the useful suggestion put forward by the honourable member concerned, who may or may not choose to contribute to the consideration of this matter. There is an indication in the report that what was done previously has probably not served us well and that we have gone from one extreme to the other. Once upon a time, consideration of committee reports was interspersed with consideration of brief ministerial statements. Regrettably, this ensured that consideration of committee reports occurred far too long after the tabling of the reports, and it was even worse for brief ministerial statements. We have moved in more recent times to a system that allows for consideration of committee reports only, but restricting that consideration to 10 minutes per member, and the maximum time of 60 minutes for any one report. A modest amendment was made allowing for an extension of five minutes, should no other members seek the call, which partly addressed the problem. I am pleased to trial this suggestion for the first half of next year, and note that members will have a maximum period of 30 minutes in total per report. As has been identified by people in considering this matter, that does not mean that members have to speak for 30 minutes; they can exercise some self-discipline. If they can say everything in the first 10 minutes, that would be excellent, and if they have nothing to say there is no need to rise at all. We will see how that goes in the first half of next year, and I am pleased to support that part of the report.

I turn now to the somewhat more controversial issue of the times that are proposed, and I would like to make a few remarks. I concur with the Leader of the Opposition that we would like to make all these changes to standing orders—to sitting times and the like—by way of consensus. I am in full agreement with the Leader of the Opposition about that. In order for that to take place, consultation and—I concur in this with the Leader of the Opposition—compromise are required. Certainly, the option set forward is not my ideal, but I am interested to trial it in the first half of next year and see how we go. The interest to me in trialling it is not so much that I have a problem with what we are doing at the moment; if nothing were to change, it would not be a monumental concern to me. Over the past five and a half years I have adjusted to the —

**Hon Ken Travers:** The term is “institutionalised”!

**Hon NICK GOIRAN:** Perhaps institutionalised. In five and a half years I have become accustomed to it. I have made my program work for me, my family and my staff. We are accustomed to it and we are making it work. It was never ideal. It is certainly not ideal for members who have young families still at home.

Why I am attracted to the proposition in option 1 as recommended by the committee is that it seems to suggest that we might be able to conclude proceedings on a Wednesday at seven o'clock. That will enable me from time to time to show my face at home and perhaps receive less frequent comments—“Who are you? Welcome back, stranger”, and the like. After five and a half years maybe I have started to lose my sense of humour with regard to those comments. Although they are meant in good humour by the young members of my household, after a while they start to hurt, because they are said for a reason. I am interested to trial it and see what happens in the first half of next year when we finish at seven o'clock. I am not optimistic that it will make much difference to my family because, as has been identified by the opposition leader, we will probably be called to attend other events that we currently give apologies for on a Wednesday evening when Parliament is sitting. It is worth trialling at the very least. I am pleased to support that.

**Extract from Hansard**

[COUNCIL — Wednesday, 26 November 2014]

p8796a-8812a

Hon Peter Collier; Hon Robin Chapple; Hon Adele Farina; Hon Ken Travers; Hon Sue Ellery; Hon Nick Goiran;  
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Regarding the Leader of the Opposition's concerns about committees, I will make this observation: at the end of the thirty-eighth Parliament, for my sins or for whatever other reason, I was called upon to serve on four standing committees. It is an experience that I will never volunteer for again. During that time, we still were able to make it work. Starting the house at 1.00 pm on a Wednesday would not necessarily have been that big a problem even at that time. It was customary in those days for the Joint Standing Committee on the Commissioner for Children and Young People to start at 8.30 am. I have noted the concerns about that time of the day. I understand the points that have been made, but nevertheless we made it work. It was customary for the Joint Standing Committee on the Corruption and Crime Commission to meet at 10 o'clock. As required, the Standing Committee on Procedure and Privileges tended to meet at around 12 noon. The Standing Committee on Uniform Legislation and Statutes Review tended to meet on Mondays, so we made it work. To the extent that I can foresee some problem, I note that ironically enough the very committee that has put together this excellent report, its thirty-third, will probably be the most impacted by the house now seeking to meet at 1.00 pm on a Wednesday because it is not unusual for that committee to meet at around that time. I have no doubt that under the excellent chairmanship of the President of the Legislative Council that committee will make it work. It is worth trialling for the first half of next year.

Another point I would like to make relates to the ongoing objection to what has been referred to as the stop-work afternoon tea. It is useful to say that I recall sitting through the night last year—most unpleasant as it was but nevertheless we all remember it well; we sat through the night—and at about 5.30 in the morning, if I remember correctly, the Leader of the Opposition, who was unimpressed by that stage, commented to the effect that this is no longer a safe workplace because of the unreasonable amount of time that we had sat.

**Hon Sue Ellery:** I didn't say that, my husband said it.

**Hon NICK GOIRAN:** The member is quite right. If I remember correctly, she referred, I think, to a text message or some message that she had received from her husband.

