

Extract from Hansard

[COUNCIL — Wednesday, 29 November 2017]

p6206c-6214a

Hon Martin Aldridge; Hon Sue Ellery; Hon Adele Farina; President; Hon Simon O'Brien; Hon Peter Collier

TEMPORARY ORDERS 6(3), (4) AND (5) — RECALL OF THE HOUSE

Amendment to Notice of Motion

Hon Martin Aldridge gave notice, pursuant to standing order 62(a), of an amended form of motion 9, which is titled “Temporary Order—Recall of the House” on the notice paper, as follows —

- (1) That standing order 6(3) is suspended and the following temporary order is substituted —
 - (3) When the Council is adjourned, the President —
 - (a) may, on the request of the Leader of the House and after consultation with the leaders of all parties, vary the day and time at which the Council may next meet; or
 - (b) shall, at the written request of an absolute majority of the whole number of Members that the Council meet at a certain day and time, fix a day and time of meeting in accordance with that request.
 - (4) When varying or fixing a day and time of meeting, not less than 4 days’ notice shall be given to each Member.
 - (5) For the purposes of (3)(b) —
 - (a) a request by the leader or deputy leader of a party in the Council shall be deemed to be a request by every member of that party who is a member of the Council;
 - (b) a request may be made to the President by delivery to the Clerk, who shall immediately notify the President;
 - (c) if the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Deputy Chairs of Committees, who shall be required to summon the Council on behalf of the President, in accordance with this temporary order.
- (2) That the temporary order is referred to the Standing Committee on Procedure and Privileges for consideration and report on or before Thursday, 29 March 2018.
- (3) That the temporary order lapses when the Standing Committee on Procedure and Privileges reports to the house.

Standing Orders Suspension — Motion

HON MARTIN ALDRIDGE (Agricultural) [1.15 pm] — without notice: I move —

That the standing orders be suspended so far as to permit —

- (1) the amended notice of motion given by me today, motion 9, which is entitled “Temporary Order—Recall of the House” on the notice paper, be made motion 1 for this day’s sitting;
- (2) me to move my amended notice of motion at this day’s sitting during consideration of motions; and
- (3) the question on the amended motion to be put at this day’s sitting.

By way of explanation, on Friday I wrote to the leaders of each parliamentary party represented in this chamber, outlining a proposal to create a temporary order for a member-initiated recall of the house. I intend to seek agreement of the house with respect to considering the matter during motions on notice today. In light of what I understand to be an agreement between the leaders of parties about motions on notice being discharged, or at least amended, from the program next week, I have contained in my motion the ability for this motion to be brought to a vote today within the time frame. I understand that that will not be supported by all members in this place and I anticipated that the motion without notice from the Leader of the House amending the sitting times and program for next week may precede this matter, which it has not. However, if part (3) of my motion proves unsuccessful, that will further allow the National Party, as well as other parties, to consider the merits of discharging motions on notice from the program of sitting for next week, which would facilitate this motion, if passed by the Legislative Council, to come to a vote.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.18 pm]: I will not be supporting the suspension of standing orders. This is an extraordinary way to deal with changing our standing orders. I have just been handed by the Clerk, not by the mover of the motion, a copy of the amended motion that the member intends to put to change our standing orders. How does that give me, or anybody else—because I do not know who else

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he has given it to—an opportunity to consider the impact of a change to the way this house does its business? This is not the way to have a proper considered debate about changing the standing orders. This house has a history of how we change the standing orders and it has been done on the basis of consensus. It has been done for the most part by referral to the Standing Committee on Procedure and Privileges or an expanded version or subcommittee of the Standing Committee on Procedure and Privileges, so that everybody in the house has the opportunity to have a say. I am going to talk in a minute about the way we did the most recent substantial change to standing orders and the process that we adopted to do that. I will refer to some of the commentary made at the time.

