

JOINT SELECT COMMITTEE ON END-OF-LIFE CHOICES

Business of the House — Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.05 pm] — without notice: I move —

That so much of standing orders be suspended so that —

- (1) The Leader of the House may speak for a total of 45 minutes in reply to her motion regarding the establishment of the Joint Select Committee on End-of-Life Choices; and
- (2) When the order of the day for the motion is called, any members who have yet to speak on the motion and wish to do so shall be able to speak before the Leader of the House resumes her speech in reply.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [1.06 pm]: I am more than willing to accept the motion to suspend standing orders. We have had a discussion behind the Chair. I want some clarification whether the 45 minutes will be in addition to the contribution that the Leader of the House has already made.

Hon Sue Ellery: My understanding is that that is the total, and it will not be 45 minutes.

Hon PETER COLLIER: That is fine. I just want it clarified.

HON NICK GOIRAN (South Metropolitan) [1.07 pm]: I rise to support the motion moved by the Leader of the House, which I now have in front of me. It is a little unusual, is it not, that we have to move to suspend standing orders? I note that the Leader of the House did not really provide any explanation as to why we need to do that.

Hon Sue Ellery: I am happy to do so. I have had conversations behind the Chair and I thought it was understood.

Hon NICK GOIRAN: That is okay. I would have thought that a brief explanation to the house as to why it was necessary would have been courteous. Nevertheless, the Leader of the House has already spoken and I suppose she cannot speak again.

Hon Sue Ellery: I can do a reply.

Hon NICK GOIRAN: Very good. Once again, I am assisting the Leader of the House, which I am pleased to do. The request moved by the Leader of the House to speak for 45 minutes is not grossly unreasonable. I do not know why she rose yesterday to close the debate, which had been going all day and into the evening, on a motion that I would have thought the government would have wanted to speedily pass yesterday. That was certainly my understanding. If I were cynical, I would say that the government has such a paucity of legislation on the books and a lack of quantity of legislation for us to deal with this week that we have nothing else to do, apparently, other than to speak about the formation of a joint select committee, as important as the joint select committee is, as evidenced by my own contribution yesterday. But it appears that there is more to be said on this, and the government would like more time so that the Leader of the House can allow us to know why we need the debate on a joint select committee to go into a second day. It is regrettable that the motion moved by the Leader of the House allows only those yet to speak to the motion to make a contribution —

Hon Alannah MacTiernan: You have to be joking! Do you actually see the contradiction in what you are saying? You think it should be sped up, and then you want everyone else to have a say.

Hon NICK GOIRAN: I am happy to take that interjection. It is a very useful interjection by the minister, suggesting that there is some kind of contradiction by me. Far from it. I might just reiterate my earlier remarks. My understanding is that people wanted to have this wrapped up yesterday. That did not happen. We are now moving into a second day for consideration of this. If we are going to spend time today, maybe I will get another opportunity to speak. That is what I am saying.

Hon Alannah MacTiernan: But that's just crazy! You say you want it finished up, and then you want to have —

Hon NICK GOIRAN: It finished yesterday, minister. Those two —

Several members interjected.

The PRESIDENT: Order!

The PRESIDENT: Order! Hon Nick Goiran, you might want to just contain your remarks to the motion we are dealing with now, and not be persuaded to deviate off on a different tangent.

Hon NICK GOIRAN: Thank you, Madam President. I will endeavour to do so in the remaining 41 minutes.

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I wanted to rise to briefly indicate my support for the motion of the Leader of the House. It is difficult to do it briefly when I have silly interjections by the minister. What is she the minister for? The minister for something!

Hon Alannah MacTiernan interjected.

Hon NICK GOIRAN: I have been known to oppose motions for the suspension of standing orders because I do not think that it should be something done ordinarily. It seems there was a mistake yesterday made by the Leader of the House. Shortly, in her reply, we will hear an explanation of how that transpired. I have said, without intending for it to be a joke, that I acknowledge that the Leader of the House has a heavy workload so mistakes can sometimes be made. But it is simply a statement of fact that there is a limited amount of legislation on the agenda of this government. Last week we found ourselves in a situation when repeatedly —

Hon Sue Ellery: So you understand that you're helping?

Hon Donna Faragher: So you are acknowledging it?

