

*Joint Select Committee on End of Life Choices — First Report —
“My Life, My Choice: The Report of the Joint Select Committee on End of Life Choices”*

Resumed from 23 August.

Motion

Hon COLIN HOLT: I move —

That the report be noted.

Consideration Postponed

Hon COLIN HOLT: I was going to allow other members to speak, but if no-one is going to take the opportunity, I move —

That the debate be postponed.

Hon NICK GOIRAN: Before the chamber agrees to the motion moved by Hon Colin Holt, I want to make some comments in support of the motion and some general remarks.

Hon Colin Holt seeks to defer debate on consideration of the Joint Select Committee on End of Life Choices’ report, which was tabled less than a week ago. Members might be aware—in fact, I will borrow a copy from my good friend Hon Donna Faragher—that the committee report is no small piece of work, to say nothing of the minority report, and members might like more time to digest it before they discuss it. However, in the few minutes I have available I would like to flag that I have a motion on the notice paper that is somewhat unusual. It seeks that a motion be passed by this house so that a message can be sent to the other place asking for the release of the minutes of the committee. I want to say two things about that. First, members might quite reasonably ask why I would want to do that and why would I be even interested in doing that; and, second, I want to talk about the custom and practice of the other place when it comes to these matters. I draw to members’ attention that this committee was a joint select committee and not a standing committee. If a member of the public or a member of Parliament wants to engage with a committee, they can do that with a standing committee. Nothing stops me from writing to the Standing Committee on Estimates and Financial Operations or the Standing Committee on Public Administration or any standing committee, because they are permanent committees of the house. I, as a member of Parliament, and indeed any constituent, has a permanent capacity to write to those committees and engage with them. The difference, of course, with a select committee—in this instance, a joint select committee—is that there is no capacity to engage with that committee because it ceased to exist once that weighty report was tabled last Thursday. I think there is a distinction between a select committee and a standing committee for that reason.

Secondly, I draw to members’ attention that that particular committee was operating under the standing orders of the Legislative Assembly. That was a decision that was agreed to by this house at the time. Nothing in the Legislative Assembly standing orders dictates that a committee must table its minutes; there is no such standing order there. However, I draw to members’ attention what I describe as the ordinary custom and practice of the committees of the Legislative Assembly. I will start with the Community Development and Justice Standing Committee. On two occasions in the thirty-ninth Parliament it tabled its minutes. Tabled paper 3490 was tabled on 13 October 2015, which was all the committee’s minutes from 15 May 2013 to 24 June 2015. Then tabled paper 4879 was tabled on 17 November, which was the remainder of the committee’s minutes from 12 August 2015 to 9 November 2016 for the thirty-ninth Parliament. That is one example of a standing committee of the Legislative Assembly—the Community Development and Justice Standing Committee—that tabled all its minutes in the thirty-ninth Parliament.

Should members think that that might be an aberration, I draw to their attention that in the thirty-eighth Parliament, that committee did exactly the same thing, except that it tabled its minutes on four occasions rather than on two occasions. Tabled paper 1872 was tabled on 24 February, tabled paper 3205 was tabled on 22 March 2011, tabled paper 4532 was tabled on 28 February 2012 and tabled paper 5613 was tabled on 14 December 2012. The Community Development and Justice Standing Committee in the Legislative Assembly in the thirty-eighth and thirty-ninth Parliaments tabled all its minutes. Members might say that that is just one committee of the Legislative Assembly, but I draw to their attention that this is common practice in the other place. For example, the Economics and Industry Standing Committee tabled all its minutes in one hit in the thirty-ninth Parliament. It did that on 17 November 2016 with tabled paper 4880. The seventeenth of November 2016 was a very popular day in the Legislative Assembly because a number of other committees also tabled all their minutes on that day, including the Education and Health Standing Committee, which tabled all its minutes from 15 May 2013 to 12 October 2016, and the Public Accounts Committee, which tabled its minutes from 15 May 2013 to 14 September 2016, and in that case it was tabled paper 4888.

I could go on and on about this, and of course I have unlimited shots of 10 minutes. I could tell members how it is the ordinary custom and practice for committees operating under the Legislative Assembly standing orders to table

their minutes. That is simply what I am asking this particular committee to do. I cannot ask the end-of-life choices committee—none of us can ask that committee—because the committee no longer exists; it was dissolved because it was a select committee. As I have been advised by the Clerk of this place, who I understand has also consulted with the Clerk of the other place, this is the only mechanism by which this can be achieved. I just thought that I would outline those things very early in the piece. I recognise that my motion on notice is buried deep on the notice paper in accordance with our practices, because I gave notice of it only last Thursday. I see that my motion on notice is listed sixth, so it will take some time before it eventually finds its way before us. I thought it would be useful to mention that now—in fact, a couple of members have already asked me about the custom and practice of the other place—rather than leave it to us getting to motion 6, and then having people deliberate and wonder what their position is on that issue. I thought it would be useful to mention that at this early stage to give people no doubt many weeks—possibly even many months—to contemplate whether they would like to uphold the custom and practice of the other place, or whether they would like a different, new procedure to apply, for reasons that members will no doubt enlighten me on. Obviously, I am pretty keen for the consistent practice to be adhered to with respect to this committee that operated under Legislative Assembly standing orders.

The only other thing I caution members of this place on is agreeing to a future joint select committee being established under Legislative Assembly standing orders. I have no difficulty whatsoever with the existence and establishment of joint standing and select committees from time to time, but my experience on this committee taught me that there are some fundamental differences between the Legislative Assembly's standing orders and ours. Because I am running out of time, I will give members one example. The draft committee report that is presented to members under the Legislative Assembly standing orders is actually the committee chair's report. The secretariat prepares a report in accordance with the direction of the chair, not the direction of the committee. That is quite different from how we operate, in that for Legislative Council committees, the secretariat prepares a report for the committee and its members then deliberate on those types of things. Probably more often than not it will not be a big issue, because we deal with things in a bipartisan or tripartisan-type way, but there will be certain committees—I think this is one example—with issues that are particularly difficult and probably divisive. In those cases it might well be better to have the impartiality of a secretariat draft, rather than a draft report being prepared by a chair and members having to deliberate on that, and then right at the eleventh hour, if a member happens not to agree to it, they get a small window of time to prepare a minority report.

The DEPUTY CHAIR (Hon Adele Farina): Members, I am a bit unclear about what the question before the Chair is. My understanding is that the question before the Chair is that the debate on the report be postponed. I think I need to put that, unless Hon Robin Chapple was also seeking to speak in support of the postponement motion, noting the generosity the Chair showed the previous speaker. But if he is not proposing to do that, I really do think we need to put the motion. The motion before the Chair is that consideration of the report be postponed until the next sitting.

Question put and passed.

Progress reported and leave granted to sit again, pursuant to standing orders.