**Hon Sue Ellery:** He asked me if I'd rung WorkSafe.

**Hon NICK GOIRAN:** Hon Sue Ellery said it in a way that indicated she tended to agree with him and that was the point of her rising at the time to speak —

**Hon Ken Travers:** It was about the staff who work in this place.

**Hon Sue Ellery:** It was about me.

**Hon NICK GOIRAN:** Whoever it was in relation to, the point made at the time was that the late sitting was starting to border on unsafe work practices.

I raise that because, obviously, there is a line somewhere indicating when that ought to be. Presumably when we start after the dinner break at 7.30 pm and if we continue—if I remember correctly I do not think we stopped until 5.30, six o'clock or seven o'clock the next morning—I think any reasonable person would say that was going way too far. If we had our time again, we might build in a break during those proceedings for perhaps a midnight snack or whatever. At the same time, I hasten to say, hopefully we will not have to relive that experience.

**Hon Ken Travers:** Has the member seen my speech notes for the next bill?

**Hon NICK GOIRAN:** The point is that a line must be drawn somewhere. I want to draw members' attention to the current order of business. We start on Tuesday at three o'clock and there is no formal break for three hours, until 6.00 pm. The maximum period is three hours. Then in the evening session, we start at 7.30 and conclude at 10.25, just five minutes shy of that magical three-hour mark when people can once again have a break. On a Tuesday we sit for three hours, if members intend to sit in the chamber for every single moment, as they are entitled to. As elected representatives of the Western Australian people they are quite entitled to sit through every single second of the session; in fact, that is what they have been elected to do. On a Tuesday, members have to do three hours, have a break and then do two hours and 55 minutes. On Wednesday, we start at two o'clock and then there is the controversial for some, but not me, afternoon tea at 4.15. That happens after two hours and 15 minutes of unceasing sitting. We continue from 4.30 pm to six o'clock. That is for only 90 minutes, which is very reasonable. After the excellent dinner break that lasts for 90 minutes, we return at 7.30 to once again proceed for two hours and 55 minutes. For those following, so far there is no break in the current program when we sit for more than three hours in succession. On a Thursday we start at 10.00 am and finish at one o'clock in the afternoon. Those who are good at maths will understand that that is also a three-hour period. Then we start again at two o'clock and we continue until afternoon tea at 4.15, another two hours and 15 minutes.

**Hon Simon O'Brien:** For occ health and safety reasons!

**Hon NICK GOIRAN:** The last session starts at 4.30 pm and finishes at six o'clock, which is an hour and a half.

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**Hon Ken Travers** interjected.

**Hon NICK GOIRAN:** All of which to say, if Hon Ken Travers holds his horses for a moment, is that the maximum period expected of a member at the moment to sit—and staff I might add—without a break is three hours. I draw also to members' attention that if they have the fortune or misfortune of sitting through a trial in one of our courts, they will start at 10 o'clock and stop for lunch at one o'clock, a maximum of three hours. They will come back after lunch at two o'clock and finish at four o'clock, with perhaps a small extension. The point is that once again, it seems that both in this Council and the courts, three hours is the maximum period reasonably expected of people contributing—people entitled to be there. People on a jury have to sit there; they do not get to stop. The lead counsel has to sit there. As a member of Parliament elected by the people, in my case by the people of the South Metropolitan Region, to sit here, I am entitled to sit through every single second. The maximum expectation is three hours. Let us turn to the temporary orders that have been proposed by the hard-working Standing Committee on Procedure and Privileges. If I have any concern—I am sure the Leader of the Opposition is going to love this—it is that there is no provision for afternoon tea on Tuesday. Under the new system, when we start on a Tuesday, the proceedings will start at 2.00 pm and finish at 6.00 pm. That is four hours rather than the three hours that has become customary both in this place and the courts of Western Australia. I say that for the purpose of identifying to the Leader of the Opposition that I agree with her that we need to have consultation and compromise. For me, the compromise is that I am about to agree to the four hours even though I am not saying that is the best practice. I will be interested to see how that goes in the first six months of next year, and, indeed, for particular ministers. I note that my very hardworking colleagues, the four ministers in this place, will bear the brunt of this more than anyone else because they will be expected to be here on a Tuesday at two o'clock, after formal business, which presumably they would want to be part of because they may have papers to table and the like. We will then proceed to orders of the day. Imagine for a moment we are debating a bill on education put forward by the hard-working Minister for Education, or something of that sort, and the very hardworking opposition is asking a lot of important questions about that bill. The hardworking Minister for Education will be expected to be here throughout that time, then move straight into question time, when obviously he would need to be here, and then, following straight after that, for orders of day when we continue to deal with the efforts of the opposition cross-examining him. We will then have a situation, which I am not excited about, in which we will require members to be in here for four hours when we do not expect it in any other circumstance. Whether that will trigger any text messages to the opposition leader as we approach six o'clock to say that this is unreasonable and it is not a safe workplace, I do not know; but I draw it to member's attention because if there is going to be a cause for review, that might be one.

