

SELECT COMMITTEE ON PERSONAL CHOICE AND COMMUNITY SAFETY

Establishment — Motion

HON AARON STONEHOUSE (South Metropolitan) [1.04 pm]: I move —

- (1) A select committee, to be known as the Personal Choice and Community Safety Committee, is established.
- (2) The select committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice “for the individual’s own good”, with particular reference to —
 - (a) risk-reduction products such as e-cigarettes, e-liquids and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (b) outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users; and
 - (c) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.
- (3) The select committee shall consist of five members.
- (4) The select committee is to report by no later than 12 months after the committee has been established.

I do not think too many members are unaware of my thoughts on the nanny state; I oppose what I see as its sinister creep into every aspect of our daily lives. Just a few days ago, I took a call from a constituent concerned that her local council was looking to retrospectively ban synthetic turf on verges. Last week, I read about a cyclist being fined for using her mobile phone, and, before that—if members can believe the depths to which we have sunk—a woman pushing a pram was fined for using a mobile phone. Who even knew that that was illegal in the first place? I certainly did not. While the average voter wants to see resources spent on serious crime, it seems that multi-tasking mums and tots are now a target for Western Australian police. It would be laughable if it was not such a waste of police time.

I do not know how other members feel, but, as far as I am concerned, this sort of pointless interference in our daily lives has to stop. However, it is more than just a question of inconvenient regulations; it is also a question of how much coercion we are willing to accept in our lives, as opposed to how much responsibility we are comfortable assuming for our own safety and wellbeing. If I take a two-minute bike ride down to Coles to buy a pack of smokes, is it the government’s role to ensure that I put on a bike helmet before I set off, or should I expect to assess the risk that I am about to take and to decide for myself what precautions are called for? Again, members know where I stand: if it is not going to hurt anybody else, I favour personal choice almost every time. As I have said in this place before, I subscribe to John Stuart Mill’s harm principle. He argues —

“The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.”

But where does that personal choice cross over into a sphere that allows it to adversely impact upon community safety, and how do we strike a balance between those two? The Premier has acknowledged that he would like to see a more relaxed, bohemian attitude around small bars in the city, for example. How do we then strike a balance between the liberty of proprietors to open a bar and the liberty of patrons to relax in and around it with the need to mitigate antisocial behaviour? These are, I would suggest, conversations that we need to have as a community, and where better to start than here in Parliament.

It is that desire to open a conversation, rather than to dictate, that has led me to this motion in favour of a select committee to look into the question of personal choice and community safety. I could have introduced a private member’s bill, or a raft of private member’s bills, looking to tackle individual instances of what I see as government overreach, but that would be impractical and less than ideal for forming a consensus. I am sure that many members, like most Western Australians, think that the government overreaches in at least one or more aspects of our personal lives. Although we may differ on our preferred level of regulation, I would like to invite members to join me in this discussion of where the balance should be struck between personal choice and community safety.

Members will note that I recently amended the terms of reference for the proposed committee to remove alcohol from its scope. I did not do that to suggest that I am happy with the level of regulation we have currently around

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alcohol and licensing, but rather as a realisation that we have spent a good deal of parliamentary time in recent months debating the regulation of alcohol in both retail stores and bars. I am also mindful that upon my and other members' insistence, the government was willing to reintroduce the review clause into the Liquor Control Act. That being said, I was especially keen to include in the terms of reference harm-reduction products, such as e-cigarettes, e-liquids and heat-not-burn tobacco products, because these are issues of real public concern at the moment.

I receive daily emails from constituents who are baffled by the laws as they stand and I want to engage with fellow members on those questions. Members may be aware of a recent report from the UK House of Commons Science and Technology Committee that explicitly recommends that smokers who cannot kick the habit should switch to e-cigarettes. This joins the large body of research that shows that using e-cigarettes is less harmful than smoking.

I am also keen to know where members stand on issues such as outdoor recreation. It seems to me that we should be encouraging our kids, families and friends to get out and enjoy the great natural and man-made environments that we have on our doorstep. If we do not use them, we can never hope to encourage tourists to make the most of them either, yet we hem even the most innocuous activities with safeguards and limitations. Recently, calls have been made to enforce the wearing of life jackets on all water vessels, including boats, kayaks, paddleboards and canoes. Due to the recent tragic drowning of a rock fisher, proposals have been renewed for laws that would require anyone fishing from rocks to wear a life jacket. A cyclist riding on a busy street would certainly benefit from wearing a helmet, but does it benefit society to enforce mandatory helmet laws in low-risk areas such as quiet suburban streets or bike paths, especially when such enforcement may discourage bike riding altogether?