Hon Sue Ellery: No, but if his theory is right, then he's helping!

Hon NICK GOIRAN: It is very interesting. The Leader of the House, whose responsibility it is to guide the house with regard to the agenda, is indicating that by me speaking right at this moment I am assisting her with her plan to ensure that we have enough to deal with. Is it not remarkable that the government acknowledges that it has nothing else to do in this place, and that it needs the assistance of the opposition to speak to a motion to suspend standing orders because of a mistake made by the Leader of the House? It is quite incredible. I dare say that never happened once in the last two Parliaments. The Leader of the House has been in the job for how long? It has been a few months, and already we have this problem.

Hon Sue Ellery: Our special relationship is coming back, isn't it?

Hon NICK GOIRAN: Might I remind the Leader of the House about the famous Royal Perth Hospital Protection Bill. We could relive those events if the Leader of the House would like. But I do not want to do that —

The PRESIDENT: No, I do not think you will, Hon Nick Goiran. It is not relevant to this debate.

Hon NICK GOIRAN: I agree.

The PRESIDENT: Stay on track.

Hon NICK GOIRAN: I agree, and these interjections are unhelpful.

I indicate that I will support the motion moved by the Leader of the House to suspend standing orders, as irregular as it is. I will do so on the basis of noting the error made by the Leader of the House yesterday. I will do so based on the fact that it appears that there is such a lack of legislation on the agenda that in order for the house to fulfil its functions, we need to assist the Leader of the House to provide some extra speaking time for her and her colleagues to speak to the joint select committee motion. We certainly would not want the Leader of the House to be reminded of public comments she made when in opposition about how terrible it is whenever a government does not have enough legislation on the books. We would not want that to happen again.

Hon Alanna Clohesy: That was after three years in government.

Hon NICK GOIRAN: The parliamentary secretary's interjection, if it was not picked up by Hansard, was something to the effect about it only happening after three years. What is very interesting about that —

Hon Alanna Clohesy interjected.

Hon NICK GOIRAN: I have received the interjection; I am happy to take it. After a few years, it may be the case that a government would have already fulfilled a substantial amount of its agenda, so it might not have been unusual that it had only a few other things to deal with. In this case, the government has been in for five seconds and it is already indicating that it has nothing to do. That is why it is seeking to suspend standing orders in order for it to continue to filibuster on various things on the agenda. It is unusual, and newer members should note that this is unusual; this ought not to be common practice.

As I have indicated, I have previously opposed motions for the suspension of standing orders. If we are just going to routinely suspend standing orders, there is no point having them. The standing orders are a guide; they are here to provide fairness to all members. Everybody understood yesterday that when the Leader of the House rose to her feet that that was going to close the debate—everyone ought to have known that. Now, plainly, something has gone wrong. Maybe the Leader of the House was a little too enthusiastic; maybe, in fairness to her, as I suspect because she is always one who treats other members with courtesy and respect, she must have understood that everyone else had already spoken on the motion. That would be fair enough. Clearly there has been some communication breakdown. These things happen. If that is the case—I hope that will be acknowledged shortly or

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some other explanation provided—I encourage all members to support the motion to suspend the standing orders in order for the Leader of the House to speak for a total of 45 minutes, which is the courtesy that was afforded to me and other members yesterday who had the opportunity to speak to the motion.

It is indicated in the motion to suspend standing orders that it may be the case that other members have yet to speak on the motion to establish the joint select committee, and that if they wish to do so, they will be able to speak before the Leader of the House resumes her speech in reply. It will be interesting to see how many members indeed indicate that. Might I suggest that if members intend to speak this afternoon, they let the Leader of the House know so that we do not find ourselves in the same situation whereby she rises and somebody else intends to do something and then we will have to do this again—we might have to do that again because the government does not have enough legislation on the agenda.

Several members interjected.

Hon NICK GOIRAN: We might be doing that all week —

Several members interjected.

Hon NICK GOIRAN: Pardon?

The PRESIDENT: Order! Every interjection delays the conclusion of Hon Nick Goiran’s contribution. Do not encourage him; I am sure he wants to come to his conclusion.

Hon NICK GOIRAN: Thank you, Madam President; as usual, you are 100 per cent correct. I would like to have made my remarks concisely, but of course the disoriented minister for—is it environment?

Opposition members: Regional development.