The way I just handled the motion that was drafted to give effect to the changes agreed to behind the Chair by all parties last night about how we would deal with business next week is that the Clerk very diligently and dutifully drafted a motion to reflect the notes that I gave him last night about what has been agreed to. I could have put that motion just now, but I did not because I wanted to give members an opportunity to see that it reflects what was agreed to. That is the way to do business as a professional. That is the way to do business in this place. The notion that we would now agree to suspend standing orders to consider a motion that has been amended and that I have not been paid the courtesy of being given a copy of is absolutely extraordinary. That is not the way that this house does business. What makes it even more extraordinary to me is that it was moved by a member who I understand is a member of the Standing Committee on Procedure and Privileges. The member can correct me if I am wrong. Am I wrong or right about that?

Hon Martin Aldridge: I am a member.

Hon SUE ELLERY: Hon Martin Aldridge is a member of the Standing Committee on Procedure and Privileges and he is proposing that the way we deal with a change to the standing orders, which is a substantial change to the provisions that relate to how the house is recalled, is without any consultation or time to consider it. The member may note that copies of the amended motion are being handed to members of the government right now. The debate has commenced and we are only now getting a copy of the amended motion about how we will deal with the standing orders. That is not the way to ensure that we have a proper and considered debate. We have no opportunity now to have a meeting to consider the position we might take. We have no opportunity to seek advice. We have no opportunity to consult and to look at what happens in other jurisdictions. We have none of that. The member is asking us to agree now to suspend the standing orders to go immediately into a debate about how to deal with our business when we rise in a week's time. That is an extraordinary way of dealing with business.

I understand that the motivation behind this, which I think was alluded to last night at least by the Leader of the Opposition and maybe others whom I cannot recall, is to avoid the government, once the house rises at the end of next week, seeking to gazette changes to the gold royalty—gold royalty 3.0. Somebody asked last night whether we would give a commitment on behalf of the government that we would not do that. Yes, I give that commitment now. I have spoken today with the Treasurer and I understand that the Treasurer is going to do a media statement on it, if he has not done so already. He might already have done that.

Hon Nick Goiran: But it's not believable; you guys said that on 21 February.

Hon SUE ELLERY: Listen, my friend, I will not take any interjections on this matter—I will not!

Hon Nick Goiran: You did.

Hon SUE ELLERY: I will not.

Hon Nick Goiran: You're taking it now.

Hon SUE ELLERY: Madam President?

The PRESIDENT: Order! Order, member!

Hon SUE ELLERY: The question was put: will we give a commitment that we will not bring forward another variation of the gold royalty rate change to give effect to that decision in the budget? The commitment is: yes. We will not. I have spoken with the Premier and the Treasurer and I give members that commitment. As I said, the Treasurer, if he has not already, is going to the media on that this afternoon.

Hon Simon O'Brien: If I may, I asked for that commitment, and I probably said that I don't know whether I'll get any response. But you have provided the response and I accept it at face value, for what that is worth.

Hon SUE ELLERY: Thanks, honourable member. I appreciate that.

Hon Alannah MacTiernan: A true father of the house.

Hon SUE ELLERY: Indeed, he is. I understand that that was the motivation behind the proposition that was emailed to my office late on Friday last week. If that assists people who are thinking about what position they might take on this, I am pleased to offer that commitment on behalf of the government.