Other than that, that pretty much concludes what needs to be said about this report. I have covered all of the main concerns of the Leader of the Opposition. Like her, I will be interested to see how we go before the winter recess next year. At the end of the day, we have to underscore for members that this is a temporary order, and if it does not work, we do not continue with it and we try something else. I am certainly prepared to give it a try and I commend the report to members.

**HON PHIL EDMAN (South Metropolitan)** [7.48 pm]: I want to say something very brief. My wife and I will really appreciate the proposed new sitting hours during the first six months of next year when Parliament resumes. Both of my children were born when I was a member of Parliament. Nathan is three and Matthew will be six in February next year. My eldest son asks me, "Daddy, what do you do for a job? Where do you work?" I describe it best by saying, "It is very similar to you, son. I sort of go to school like you do. The bells ring when it is time for me to go back into the classroom. The bells ring after the finish of afternoon tea and dinner, and so forth. It is very similar to the way you have a headmaster and schoolteacher. There is really not a lot of difference. That is what happens, son, but we all talk about what is good for Western Australia. We are always learning, like you do, but unfortunately that is daddy's hours. Daddy's hours are not the same as yours and I hope you can understand that, because while you're in bed and while everybody else in Western Australia is sleeping, we are in here, working, trying to make Western Australia a better place to live." My son has bought that. He is pretty smart. I hope that sticks for a long time because I think there are a lot of synergies with that. It will be really fantastic to come home early on a Wednesday and to see my son. I am not the only one who has had children while being a member of Parliament. Hon Martin Aldridge and Hon Donna Faragher also have.

**Hon Donna Faragher:** I went home for my daughter's fourth birthday.

**Hon PHIL EDMAN:** Excellent! We try to manage our families, as do many others in here, to have that family life as well as help Western Australia be a better place in which to live. As Hon Nick Goiran says, it is a trial. I hope the trial works. I hope we can keep the arrangement in place because at the end of the day we live only very short lives. The most important thing is not being a member of Parliament, but family. Family time should be the most important thing, as well as our health. We have to keep a balanced life. It is very important that in

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this game called politics we all keep balanced lives and do not get too carried away and too involved and sacrifice time with family.

I hope members enjoy these new temporary orders. I hope they embrace them. Here is Hon Martin Aldridge now. I hope we can all embrace them and they can become permanent and, most importantly, that we can all spend some time with our families, especially coming up to Christmas. I look forward to seeing these temporary orders stand.

**HON ALYSSA HAYDEN (East Metropolitan — Parliamentary Secretary)** [7.53 pm]: I put on the record my support for the Standing Committee on Procedure and Privileges' thirty-third report, "Temporary Orders—2015" and the recommendation to trial option 1 to adjust what I call our working hours. I thank the committee members for putting their time and effort into an important aspect of our job and, more importantly, remembering to stay focused on making sure that there is consensus and agreement. Hon Sue Ellery said earlier that we may disagree on many things in this place, but for something as important as this, we all must agree on it. There will be compromises on both sides, but it is important that we work together because, as I said, they are our working hours within which we need to work during at least the four-year term for which we have been elected and, hopefully, many more after that.

As has been said already by a number of speakers tonight, the hours put in by members of Parliament are unusual. They are a lot longer than those of most people in the workforce. People do shift work and night work, but they generally have an eight-hour rest in between working. Many of us go to breakfast functions after Parliament has sat late the night before. We get up and go to 7.00 am breakfasts, come in here for meetings, sit through Parliament, stay till late and then go home. We repeat that again and again while Parliament is sitting. As members of Parliament, the only structure in our day-to-day life is Parliament sitting. It is the only time when we know where we will be for a few hours. When Parliament is not sitting, we travel across the electorate and do the same hours.

As many members have said, concluding earlier on a Wednesday evening may mean that we end up going to more functions and events on Wednesday nights, but we need to find that balance for ourselves. Hopefully, many of us will use the time to go home and spend time with our loved ones or simply give ourselves the break we need. I addressed a group of women in corporate business and the biggest thing they say they forget to do is to find that healthy balance in life. We need to find that healthy balance between work, family and social life. If we do not do that, we stop enjoying what we are doing. We stop being fun people and people stop wanting to be around us. As members of Parliament that is the last thing we want; we do not want people to not want to be around us because we do not have a healthy balance. During this six-month trial period, I encourage members to take the opportunity to go home on a Wednesday night—maybe not every Wednesday night; members may have to go somewhere. I encourage members to try it out and get to know their family again, pat the dog or throw the cat out the door, whatever they want to do. We should find that time for ourselves. I am a cat lover, by the way.