Of course, these are all questions of balance. I am keen to see the committee discuss and debate whether we have that balance right. I am also keen to know what people beyond this Parliament think, which is one reason I prefer the select committee model over the more limited private member's bill approach to these questions. The committee will be able to take evidence from interested parties and, to be honest, I cannot think of many who would not be interested in pursuing more personal choice. That being said, as a proponent of freedom and personal choice, the last thing I want is to be prohibitive about the scope with which other members of the committee can participate. Although I hope we will have the time and the willingness to discuss regulations on car modifications, pool fences and more, I acknowledge that other members may have their own ideas, so I have left the final clause in the second section open. After all, this is a conversation and I want to ensure that all members have an opportunity to make their views known.

Personal choice goes hand in hand with personal responsibility. Our willingness to take responsibility for our actions and our safety sits at the heart of our understanding of ourselves as a community. That is why I do not see any of these individual questions as trivial, but rather as symptoms of a more general malaise that threatens the wellbeing of not only individuals, but also our society at large. As such, I think that these issues are eminently worthy of Parliament's consideration and I urge my fellow members to get on board and support this committee for the public good.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.13 pm]: I indicate that the government will support the establishment of this select committee. I thank Hon Aaron Stonehouse for bringing it to the attention of the house.

Since his election to this place, the honourable member has raised the issues canvassed in the terms of reference he just outlined in a number of different ways, including raising them with individual ministers and other members of the government. We think that this will be a useful opportunity to ventilate and to socialise arguments one way or t'other on some of these issues. I have said both to the honourable member and publicly that there is absolutely no guarantee that the government will necessarily agree with any of the committee's findings. However, it is a useful exercise to put both sides—sometimes there will be more than two sides—of the argument on each of these things.

In the last 24 hours, the establishment of this committee has received a bit of media attention. I have been asked a series of questions about what deals I did to facilitate its establishment. I have done absolutely none! I was not asked for any and I did not offer any. I put that on the record for the purposes of Hansard. No deals were entered into. The only caveat I put on its establishment was that there is no guarantee that the government will commit to any particular outcome of this committee. To the extent that there was any discussion about what might happen, that was it. Otherwise, we are happy to support the establishment of the select committee.

HON RICK MAZZA (Agricultural) [1.14 pm]: I also rise to support this motion put by Hon Aaron Stonehouse. I have to confess that when I first saw it on the notice paper, I thought, "What is this flaky motion by Hon Aaron Stonehouse?" However, as time has gone on I have warmed to it quite a bit. A lot of people in government, particularly executive government, would like to put a microchip in all of us to see what we are doing every day and what we are having for breakfast.

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Hon Sue Ellery: Only some of you!

Hon RICK MAZZA: I am lost for words on that one!

It behoves us to take stock now and again to see how far government reaches into our daily lives. The issue of bike helmets and life jackets has been raised. To me, it is commonsense that if a person is going to ride a pushbike, particularly in an area of high traffic, they should wear a helmet. Do we need a law for that? I do not know that we do. As the saying goes, we cannot legislate for stupidity. For a long time police were pulling up people who were not wearing bike helmets. After a while we saw people with bike helmets hanging on the handlebars and not on their heads. Eventually, the police gave up. It is commonsense to wear a bicycle helmet, but I do not know that we need laws around that. The same goes for life jackets. If someone is kayaking on a dam somewhere, they should wear a life jacket. Whether we need to have legislation for that is another thing. I think it is good to take stock of it.