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There is, however, a more serious issue here than a disagreement about a budget matter or a disagreement about any other policy matter: it is about how we do our business. If we do not get the rules right about how we do our business, it follows that we cannot guarantee that we will get the right policy outcome or the right budget outcome. If we do not have the right settings to make our decisions, we will be setting ourselves up to make poorly considered policy and budget decisions if we do not properly consider the ramifications of every change to the rules on how we do our business. That is why we have the process that has been in place in this place for a long time, irrespective of who has had the numbers, and I will talk about the man who put that most eloquently on the record—Hon Norman Moore—in a minute. That is why we have had a position irrespective of who had the numbers in this place that we would have a very deliberate and considered process for making changes to the standing orders. Normally, making changes to the standing orders would contain two components, the first of which is consensus. From time to time, we have made temporary standing orders by motion of the house, but in my time, which has been 16 years, that has occurred only when consensus has been arrived at. Normally, the leaders of the two major parties would discuss how temporary standing orders should be changed to take account of perhaps something that was unforeseen when a standing order was changed. In the course of the next week, for example, we are going to consider two of those mechanisms that have come from the second part of the process that I am about to outline. One unintended consequence of earlier changes that we have made to standing orders has been around the time members have to speak on committee reports and how that time is managed. That matter was referred to the Standing Committee on Procedure and Privileges and consideration was given to it. Various perspectives and views about that were listened to and the Standing Committee on Procedure and Privileges prepared a report for the Parliament's consideration. Although the Standing Committee on Procedure and Privileges may provide a consensus report, which everyone on the committee will have agreed to, the approach of this house has been and is now as we speak that that Standing Committee on Procedure and Privileges report will not be proceeded with if it does not have the consensus of the whole house. I will give an example. The Standing Committee on Procedure and Privileges has considered e-petitions and has made certain recommendations. Despite that report suggesting that the house go down a particular path, there is not consensus across the house, so we will not be proceeding with that. That is the time-tested method that we use to make changes to the way we do our business. We bring everybody with us. People will criticise us for that, and I am critical of doing that sometimes because I think we do not move fast enough; however, it ensures that everybody buys into the process and it ensures that we have the time and the opportunity to consider all ramifications and possible consequences, unintended or otherwise.

The proposition we are being asked to consider right now is extraordinary on so many levels. It is extraordinary because it proposes that we suspend standing orders this afternoon to consider a change to the temporary standing orders that half the chamber has not even read, never mind had time to consider and had time to seek advice on. That is absolutely extraordinary. The thing about doing this as a stunt, if that is what it is—I do not make that allegation; but maybe that is what it does, but I do not know—then, frankly, the smaller parties, which will never in their own right form government, will come and go and be variously represented in this place over time. For the two parties that will form majority governments, this is a dangerous path to go down. I cannot believe that the Liberal Party will support, firstly, the suspension or, secondly, the detailed changes to temporary standing orders, knowing that the government—the one the people elected—was not even paid the courtesy of being given a copy of the amended motion and its members have not had time to consider it. I wonder how many other members in the chamber were not given a copy of the amended motion. Has every party had the opportunity to consider the terms of the amended motion? I invite members to indicate whether that is the case when they have the opportunity to contribute to this debate. That is no way to consider changing the rules on how we do our business.

What astonishes me the most about this debate is that it has made me want Hon Norman Moore to come back to the Legislative Council. I never thought I would say that! He would not have tolerated this for an instant. The government of the day was not even shown the courtesy of being given a copy of the proposed standing order, never mind that we are considering it on the run and never mind that it contemplates recalling the house during the break. There is no way Hon Norman Moore would have considered a proposition in the terms that have been put. I have not even had time to read the whole amended motion. There is no way he would have tolerated the proposition that, in the break, whatever plans were in place, the decision to recall Parliament could be taken out of the hands of the government. There is no way he would have considered that! Newer members will not recall this, but I will talk about two years of my life that I will never get back. I refer to the twenty-second report of the Standing Committee on Procedure and Privileges Subcommittee, "Review of the Standing Orders", presented by Hon Barry House, MLC, chair, in October 2011. In 2009, the Legislative Council resolved that the Standing Committee on Procedure and Privileges would be required to undertake a comprehensive review of the standing orders of the house with a view to modernising the procedures of the house. We undertook that. It took two years. As I said, that is two years I will never, ever get back—two years spent looking at every single standing order. I refer to a debate during the course of Parliament's consideration of various changes, in *Hansard* of 20 August 2009, in which Hon Norman Moore said —

Putting that to one side, there is no doubt that the standing orders need to be re-written. They are well and truly out of date. They need to reflect the modern requirements of a chamber of this nature. Therefore, I am hoping we can put in place some temporary orders between now and the end of this year that will enable the government to have more time to do its business and will avoid the old days when we had to sit beyond 10 o'clock to get our business passed.