**Hon Ken Travers:** Especially not at night, you shouldn't be throwing your cat out. Bring them in.

**Hon ALYSSA HAYDEN:** I do not; I bring her in.

The one topic that Hon Sue Ellery raised that I would like to comment on relates to afternoon tea. When I first came into this place, I thought it was very old-fashioned that we had an afternoon tea break. Spending time on the back bench during my first four years in this place, I got to see that key people in this place do the heavy lifting during parliamentary sitting hours. They are the ones who sit on our front benches—the Leader of the House and the deputy leader on the government side, and also the Leader of the Opposition and the Deputy Leader of the Opposition. The Whips sit in this place for long hours. I remember when Hon Ken Baston was Whip; he never moved from his chair. The only time these people have a chance to leave the chamber and take a 15-minute break is when they go to afternoon tea.

**Hon Ken Travers:** Are you suggesting that the current Whip disappears too often?

**Hon ALYSSA HAYDEN:** No, not at all. I was talking about my first four years, if Hon Ken Travers was listening. A couple of weeks ago I noticed that Hon Helen Morton introduced a number of bills in a row. She then had to sit in committee, and she then had question time. The only time she had the opportunity to take a break was during that 15-minute afternoon tea. I would like members to think about that. If we are not dealing with legislation, we have the opportunity to walk in and out of the chamber as we please and have a break, as Hon Sue Ellery mentioned. But the people who do the heavy lifting day in and day out do not get that opportunity.

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On that note, I want to show my support for the trial period. Members should remember that we will get the opportunity to put in our feedback after the trial period is over. I look forward to encouraging everyone to spend some more time with their family and to find that healthy balance.

**HON SIMON O'BRIEN (South Metropolitan)** [7.57 pm]: I want to add a couple of comments to this debate. The second element relates to the consideration of committee reports, and the time allocations and speaking allocations. As others will know, I was the member who made the suggestion, and I thank the committee for accommodating it at such short notice. I have already circulated my letter to the President for the information of members.

**Hon Ken Travers:** Is it privileged?

**Hon SIMON O'BRIEN:** No, it is certainly not, although I obviously did check —

**Hon Ken Travers:** So the committee's made it public?

**Hon SIMON O'BRIEN:** Has it?

**Hon Ken Travers:** Well, if they haven't, it would be privileged to the committee until such time as they make it public, if you submitted it to them.

**Hon SIMON O'BRIEN:** No. I wrote a letter to the President and, with the President's permission, I copied it to other members for their information.

**Hon Ken Travers:** It would be an interesting question of privilege. If it's treated as a submission of the committee, it's the property of the committee.

**The ACTING PRESIDENT (Hon Brian Ellis):** Order! It is not question time.

**Hon SIMON O'BRIEN:** If the member wants to treat it as a question of privilege, he should go for his life! The fact is that the house has to function, and this is a constructive suggestion to make it function better.

The matters that I have raised have been picked up by the committee, and I am very grateful that they have, with one exception. That relates to the number of times that members can speak. It has been proposed that members should be able to speak for more than the one lot of 10 minutes in recognition of the fact that there may be complex matters which a committee may have been working on and which are reflected in a report that may have taken years to deliver. The proposal that we are about to vote on is that members can speak for up to three lots of up to 10 minutes. That proposal has probably been delivered, I think, with an attitude of, "Well, that's okay; let's have a go with that. That should be enough for anybody." I think that perhaps misses the point I was trying to raise, and so I will mention what the point was. My point was that it is unproductive or inefficient to have a time limit on the number of times that a member may speak in a Committee of the Whole proceeding. Think, for example, how we consider a bill and the rules that apply there. Members can get up as often as they like on the same question for up to 10 minutes at a time, though of course if another member wants to speak they can generally get the call. That works out fine when the Committee of the Whole is considering a bill, and there are very good reasons for that arrangement. We used to have that arrangement in consideration of committee reports, if my memory serves me correctly, and I do not recall ever seeing it abused or any consideration of a committee report go on indefinitely. Sometimes they might have gone on for a fair time, but that was the will of the members.

**Hon Ken Travers:** If you will take an interjection —

**Hon SIMON O'BRIEN:** In a moment.

Generally, that was because lots of members wanted to talk, rather than one member wanting to talk again and again and again. That problem has been picked up by the change proposed by the committee in this report, and I thank it very much for that. It is just this limited aspect of the number of times that members can speak.