Hon NICK GOIRAN: Sorry, the Minister for Regional Development. It was not the Minister for Environment; he is a good guy. The Minister for Regional Development, with the interjections, is very unhelpful—is disoriented. That is not a joke.

Point of Order

Hon SUE ELLERY: I am sure there is a standing order about personal reflections on members of the house. If Hon Nick Goiran has a serious point to make, he should make it. I know he is capable of making it without reflecting on other members of the house.

The PRESIDENT: Order! You are right, Leader of the House. Hon Nick Goiran knows he should not be making personal reflections. I am sure that when he resumes he will be concise in the continuation of his remarks. I am sure he was pulling that altogether.

Debate Resumed

Several members interjected.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order! Would you sit down, please. Minister, it really does not help when we are trying to have a tight debate on the suspension of standing orders. I know that the Leader of the House is keen to deal with this matter. I thought we were going to progress. To have interjections does not help. I give the call to Hon Nick Goiran. I am sure that you will be concise and not allow any further interjections.

Point of Order

Hon AARON STONEHOUSE: I note there is a standing order on challenging members to a fight. I am unsure whether there is a standing order challenging members to a debate outside the chamber. If you could indulge us, please.

The PRESIDENT: There is no point of order. I will give Hon Nick Goiran the call and there will be no further interjections.

Debate Resumed

Hon NICK GOIRAN: I am happy to continue, but it is difficult, and I will continue to speak directly to you, Madam President.

The PRESIDENT: I think that you need to look just at me.

Hon NICK GOIRAN: I will try not to be distracted by the Minister for Regional Development, who is constantly interjecting and being unhelpful this afternoon in contrast with me; I am trying to indicate my support for the motion moved by the Leader of the House. For the benefit of members who have just arrived after being away on

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urgent parliamentary business, the Leader of the House has asked us to consider the suspension of standing orders so that she may have 45 minutes in reply to the debate on her motion. Members will be aware that a schedule in the standing orders sets out precisely how long members are allowed to speak. Standing order 21 allows the mover-in-reply, which is the Leader of the House, only 15 minutes in which to speak. For the benefit of members who are not aware, because the Leader of the House rose when she did, which would then close the debate, there are only 15 minutes for the Leader of the House to speak to the motion. Clearly, that would be unfair. The Leader of the House would like 45 minutes, as everyone else had, and I think we should grant the Leader of the House the opportunity to have that. In addition, for those members who were away on urgent parliamentary business or distracted by some of the interjections, once this motion has been moved, any other member who is yet to speak will be able to do so prior to the Leader of the House speaking. I think that is appropriate, because when the Leader of the House resumes her remarks at some point this afternoon, that should conclude this debate, which, in my view, ought to have been concluded yesterday. It was not. Sometimes the house runs out of time.

As I mentioned earlier, if I were cynical, I would look at the paucity of legislation on the agenda and come to a conclusion that it is necessary for this to happen so that the government has enough time for the house to fill all its hours this week, unlike last week when the house repeatedly had to adjourn early or take substantial breaks to fill in time. That was regrettable. These things happen. It has happened before in this place. Just like this suspension of standing orders motion, suspension of standing orders motions have happened before, and no doubt it will happen again. My point is that it should not happen on a regular basis. I would like to see standing orders suspended only in emergencies. An emergency might require a suspension of standing orders for justice to occur. Fairness and justice can apply in different circumstances. The fairness is that people are clear about rules of the house, which are the standing orders. However, it appears that an injustice has occurred, because, due to an error, members who have not yet spoken on the motion for the establishment of this committee will now not have that opportunity, and the Leader of the House will now have a shorter amount of time to make her contribution. If this motion to suspend standing orders had been moved in respect of a bill and not a motion, I might not have been as inclined to support it, because members have the capacity to speak on a bill on other occasions, including at the Committee of the Whole and third reading stages. I believe the suspension of standing orders should be reserved for emergency situations. Frankly, I am not sure that this is an emergency situation. However, I can see that an injustice has occurred; therefore, I am happy to support the motion to suspend standing orders. I will be interested to hear the contribution of other members who wish to speak. I imagine that some members have expressed that desire to the Leader of the House—otherwise there would no point in the second part of the motion moved by the Leader of the House. I warmly encourage all members to support the Leader of the House in this venture, and I look forward to hearing the reply from the Leader of the House to the motion that standing orders be suspended.