What he was contemplating, in its structure, was not dissimilar to what we are being asked to consider now—that is, he was talking about a temporary change to the standing orders—but the way in which he did it was diametrically opposite to what we are being asked to do today. He went on to say —

This set of standing orders can be changed only by an absolute majority of the house. At the moment that is a bit unusual, because the Liberal and National Parties do have an absolute majority. However, in the past it required the consensus of all parties before any change could be made. I have sought to reach consensus on these matters. If we cannot reach consensus, I do not intend to use the government's numbers to impose a new set of sessional orders or temporary orders on the house; we will simply go back to operating under standing orders and I will have to take whatever action is necessary and available to me to make sure the government can get its legislative program through in a reasonably timely manner.

He set out the principles he would apply in making changes even to temporary orders. If we could not get consensus, we would not proceed. Between the Liberal Party and the National Party, he had the numbers. He did not have to rely on the crossbenches or any other party. He had the numbers in government to achieve that himself, yet he chose not to. The reason he chose not to was out of respect for how we make the rules on how we do our business. Hon Norman Moore had a lot of interesting characteristics. I think perhaps once to his face and perhaps even once in the chamber I might have used the word “dinosaur” to refer to Hon Norman Moore.

Hon Dr Sally Talbot: Only respectfully.

Hon SUE ELLERY: With the greatest of respect! I might have used that word to describe him. I want members to appreciate what an extraordinary thing it is for me to stand here and say that I wish Hon Norman Moore was back here. I never thought I would say it—ever! I might ring him up later today and tell him I have said it.

Hon Simon O'Brien: You'll have to beat me to the phone.

Hon SUE ELLERY: I can imagine, Hon Simon O'Brien.

Hon Dr Sally Talbot: It is a shame you don't know how to text, Hon Simon O'Brien.

Hon SUE ELLERY: Hon Norman Moore knows how to text, because I have had cause to text him in the past. He would never have entertained this. He respected that if one gets the process right, what will flow from that is better decision-making. He would not have been so discourteous as to not even provide the Leader of the Government with a copy of the amended motion. He would never have done that. He certainly would not have entertained a process in which we are effectively making changes on the run. That is what we are doing, because I have not even had a chance to properly read the motion that we are being asked to consider. He would not have contemplated the substance of the original motion and what I think is still in the amended motion, because he valued his time away from the Parliament and he valued the right of people to plan their lives. Whether members think it is a good or a bad thing to change the head of power and the provisions around how we call the house back, our standing orders have a provision for that. The standing orders recognise that it might be necessary from time to time. In recent years we had to contemplate coming back, because we needed to deal with the swearing in of a senator. We were not sitting at the time the change happened, so we had to consider how to do that. Frankly, at the time our standing orders left us somewhat wanting, so all sorts of negotiations had to be entered into for how to do that.

If there was a proposition before the house today that this matter in its entirety be referred to the Standing Committee on Procedure and Privileges for it to consider, I would entertain that. If I were able to put a view to the procedure and privileges committee, I would still take the position that I think the proposal, as I understand it, is flawed, and I would put in a submission about why I thought it was. If that was the view of the house, I would contemplate it. I do not see how anyone in my position, or, frankly, in the position of the Leader of the Opposition, could contemplate changing standing orders in this way—without consensus and without the government of the day even having the opportunity to read the proposition or the time to consider it. I will be astonished if the Leader of the Opposition stands and says that he thinks this is a reasonable path to take. I will be astonished, because what goes around comes around. I hope it is a really long time before opposition members are sitting back on this side of the chamber, but eventually someone from that side of the chamber will be sitting here, and they will not want this provision. They certainly will not want the house to have taken away from them the capacity to even consider, in a deliberate and methodical fashion, a change to standing orders. They certainly will not want that. Is it because the Leader of the Opposition thinks he is never coming over to this side of the chamber or that it is so far away in time that it will not matter in his time? I cannot believe that because politics is much more volatile than that. Although I hope that we are here for a very long time, eventually the political cycle will turn