**Hon Ken Travers:** The point I was going to make was, I think if you recall, the reason we used to get a logjam was because we also had the taking note of ministerial statements. It was often that people didn't want to get on to those. They were moved and it was an order of the day, and I think that —

**Hon SIMON O'BRIEN:** Yes, Hon Ken Travers is right; that could happen. That was another dimension, and I think we have already been reminded, as I reminded members in my very privileged letter, that the problem was with the consideration of ministerial statements being folded into this same hour provided for committee reports. The way it worked, in effect, was that even though there would be some yawn-worthy ministerial statement given perhaps 18 months previously —

**Hon Ken Travers:** Not by the former Minister for Transport five ago—never yawn-worthy, those ones!

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**Hon SIMON O'BRIEN:** No, I am going back to when we were in opposition—when the previous arrangements came in. It does not matter what side of the house we are on, if a member is an opposition spokesperson on something and their opposing minister's statement comes up—it might be 18 or 24 months later—they feel honour-bound to debate the matter or use it as a platform to debate a related matter. That was the thing that was taking up all the time, because then the minister, of course, wants to respond to that, and on it goes. We got rid of all that, and that is a good thing. That means we can look at committee reports in isolation, and that is what we are going to do.

The only point I really wanted to make about that is the proposal that we limit it to three lots of 10 minutes. I do not know why; why not two lots of 10 minutes? Why not eight lots of 10 minutes? It is, ultimately, arbitrary. It is the sort of thing we would expect to see plucked out of the ether from somewhere like—I do not know—the Tasmanian Parliament or somewhere! Anyway, we have this proposal before us, and it is a big improvement on what we have now so we can try it. I want members to reflect on this as we work through: we only have an hour a week for committee reports as a rule, and if we do have a complex report that attracts a lot of attention and gets held over, it will be held over for a full week before it is picked up again.

If there are other committee reports in the interim, time will also need to be allowed for those reports to be debated and noted. We may then have a recess that goes for months—perhaps over Christmas—before we get back to the committee report that we started with. We will then have a situation where we say, “Hang on. Has this person spoken before, and was it once, was it twice or was it thrice?” We will then have people taking little notes at the Chair. I therefore think, frankly, that this is an unnecessary embuggerance, because it will never be used. People will not speak for three lots of 10 minutes as a rule. I would have thought that would be extraordinary. However, if a case was extraordinary and people did need to stand up again, then so they should.

I am surprised that we are dealing with this report in plenary session. I would have thought that we would do this with the President or Acting President acting as the committee Chair. That is how we have previously considered this sort of report, because it is a committee report. But, anyway, that has not happened, and we have gone right to a motion to adopt the report. I am not criticising the motion. I am just making the observation that our procedures evolve over a period of time. This procedure is evolving in the right direction. I do not want to make a big fuss about the number of times a member can speak. I am just pointing out this issue in supporting the overall thrust of the motion.

Briefly, looking at the sitting times, again, it is a matter of compromise, as the honourable Leader of the Opposition and others have pointed out. The word I am looking for is consensus. Consensus can be arrived at in a number of ways. But the general informal sense of consensus is that most people feel comfortable about a certain course of action, and the remainder, even though they have some misgivings, are prepared to go along with it. That is what we have here. I can tell members that I suggested in my party room that I am not in favour of this option. I can see a case for the status quo. But I accept the proposal that is before us, which is what my colleagues have collegiately come up with as the proposal that they want to support. However, it would be remiss of me to allow this to proceed, even with my support—which it will have—without placing myself in a position whereby in the fullness of time I might be able to say “I told you so” when we strike some of the problems. I can tell members opposite that they will strike problems with starting earlier on a Tuesday. They will definitely strike problems with starting at one o'clock on a Wednesday. That will have an adverse impact in a number of ways that have already been alluded to.

I have seen a lot of changes in the sitting hours. I think the last lot came in when Hon Kim Chance was the Leader of the House, when we did start earlier on a Wednesday. That made a big difference, because it provided in effect a couple of hours extra in a sitting week for government business. From my observations of how the house is operating under the current arrangements, there is plenty of government time. I think we could improve on other members' time. Also—who knows?—maybe I will write another letter of suggestion in due course about this nonsense that we call motions' time on a Wednesday. But that is a debate for another day. We can do better than the current arrangements. But, as I say, we will come back to that. There is plenty of time available for government business. That has not always been the case. In the future, if we have an opposition from either side that carries on as an opposition that I once saw back in the late 1990s, we may find that our approach to the sitting hours that we need is quite different. But that is not how the house operates at the moment. The house is now a lot more civilised, a lot more purposeful and gets a lot more done, generally within the hours of daylight, or certainly within the hours of sitting, without having to sit until three o'clock or four o'clock in the morning.