This certainly has received some media attention of late. I heard an interview on radio station 6PR that I thought was a bit hostile. However, on ABC radio today and on Channel Nine I heard that there is a lot of interest in this issue and that people feel we are subjected to laws that may not necessarily make a difference and are an interference in our lives. I support this motion. I think the committee will receive some interest over the next 12 months. If I happen to be on this select committee, I will look forward to hearing the evidence it receives.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [1.17 pm]: I rise to speak for a few minutes on this motion. The Liberal Party will support this motion for the establishment of this committee. As he regularly reminds us, Hon Aaron Stonehouse is a proud libertarian, who believes very strongly in personal choice, which I respect. I also respect the consistency with which he espouses those virtues. Although I sometimes do not agree with him, I respect his right to hold those views. He has certainly been loud and out there with his libertarian philosophy.

I think this is a good opportunity for us to look at whether we are over-regulating. We can all reflect on the good old days when there was parlous little regulation on, for example, riding a bike or going out on a boat or whatever it might be, and we might yearn for those good old days. However, with respect, we have evolved into a very complex society and I think more regulation is probably necessary. Whether we have gone too far is something this committee can look at—that is, whether Big Brother from *1984* has arrived good and well and that we are being told far too much about how we need to get out of bed every morning and get back to bed every night. This committee will provide members with an opportunity to view the sympathies of the community. Perhaps it will agree that we have gone too far with regulation. This will be an opportunity to do that and I once again applaud the honourable member.

Much the same as the Leader of the House, I received a media request today asking whether any deals had been done, which I said was insulting. Most definitely, no deals have been done. I encourage, as I am sure the Leader of the House does, all members to have a say. That is why we are here. Hon Aaron Stonehouse's views on personal choice and his libertarian viewpoints could not have been in any way diminished. As I said, I respect that.

It has nothing to do with whether any deals have been done; I encourage it. I know that a motion is coming up for the Greens on the establishment of a select committee into harm minimisation. I have a bit of sympathy for that and it is something that we will have to consider. That is the whole beauty of this place. As I keep saying, we are a rich tapestry of a whole range of views. Never before have there been as many views in this chamber as there are at the moment, and that provides great diversity in our community, although I am sure a little uncertainty on some occasions for the Leader of the House. Having said that, that is enough from me. We will support the establishment of this committee. I applaud Hon Aaron Stonehouse for the consistency of his views. As I said, there has been some talk behind the Chair about the establishment. I am not whether we are there yet, but the Liberal Party would be very pleased to be represented on that committee and Hon Dr Steve Thomas is very interested. Having said that, the Liberal Party will support this motion

HON ALISON XAMON (North Metropolitan) [1.20 pm]: When I first saw this motion, I was very concerned because of the sheer breadth of what had been proposed. I have to indicate that I was not supportive of the establishment of the committee on the terms in which it had been put forward simply because I could not see a way that the committee would realistically be able to effectively canvass the broad range of issues that had been presented to Parliament to consider being part of the content of this submission. However, I had some conversations with Hon Aaron Stonehouse behind the Chair and I will add that it was not as part of any deal. Like the Leader of the House, no deal has been offered to me nor requested, and it has not been necessary. It is rather amusing that that is where some people's minds immediately go. I had a conversation with the honourable member behind the Chair about the scope of this committee and we talked about what would be useful and what would be of value to this Parliament to consider. I note that since then, Hon Aaron Stonehouse came back with a revised committee terms of reference and I have to say that the Greens are far more amenable to what has been reviewed. That is not because we do not think there might be some merit in talking about the broad range of issues that had

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been originally suggested, but simply because we did not see that it was practicably going to be implemented in an effective way with the parliamentary committee. As such, I rise to indicate that the Greens are quite comfortable with seeing this particular select committee go forward.

Having said that, I indicate from the outset that I hope that the select committee is able to narrow its focus so that when it chooses those particular issues, a good job can be done on them. A fair bit of media has been put out around this, and it has been suggested that perhaps the terms of reference and the issues that are going to be canvassed will depend on what comes through from public submissions. I am a little concerned about that. It is not usual for a select committee to be established and to basically put it out to the public and say, “Hey, what do you think we should be looking at?” Ordinarily this Parliament, this house, would be putting the parameters around what we deem to be priority areas that need to be investigated. I hope that the committee is able to focus on what it will be looking at.