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and the conservatives will be back in government. The opposition does not want to have set the precedent that the government of the day is not even paid the courtesy of being given a copy of a proposed change to standing orders. Members opposite do not want that to happen. If opposition members found themselves in that position, they would be outraged and flabbergasted that someone would suggest such a ridiculous way to set the rules about how we do our business. This is not the right thing to do. Members opposite can make their own judgement about whether this is a political stunt and whether they accept the commitment I have from the Premier and the Treasurer. But if members think about how we do business, they know that this is not the right thing to do; it is not! I say this to every party in the house because I do not know who was circulated the amended motion. I do not know whether the Greens got the amended motion; I do not know who got it. But nobody in this chamber paid us the courtesy of telling us. It is nobody else's responsibility, frankly, except the mover of the motion, but he certainly did not tell us about it. Apart from anything else, that is discourteous, but I am kind of used to that.

The PRESIDENT: Order! I am just going to remind members who are having their own separate meeting on the other side of the chamber that they might want to sit or they might want to take their meeting outside.

Hon SUE ELLERY: Thanks, Madam President.

I was making the point that apart from being discourteous—frankly, I am used to that from this member—this is not the way for anybody to consider the detail of a change to a standing order. Standing orders matter! They absolutely matter and a member cannot propose to change the standing orders without giving the government of the day, or, frankly, any party in this chamber, the opportunity to seek advice or to discuss it amongst its members. That is not the way to do business, and it is not the way that this house has done its business. Madam President, I urge members with every fibre of my being to reject the suspension of standing orders. If members absolutely believe that the house needs to reconsider how it is recalled when we are in recess, we should do what we have always done and refer it to the Procedure and Privileges Committee.

Point of Order

Hon ADELE FARINA: I am a bit confused about what we are doing in the house currently. Standing order 17(5) states —

A Member may move without notice that an order of the day or a notice of motion listed on the Notice Paper in the Member's name be made order of the day No. 1 or motion No. 1 on the Business Program for the next sitting of the Council. Any such motion shall be put without amendment or debate.

The motion that Hon Martin Aldridge has put is not to make a motion listed on the notice paper the first motion of the day; he has put a motion to make an amended notice of motion number one for today's consideration of notices of motion. Either we respect our standing orders in this house or we do not. Standing order 17(5) is very clear. It states —

A Member may move without notice that an order of the day or a notice of motion listed on the Notice Paper in the Member's name be made order of the day No. 1 or motion No. 1 on the Business Program for the next sitting of the Council.

Hon Martin Aldridge is not doing that.

The PRESIDENT: Hon Adele Farina, no, he is not. He is actually moving a suspension of standing orders, which is debatable, and that is what we are currently dealing with.

Hon ADELE FARINA: Thank you, Madam President.

Hon SIMON O'BRIEN: On a further point of order, as Madam President has just pointed out, a motion without notice has been moved to suspend standing orders to do a whole range of things. I have not seen that motion. Is a copy of it available because I do not even know what we are talking about?

The PRESIDENT: I understand that copies of both motions put forward by Hon Martin Aldridge have been distributed. If you have not received one, you will receive one now.

Hon SIMON O'BRIEN: Further to my point of order, Madam President, would you be open to entertaining a motion that you leave the chair until the ringing of the bells so that members, including me, can consult with their colleagues about something that we have never seen before?

The PRESIDENT: I might leave the chair until the ringing of the bells so that there can be a conversation, and then we will resume and see where we are going.