So, with that in mind, I will support a trial of these new hours in the spirit in which it is intended. But I think we will have some problems. I think the maturity of this place is such that if, when we come to have a look at this again and ask ourselves the question, “Did that work?”, some of the people who are strongly in favour of these measures might have to say that, on reflection, it did not really work; and, who knows, maybe there will be some

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[COUNCIL — Wednesday, 26 November 2014]

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Hon Peter Collier; Hon Robin Chapple; Hon Adele Farina; Hon Ken Travers; Hon Sue Ellery; Hon Nick Goiran;  
Hon Phil Edman; Hon Alyssa Hayden; Hon Simon O'Brien

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old conservative stuck-in-the-mud people who will have to eat their words and say this is an improvement after all. I do not know. But let us try.

Again, I thank the committee for taking on board the suggestions that I made about that discrete matter that I mentioned earlier.

**HON KEN TRAVERS (North Metropolitan)** [8.11 pm]: I just want to make a couple of points about the matters being raised today and, again, I concur with everyone that I think these issues are about cooperation. Hon Simon O'Brien just reminded me that at one point we started at four o'clock on a Wednesday afternoon, and I think he is absolutely right.

**Hon Simon O'Brien:** The dynamic was different before, because quite often you would have a couple of different committees you would attend and it wasn't all day on Wednesday.

**Hon KEN TRAVERS:** No; there has been a progressive change. When we contemplate these things, they look difficult once they are put in place. I have never understood why we waited until three o'clock in the afternoon to start on Tuesday. I always saw it as a positive move. I agree though that it will be interesting to see whether there are unintended consequences of the one o'clock start on Wednesday. It is probably more of an issue for government members. It is not always easy to move the committee start time if there are members from the other place, although they should be finished by 12 noon because of their start time. They often have the early timeslots and we get pushed back to the later timeslots as upper house committees and then there is a real rush to try to be finished by 12.30 pm to be at the start of the house. I think the general view that has been adopted, which is to have a sessional order, is the way we have approached these matters in the past and I think it is an appropriate way to approach them again and to test them.

When I made interjection about privilege, I was not just trying to be clever. It is one of those things we always need to be careful of as members of Parliament. I am not suggesting that what Hon Simon O'Brien has done has in any way hampered the operations of the committee, so it is not a matter of privilege that would necessarily have to be reported to the President. However, the reason I raised it is that Hon Adele Farina in her comment suggested that the committee may have accepted that that document is a document of the committee and she was unaware of whether it had been made public. I urge members to look at the standing orders regarding matters of privilege starting at around standing order 174. The reason I raise it is that we need to ensure that we are doing what we would expect the public to do and it is often missed by the public that when a person sends a document to a committee, it becomes a document of the committee and they are not at liberty to start circulating it after it has been sent to the committee without the permission of the committee. In the same way that we would not harass a member of the public about this, we should not harass anyone here today, other than reminding ourselves to be cognisant of the way in which the Parliament operates.

I want to touch on a couple of things. Regarding the issue around committee reports, I think it is a very good idea. I think there have been a number of occasions when members have wanted to contribute to the debate on committee reports and have been cut down. Again, I am not trying to be smart. I have often sat in this place and listened to Hon Nick Goiran talk about reports of the Joint Standing Committee on the Corruption and Crime Commission—as a former chair of that committee I keep a vague eye on them—and I find some of his further explanation of the reports and the issues raised in them useful. A couple of times the member has run out of time and there was clearly more he could have conveyed to the house. By the same token, I am also confident that if other members had sought the call, the member would have yielded to them so that they could get their views on the record. It comes back to the fact that we in this house sometimes forget how to operate in a more civil way, to which Hon Simon O'Brien alluded. The issue with motions on notice that has occurred progressively over a number of years really needs to be looked at. Traditionally, motions on notice were moved by oppositions. It was one mechanism by which the opposition could raise matters, because the government has plenty of ways in which it can raise its issues. In fact, we now have government members' time so that members of the backbench get the opportunity to raise matters. However, motions on notice were traditionally a mechanism for the opposition to raise matters, with some exceptions at times when there was a legitimate reason for the government to move a motion. In the same way we have been able to get reasonably good cooperation in the conduct of our estimates hearings to avoid getting a smother of dorothy dixers. I am quite proud of the fact that it has occurred as a result of action I took when we were in government. We moved towards adopting a system in estimates as we have adopted in question time in this chamber so that we avoid dorothy dixers in question time.

**Hon Simon O'Brien** interjected.

**Hon KEN TRAVERS:** I am saying that in this place we do not have dorothy dixers. When I first became a member of this place we had them in estimates hearings but we were able to extract them. I have to say that the

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idea that we would not be asking dorothy dixers was not always welcome, particularly by one parliamentary secretary who spent three hours being questioned by the now Minister for Mental Health.

We as a collective should be able to come up with a process whereby we understand that motions on notice are predominantly an opportunity for the opposition to debate matters. By “opposition” I include the grand collective of opposition members. I am not sure that members of the Shooters and Fishers Party fit into that collective. I am not sure that National Party members would fit in either, as my view is that they are members of the government although sometimes they suggest otherwise.