HON MARTIN PRITCHARD (North Metropolitan) [1.26 pm]: I have not had the opportunity to speak to the motion for the establishment of the Joint Select Committee on End-of-Life Choices. I therefore encourage members to support the motion that standing orders be suspended. It would be greatly appreciated because it would give me the opportunity to make a contribution. I must say it is a real pity that this mechanism has been used to make a mockery of the motion for the establishment of this committee. I do not interject, so I have had to wait to have my say on that motion. It is a real pity that members thought it was appropriate to joke about the fact that I have not had the opportunity to have a say on the motion for the establishment of this committee. I encourage members to support the motion to suspend standing orders and take it a bit more seriously.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [1.27 pm]: I will not go over the ground covered by Hon Nick Goiran, but I agree that we do seem to have time on our hands in this Parliament. I raise my concern about comments that were made last week by the Premier, and another person in the other place who shall remain nameless, suggesting that somehow this side of the house has been delaying and stalling legislation. The motion for the establishment of the Joint Select Committee on End-of-Life Choices is an important motion for an important purpose. Yesterday, I cut my remarks rather short on the assumption that the government was eager to set up this committee. Therefore, I did not speak at length on the various areas that were canvassed by members on the other side of the house. The representatives of the Labor Party—which has established and dominates this committee in the other place—have spent an inordinate amount of time debating the sorts of issues that this committee will be looking at and saying why this committee will be a wonderful thing, without getting to any particular point. The point is that this committee could have been set up yesterday had the government not filibustered its own motion. We are now being asked to extend the time for this debate, at the exclusion of the little bits of legislation, albeit important in themselves, that are on the notice paper, so that the government can fill in time. I am not dismissing, of course, the entitlement of Hon Martin Pritchard and other members to speak on the motion to set up this committee. They are entitled to do so if they have something to say on it but, for reasons best known to herself, the Leader of the House got up and closed the debate yesterday. I do not know why that was the case. We are now being asked, and we are quite prepared to concede it, to reopen that debate, which by rights ought to have finished yesterday evening. If the government really is interested in getting

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this committee moving and if it really is interested in exploring, as broadly as has been claimed, the various issues that are pertinent to its terms of reference, it could have been done yesterday. Those who are interested in this debate outside this house ought to know quite clearly that we are not standing in the way of it. We have supported it. We have raised issues that ought to be supported by the committee but otherwise, if this thing drags on for another day, it is entirely in the government's hands.

The other point I seek to make is about the legislation. A number of comments have been made that there is not much on the notice paper, and there is not, but look at what is being put aside so that this can be given priority. We are looking at the Child Support (Adoption of Laws) Amendment Bill 2017. From our perspective, that type of legislation is done routinely. Under the last Parliament, there were complaints about the delay and the lack of coordination between changes in the child support regime that affect children of a marriage, which are dealt with under federal law, and exnuptial children, who fall under the jurisdiction of the Family Court of Western Australia, not under the federal regime. We need to adopt these changes in order that there is coordination and those things can run in parallel, yet that is being put aside. From our point of view, we support the child support bill. We could have knocked it off in 10 minutes yesterday. Now, it is being set aside for the future—another day of delay in coordinating the child support regimes for nuptial and exnuptial children, all because there is nothing else to do other than fill in time with this motion and extend it.

The First Home Owner Grant Amendment Bill 2017 affects first home owner grants, which is something of concern to our community. Does that get priority in this Parliament? No; it does not get priority in this Parliament because we are debating this motion.

Point of Order

Hon SUE ELLERY: Madam President, the debate is about whether we should suspend standing orders to consider a particular issue. It is not a debate about what an honourable member might think about the legislative list that appears before us. It is about whether we should accept a suspension of standing orders, which I understood had been agreed behind the Chair. I ask you to assist members to stay on point.

Hon NICK GOIRAN: On the point of order, with due respect to the Leader of the House, I have been listening very closely to the shadow Attorney General's comments and there is an issue here. Members can either agree or disagree with the motion to suspend standing orders. If we disagree, we will move on to the legislation that the shadow Attorney General outlined. It is open for members to consider whether they will support the motion. I do not know what the crossbenches and the other parties will do but we have said we will support it and we are outlining the reasons for doing so. What the shadow Attorney General is outlining is absolutely on point and relevant.