Sitting suspended from 1.46 to 1.54 pm

The PRESIDENT: Members, we are currently dealing with the motion moved by Hon Martin Aldridge for the suspension of standing orders. The question is that the motion be agreed to.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [1.55 pm]: Thank you, Madam President. I would like to make a few comments because I understand that there has been agreement behind the Chair on how we progress this motion. I will respond to a couple of comments made by the Leader of the House. It is important that it is on the record as to where the Liberal Party, and also the crossbench and the Greens, stand. This is not an issue that we take lightly. The Leader of the House is quite correct: to make changes to either standing orders or temporary orders should not be taken lightly, and it is something that we gave significant consideration to. Of course, whenever changes are made to standing orders, consensus is required. A considerable amount of dialogue and communication has taken place, particularly between the mover of the motion, the crossbench, the Liberal Party and the Greens. I understand that there were several attempts and, on occasions, there has been communication with the Leader of the House on this issue. With that in mind, of course, she made a valid point that if members do not have the actual motion before the debate, it is very difficult. Having said that, the intent of the motion was very clear to the government and to the Leader of the House. It was very clear. That is a separate issue. Perhaps in retrospect the mover of the motion may have provided the Leader of the House with a copy of the motion. I can say categorically that Liberal Party members and, as I understand it, all the other members of the crossbench and the Greens, did receive a copy of that motion and had sufficient time to discuss it with the Leader of the House. We did so under difficult circumstances as it is something that is unusual.

Having said that, it is not necessarily a wrong thing to do on some occasions when one feels cornered. If anything, this house—the government, the opposition and the crossbench—can learn something from this experience. I can say, hand on heart, that on a number of occasions since the government took office we have felt cornered by the way the government has dealt with legislation and the processes of this chamber. Regardless of what the Leader of the House may think, that is how we feel. We feel that the element of trust is not necessarily there. The Leader of the House raised the issue of the gold royalty. Of course, that is a consideration that was taken into account, certainly on this side of the chamber. The fact is that we debated the gold royalty six weeks after we debated it previously, and with a three-month lapse coming up for Parliament, inevitably people on this side of the chamber would think, “What is the government up to?” The guarantee by the Leader of the House that there will be no attempt to re-gazette those regulations is very comforting. However, the notion of the recall of Parliament is something that I would like to think the Standing Committee on Procedure and Privileges will consider again. This is something that we have talked about, and I talked personally with all the members of the crossbench and the Greens on the recalling of Parliament. The temporary order that we introduced earlier this year as a result of the casual vacancy in the Senate provided an avenue, but, dare I say it, possibly not a perfect avenue, and that is something that needs to be considered.

The opposition did not take this matter lightly. I take on board the comments about a former Leader of the House, Hon Norman Moore. I have great respect for Hon Norman Moore as well. After four years of constant criticism of Hon Norman Moore when he was in the role that Hon Sue Ellery is in at the moment, I am staggered that she can pass judgement based on this issue. If anything, everyone in this chamber can treat this as a learning experience. We do not take these things lightly, certainly as far as the Liberal Party is concerned and, I am sure, as far as all members of the crossbench are concerned, and we would not have considered taking this further step if we had not felt cornered. It is a very unusual step. I take heed of the comments of the Leader of the Government; it is a very unusual step. We would not even have contemplated this if we did not feel cornered—if we did not feel in some shape or form that we could not trust the government with regard to abusing, with all due respect, this house when it is not sitting.

As I have said over and over again, in the past six months in particular, the Parliament is sacrosanct. If we felt that the government was going to somehow bypass the Parliament to get its legislative agenda through or whatever it might be, we would do all that we possibly could to ensure that the checks and balances that exist within this house were retained. That is exactly why we made the decision that we were going to support the motion. As I have said, and as I am aware, there were members on this side who felt very uncomfortable about it and I am sure they would not have supported it. That is the beauty of our party; we provide that privilege. I certainly did not take it lightly; I can assure you of that, Madam President. I would have supported the motion only under extreme circumstances, and I feel that these were extreme circumstances.

Certainly, the comments of the Leader of the House today have been comforting and have given us a significant degree of confidence in the government about the out-of-session period. However, I still feel that the Standing Committee on Procedure and Privileges should take it upon itself to revisit this issue and see whether there is another way—whether it be by absolute majority or some other form—whereby, if possible, Parliament can be recalled if an absolute majority of members felt aggrieved.

As a result of comments behind the Chair, I understand that all parties have now reached agreement on that. I am of the understanding that the mover of the motion has every intention of withdrawing the motion.