**Hon Col Holt:** If I hadn't walked into the chamber, you wouldn't have had anything to say.

**Hon KEN TRAVERS:** Yes, I would, but I would have said it whether or not Hon Col Holt was in the chamber. I often say things about whether or not National Party members have attended —

**Hon Simon O'Brien:** You should have heard what he was saying before you came in!

**Hon KEN TRAVERS:** I hope that in terms of looking at future reforms of this place we can start to move down that path. I agree with Hon Simon O'Brien that it has now got to a point of ridiculousness with his motion on congratulating the government on its excellence. What topic was Hon Simon O'Brien given to congratulate the government on?

**Hon Simon O'Brien:** A very important matter.

**Hon Peter Collier:** Probably the same one that you were given to condemn us!

**Hon KEN TRAVERS:** Quite. And the irony is that both motions will allow government members to congratulate and opposition members to condemn, because the opportunity that allows members to consider whether they should congratulate the government also provides us with the opportunity to condemn it.

**Hon Simon O'Brien:** By the time my opportunity comes around, I might be voting against it anyway!

**Hon KEN TRAVERS:** Ha, ha! That is because there will be a change of government!

My point and the way in which that debate just went highlights the fact that anybody sitting outside the chamber looking at it would say that it is farcical. I would therefore put on the table that, as we move forward, it is an area that I hope the collective will of the house will give consideration to, as I think that there is genuinely goodwill in the house on these matters.

**Hon Simon O'Brien:** If the Acting President will allow me and the member will entertain it, between the couple of hours of motions and time we have on Thursday for non-government and private members' business, I would be very surprised if we could not come up with a better way to use that time to deal with issues of the day.

**Hon KEN TRAVERS:** The house does not have an opportunity to take note of questions that arise from time to time and I think time for that would be positive and constructive. There are a range of areas that the house is more willing to change. The house's leadership has previously had a degree of conservatism but I do not think that we have that small “c” conservatism now in the way that the house is run, and there is an opportunity to look at opportunities that will provide a more constructive house for us to have realistic and genuine debates. Ultimately, that is what this Parliament should be about. The beauty of the democratic Westminster system is that it allows the debates the community needs to have to happen in the Parliament. I believe there are opportunities for us to look at things and see if we cannot do them better. What goes around comes around. We do not have dorothy dixers in this place and we spend a bit of time on each side of the chamber, and that will continue as long as the goodwill not to change it back continues when governments change. I think those customs and practices have been established for long enough that it would be seen as an outrageous act for anyone to make those issues.

An issue regarding committee reports that does not seem to have been addressed is that we debate the report when it is tabled, but it is equally important that there is time for consideration of the government's response to the report. In the old days, it took so long to get to committee reports that members often had both documents in their hands by the time they got to debate the report. I wonder whether that is something we should look at. I know the sandalwood inquiry was an issue in the past. Members did some very good work on that inquiry, we debated the report and the members were able to put their views on what should happen, but the chamber was never put in a position to actually allow those members to say, “The government's response is great here, but I think it has missed the point there” or “Can we go back and look at this bit?” That is another part of committee reporting. For members who sit on the Standing Committee on Procedure and Privileges, if we can put our minds to dealing with that area, we could improve.

After hearing Hon Simon O'Brien's comments earlier today, I want to place on the record for the benefit of people looking at *Hansard* in future that Hon Sue Ellery was not the only member who wanted to abolish

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afternoon tea. Hon Simon O'Brien had suggested that only one member had wanted to abolish afternoon tea when the issue was previously debated in this chamber. I share Hon Sue Ellery's view on afternoon tea. I think many Parliaments around the world sit for four hours without a break and without afternoon tea. Maybe to compromise we could have a five-minute relief break. There are times when we have adjourned the house until the ringing of the bells when ministers have needed a break in proceedings. We do not go into why they need a break, they just move to adjourn and off we all go. Maybe the answer is that five minutes before question time we adjourn to give people a chance to go out if they need to do their business.

**Hon Helen Morton:** We're talking about the difference between five minutes and 15 minutes.

**Hon KEN TRAVERS:** I am putting it forward as another way of trying to generate compromise as opposed to having a full 15-minute break when we stop the sitting of the house. In fact, one of the things I wondered about today is what happens with the public gallery when we leave the chamber.

**Hon Nick Goiran:** Far be it from us to have a 15-minute break! It's unbelievable.

**Hon KEN TRAVERS:** Again, I will make sure that the comments of members opposite are conveyed to many of the people I deal with on a daily basis, including public sector employees such as bus drivers, who are often on a bus and do not get an opportunity for up to five hours even to relieve themselves.