The PRESIDENT: I have sat here and listened to the debate so far and I think we were starting to hear some repetition. Some of the matters that are being canvassed have already been raised by earlier speakers. I think the Leader of the House raised some relevant points. Debate around the suspension of standing orders should be reasonably tight. I was listening to Hon Michael Mischin to see whether he was bringing the debate back to whether his party supports or opposes this motion, but I felt that he was starting to work his way down a list. When he gets to his feet again, I ask that he addresses his comments to the motion in front of us about the suspension of standing orders and perhaps not deviate along some of those other matters.

Debate Resumed

Hon MICHAEL MISCHIN: I thank you for your direction, Madam President, and I will. I simply make the point that two other pieces of legislation that are of significance to this, apart from the two that I have mentioned, will have immediate practical consequences for the people of Western Australia—not something that may or may not have a consequence in 12 months' time, when this committee is supposed to deliver its report. The sooner it gets going on that function, the sooner the people of Western Australia and this Parliament will be able to benefit from its findings and recommendations. We support the motion but the point needs to be made, as Hon Nick Goiran has pointed out, that this is quite an extraordinary circumstance. I accept that an understanding has been reached, from discussions behind the Chair, as to the rationale behind it; it would have been useful if the Leader of the House had made a summary of why this course is necessary in this case, particularly under circumstances in which we have repeatedly heard that it is not before time that we have one of these committees and that it needs to get going and start its work and continue. There is legislation on the notice paper that could have been slotted in, in advance of this extended debate, and resolved and got out of the way, rather than continuing this debate simply to fill in time.

The PRESIDENT: Just before the Leader of the House gets the call, I might just say that a couple of members have made the point that perhaps the Leader of the House should have provided an explanation. I say to members that the Leader of the House did actually ask whether she should, but unfortunately I had already given the call to

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the Leader of the Opposition, so perhaps I cut her short. I am now going to give her the call in reply, and she will make the appropriate response.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.36 pm] — in reply: I apologise to the house for any consternation I have caused by what I have done. It was an error on my part and when I had it drawn to my attention that by inadvertently standing when I did without checking whether I was cutting off the debate I had in fact cut off the debate, I sought advice on how I could rectify the situation to ensure that those who wanted to speak after me would have the opportunity. When I got that advice, I contacted the relevant leaders or contact points within each group in the house and said, “I’ve made a mistake; this is what happened yesterday. I didn’t realise that that’s what I was doing. I seek your support to correct it.” That is what I have done today.

I will make two other points. The first is that I am not sure whether everyone understands—although I thought it would have been clear during the debate yesterday on the amendments to the motion brought before the house—that for the Labor Party, it is not just the final debate on a piece of legislation about voluntary euthanasia that attracts a conscience vote. For our party, the debate about the establishment of the Joint Select Committee on End-of-Life Choices also attracts a conscience vote. Therefore, any member can stand and speak, or not; any member can stand and speak for five minutes or 45 minutes. That is not something —

Hon Michael Mischin interjected.

Hon SUE ELLERY: Honourable member, I am not taking interjections on this; I think this is ridiculous. Any member can stand —

Several members interjected.

Hon SUE ELLERY: I have acknowledged the mistake and I have apologised to the house for the error. I am pointing out two facts. First, I take issue with the proposition that there is something illegitimate about those members of the Labor Party who have chosen to stand and speak. They have a conscience vote; I am not sure how else to explain it. They are entitled to speak if they want to. Members opposite will discover that not all of them are going to speak, because they choose not to.

The other point I want to make is that at the end of the last sitting week, there was some commentary from, I think, a couple of places about the nature of debate in this place. The point was sheeted home to the government about whether we were legitimately exercising a reasonable use of the house’s time. I just make the point that people in glasshouses should not throw stones. What we have seen today is, I think, an example of a not particularly productive use of the house’s time. Nevertheless, for the record again, yesterday I made a mistake. I sought advice and agreement from parties around the house about how I might correct that mistake, and behind the Chair I received advice from everybody that they had no problems with the course of action that I sought to take and the motion to suspend standing orders that we are now debating.

Question put and passed with an absolute majority.