HON MARTIN ALDRIDGE (Agricultural) [2.03 pm] — in reply: In line with the comments of the Leader of the Opposition, I confirm that it is my intention to seek leave at the conclusion of my remarks to withdraw the suspension of standing orders motion. In doing so, I want to reply to the contributions that have been made. The Leader of the Opposition is right when he says that we would not be in this position today if the government showed a greater amount of decency and respect for this place. The government has 14 members in this house. When this house disallowed the gold royalty regulations, although I had my suspicions that the government would consider reintroducing the increase, I did not think it would. In question time yesterday, we heard a very good question put to the government by Hon Robin Scott, which went to what consultation the government undertook following its first attempt to increase the gold royalty. That attempt for consultation was brief at best. As far as I can tell, there was no consultation with members of this place. There may have been consultation with crossbench members; I am told that it was not detailed. There certainly was no consultation with my party. There was no indication in the three days of speeches that I sat through when we dealt with the disallowance motion in this chamber that any of the non-government members were willing to entertain a second version of gold royalty increase regulations. I think what has motivated not only my party and me, but also the majority of members in this place to get to this point, has been issues arising from that. I must say that the issues do not arise solely from the gold royalties increase attempt. Not only the way in which this government operates its management of the business of the house, but also its answers provided during question time are questionable at best. We are not seeing the gold standard of transparency and accountability that Mark McGowan promised in opposition.

Members are nervous about going into an extraordinarily long three-month recess after a change of government with no protection for this house. That is a long time, particularly for a new government with a new agenda and set of priorities. There is a mad rush at the end to deal with these so-called urgent and priority bills, yet we are going into a three-month recess. In light of the actions of the Premier and the government to ignore the wishes of this house about the gold royalty increase, those concerns are well and truly founded. There are mixed views on the way forward from here. Members have come to me and suggested that the motion to suspend standing orders should be amended to remove the third part. Others have suggested that we withdraw completely, particularly off the back of the significant admission that the Leader of the House made today for the first time that the government will not seek to reintroduce regulations that would increase the gold royalty in Western Australia. This might be a long and difficult path to get the Labor Party to uphold its election commitments, but we have had one upheld today that the Leader of the House has confirmed. Apparently, the Treasurer will hold a media conference and state that the government will not seek to increase the gold royalty in Western Australia. We have achieved that, if nothing else, at this point.

I want to go to some of the comments that were made about consultation. It is true that I emailed a letter containing a draft motion to all party leaders on Friday and, as far as I can tell, they all received it. I have not been told anything to the contrary. On Tuesday, I received a message from the Leader of the House wanting to know why I had a motion without notice on the Business Program. I referred the Leader of the House to my correspondence of Friday, which clearly indicated that it was my intention to not only give notice to move a motion to create a temporary order of this house, but also move a motion without notice to have it dealt with this week. It was clear from the conversation that I had with the Leader of the House behind the Chair that she was unaware of the correspondence that I sent to her on Friday; at least, that is the impression I got. I forwarded her another copy and she indicated to me in no uncertain terms and very few words that there would be no support from the government for this move, and then the conversation ended.

From that point, a notice of motion was given. In the last 24 hours, there has been extensive consultation with all parties, except for the Labor Party, because it indicated very early that it was not interested in considering this matter this week. It is important to remember that we have not yet got to the substance of considering this matter; we are still dealing with the motion to suspend standing orders. A lot of parties and individual members came and spoke to me about concerns, suggestions and improvements. The amended notice of motion that I gave today has a few minor variations from my notice of motion that I gave on Tuesday. The amended notice of motion is certainly a more palatable and better path forward in providing an adequate protection for the Legislative Council from this government. Namely, those three things are the referral of the temporary order to the Standing Committee on Procedure and Privileges, a limitation on the effect of the temporary order so that it lapses when the Standing Committee on Procedure and Privileges reports, and the requirement for an absolute majority, rather than a simple majority. My view is that if that matter was put to the floor of this place today, an overwhelming majority of members would support that matter on the substance of those issues. Obviously, we will not get to test that, but I think the government needs to reflect on its relationship in this place over the very lengthy three-month recess that we are about to enter. The government needs to reconsider how it engages with the multiple parties present in this place. Of course, some members would have us believe that the temporary order I proposed was something radical and terribly new. In fact, I draw to members' attention that it is almost an exact replica, if not an improved replica, of a standing order in a tin-pot, backward jurisdiction called the Australian Senate. I hope that *Hansard* records the sarcasm in that comment because I obviously mean no disrespect to the Australian Senate. An existing