**Hon Helen Morton:** What happens to them?

**Hon KEN TRAVERS:** That is one of their complaints.

**Hon Helen Morton:** So they want a 15-minute break, too, do they?

**Hon KEN TRAVERS:** No; they want a five-minute break over five hours at some point and they do not get it. I will make sure that they know about the comments of members opposite so that the next time they are in negotiations with the government, they can use those comments to further their case. I am sure that they will be very appreciative of that in their next round of negotiations.

**Hon Nick Goiran:** But you don't support a break.

**Hon KEN TRAVERS:** The maximum time we go for is four hours. In fact, if the member had listened to me, he would know that I just suggested a potential future compromise. We will get to test that with the temporary orders, because we will have a four-hour period without a break, so we will get the opportunity to see whether or not it works.

**Hon Helen Morton:** We've now spent 15 minutes talking about absolutely nothing, so you're wasting 15 minutes one way or another.

**Hon KEN TRAVERS:** If the minister follows the record, she will note that the government has dominated the debate this evening. If she looks at the amount of time I have taken, she will see that a significant component of it has been taken up by interjections or responses to interjections.

**Hon Helen Morton:** Which you invite, and you're doing it now.

**The ACTING PRESIDENT:** Order, members! Hon Ken Travers has the call, and if we do not let him carry on, he may need a break!

**Hon KEN TRAVERS:** One of the things I have always trained myself to do if I think I am going to get to my feet is to make sure that I do everything I need to do before I come into the chamber.

Several members interjected.

**Hon KEN TRAVERS:** No; I mean get my notes together and make sure I have got everything together ready to go!

This is not about the standing orders, but one of the training manuals that should be provided to new ministers in this place should remind them that if they want debate to move quickly through this place, they should not take the bait to interject, even if they are invited by members of the opposition to do so. To be honest, I was not inviting an interjection on that occasion, but discipline is an interesting thing to learn in this place. Ironically, thanks to the Minister for Mental Health, an extra five minutes have been added to this debate that would not otherwise have occurred.

**Hon Helen Morton:** I'm actually not talking, am I?

**Hon KEN TRAVERS:** The minister cannot help herself, can she?

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That is the point I wanted to make about that matter. Again, the concept that we break for afternoon tea is a problem for most people outside this chamber, when they know that those sorts of things well and truly disappeared from their workplaces long ago.

**Hon Nick Goiran:** That's actually not true.

**Hon KEN TRAVERS:** For many of them it is. Many of them are forced to work for five hours without a break, so the member should not suggest otherwise.

One of the issues around this matter is the unintended consequences and all the rest of it, and we will have to wait and see. The Assembly has been very lucky with its family nights. One of the issues that may arise in the future with the family nights, which I know a lot of members enjoy and appreciate, is that if both houses of Parliament rise at seven o'clock, it will be difficult to justify keeping the dining room open and all those issues. It may be that people will say that that is great because they can have family night with their family at home and, in a sense, that was the original purpose —

**Hon Helen Morton:** I am not interjecting.

**Hon KEN TRAVERS:** When the minister gyrates her arm madly like that, it is as good as an interjection.

**Hon Helen Morton:** That's my watch arm.

**Hon KEN TRAVERS:** This never ceases to amaze me. I think sometimes the Minister for Mental Health must be on a bet or something to see whether she can keep me going and keep me on my feet for longer with her performances, because it always seems to happen.

**Hon Helen Morton** interjected.

**Hon KEN TRAVERS:** Seriously! I have just sat here and listened to five government members talk about the same issues that I am raising this evening. When I want to get up and put a second opinion to support the Leader of the Opposition in her views that were expressed earlier today, to counterbalance the views that have been put by at least three government members, do not then try to suggest that I am wasting time in trying to ensure that there is an even and balanced debate in this place. I am placing on the record the issues that I think need to be considered, and one of them will be that issue.

It may be that members will say that it is a good thing that we are going home earlier on a Wednesday night, and so we will no longer need those family nights. That may be, I suspect, one of the consequences of the decision we are about to take, but I still think it is a good thing to trial it. I think the early finish is more about providing some flexibility. If there is a special family occasion, it is often hard to get a pair for that. A member's child might have a school graduation or another special event and, hopefully, for Hon Phil Edman, they will be having their eighteenth birthday party one day. Members will have greater flexibility in managing their family-work-life balance, but I agree with the comments that some members made earlier that ultimately this is not about members of Parliament going home, putting their feet up and doing nothing. They will be off doing something else. I accept that; that has always been one of the views that I have had. In this house we have perhaps greater capacity to get pairs than members in the other house have. That is why I suspect it has taken us slightly longer to reach this point of early finishes.

Now that the Minister for Mental Health has managed to not interject for three minutes, I will conclude my remarks.

Question put and passed.