standing order of the Australian Senate allows a member-initiated recall when an absolute majority of members request such a measure. Members who have spoken to me during the course of this debate equally believe that the admission by the Leader of the House that the government will discontinue its proposal to increase the gold royalty is enough for us to withdraw the motion and to allow the notice of motion to proceed accordingly on the notice paper next year. Hopefully, the Standing Committee on Procedure and Privileges may also see the merit of considering this matter in its own right. Other members think that we should pursue it regardless.

I want to talk about the third point of my motion, which I knew would cause some contention. The Leader of the National Party engaged with the Leader of the House about that part because when we put together the notice of motion and introduced it to the Council yesterday, it was with the intention that we would have two sitting weeks of motions on notice. Since that time, I understand that there has been an agreement by the parties to facilitate extra time for the government to deal with its apparently urgent legislative agenda, which will limit the ability for this motion to be fully considered and voted on in the normal way after four hours of debate during motions on notice. We put to the Leader of the House that an alternative could be to bring this matter to a vote today, which would not impinge on the government's extra time next Wednesday, when motions on notice would ordinarily have occurred. If this motion were to have proceeded, obviously, it could have been amended and removed. Likewise, if the house so desired, it could have amended, opposed or reinstated the motion that I assume will be moved by the Leader of the House at some stage to extend the sitting hours next week and deal with the removal of motions on notice and other aspects of the business program.

The other concern that members have expressed to me during the course of this debate as a reason that this motion ought to proceed is that there is currently a deficiency in the only recall provision in the standing orders. That recall provision is standing order 6(3), which is relatively new. In fact, it was a result of the forty-first report of the Standing Committee on Procedure and Privileges in November of last year, and now finds itself in the standing orders after an issue arose about the filling of a casual vacancy in the Australian Senate and a joint sitting of both houses of Parliament. I think that this provision is deficient. Other members have argued to me behind the Chair during the course of this debate and before this debate started that the notice of motion in the form that I have given would significantly improve the recall provision that exists within our standing orders. At the moment, the only person who can recall the house is the President, and the only way in which the President can recall the house is for the Leader of the House to instruct her to do so after consulting with party leaders. I think that a significant omission from that standing order is any requirement to give notice to members of that recall or to outline or define what is reasonable in that recall. Some conversations are occurring about whether the house would entertain extra sitting days this year. I do not believe that there is an appetite to extend the sitting days, with the agreement so far being that an agreement will be ratified in this place to extend sitting hours and to remove other business from the program to facilitate more government business. It is of concern that the Leader of the House, after consulting with party leaders, could, potentially after the house has opposed a motion to amend the annual sitting schedule, and when we are adjourned, instruct the President to recall the house. I think that is a deficiency of the current standing orders, which, to some extent, would have been addressed by an aspect of the temporary order and the motion before us currently. For some members, that is an argument for proceeding with the suspension of standing orders. I make the point that a number of parties are in this place, and the government does not have a majority—far from it. There are various views and motivations about why the Legislative Council should consider a member-initiated recall. The model I proposed to the house is almost exactly modelled upon that of the Australian Senate. I acknowledge the varying views. From my perspective and my party's perspective, and from the perspective of the majority of members who were motivated to pursue this matter, the assurances that have been given today for the first time by the Leader of the House on behalf of the government that it will not seek to pursue the further gazettal of a regulation to increase the gold royalty have satisfied most. However, at a later stage I intend for the house and/or the Standing Committee on Procedure and Privileges to pursue this matter.

Withdrawal of Standing Orders Suspension — Motion

HON MARTIN ALDRIDGE: I seek leave to withdraw this motion.

Leave granted.