I want to make a comment about a couple of things. One thing that I am personally really happy to have a select committee investigate is the issue of e-cigarettes, because it is a really timely and vexed issue. The Cancer Council, for example, is clearly concerned because, as we know, tobacco, even if it is not smoked, is still a carcinogen. It is concerned about the appeal of e-cigarettes and activities such as vaping to a new generation of potential nicotine users, and what that means for future health implications. On the other hand, we are hearing directly from long-term smokers that the only way they feel they can get any sort of handle on their nicotine addiction is through the use of e-cigarettes. I personally have friends who have gone through everything. They have tried hypnosis, patches, chewing gum—a plethora of things that are available—and have struggled. When they made the switch to e-cigarettes, they felt that they were able to at least minimise the degree of harm wrought upon their bodies by the insidiousness of tobacco.

When we talk about issues of personal choice, we need to remember that we have an obligation. I believe, and the Greens believe, very strongly, that we always need to think about the potential impacts on children and also the most vulnerable and disadvantaged members of our community. When we talk about, for example, e-cigarettes, as we have noted before in this place—or certainly I have—it is important to recognise that the tobacco industry is very well resourced and it has demonstrated that, frankly, it can be extraordinarily unscrupulous in the methods that it uses to try to attract new people to the addiction of nicotine. I maintain that the government therefore has a very clear role to play on issues of harm minimisation. As I said before, the Greens will always support provisions targeted at making it harder for young people to take up smoking and protecting the community from exposure to second-hand smoke. It will be interesting to hear, through the committee’s deliberations, whether it believes that e-cigarettes are therefore likely to lead to more harm or in actual fact will potentially play a role in minimising harm. I hope that when the committee looks at these sorts of issues, it can also look at the importance of adequate funding for things such as health promotion and treatment rather than just restrictions, and that it looks at the evidence base and to public interest assessments to inform the development of measures aimed at harm minimisation. We also feel quite strongly about communities having the opportunity to have a say. These are the sorts of things that would be well canvassed, particularly in an environment in which extraordinary personal fines can be issued against individuals for the use of e-cigarettes. I understand this is an issue that the Minister for Health is very interested to take a look at. Being informed with a much deeper examination from a parliamentary select committee will be incredibly useful.

Another issue I will touch on that keeps coming up is the issue of bike helmets. The Greens have some quite diverse views within its own membership around this. I note that Greens Mayor, Brad Pettitt, has been on the front foot talking about the need to relax the use of bike helmets, because there has been considerable concern that the use of bike helmets for adults has perhaps served as an inhibitor to people being able to undertake bike riding, particularly as an enjoyable pastime. It is good to hear the comments from members about the need to ensure that there is a difference between whether a person is riding in heavy traffic or simply ambling along a bike path at Rottnest Island, for example. We need to look at the competing public interests. Frankly, it is in the public interest to try to encourage more people to ride bikes. It is good for health, congestion and the community. That is the balance that we need to look at. I make a note about bike helmets. I feel as though we get to afford ourselves a bit of a luxury around this debate. I am old enough to be part of a generation that grew up fanging their bikes all around Belmont and Gosnells. I did that with my little gang of BMX bandits, and we did not wear our bike helmets. In fact, we were horrified at the thought of wearing a stackhat. We thought that was the worst idea in the world. We did not have laws that could have enforced that. In fact, a friend of mine used to put an ice-cream container on his head when he used to do some of his tricks! That was basically his idea of a bike helmet at the time.

I look at my children when they ride their bikes, which is not often because they mainly use public transport, and for them it is second nature. They grew up using a bike helmet. They grew up in an environment in which it was the law and it was expected. There has been a cultural shift over the issue of bike helmets. It is interesting to note the way generational change has occurred with those sorts of safety measures. It was unthinkable to wear a stackhat

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when I was a child because of the sheer stigma of doing so, but people now just see it as a necessary piece of equipment and as a matter of course, particularly for children. I think that that is a positive thing because brain injury is a serious matter. I remind members that the reason we implemented those sorts of changes is that people involved in accidents sustain serious brain injury, which has lifelong results. If the committee looks at the issue of bike helmets, I hope it gets Headwest in, which is the peak body that deals with people with acquired brain injury. I hope it hears people's stories and looks at the lifelong impact of sustaining a serious brain injury and having to live with that their whole lives. It will meet people who have lost family members and friends and people who are no longer able to work who, had they been wearing a helmet when they had the accident on their bikes, would have been okay. I suppose that this is the balance that we need to look at. Having reached this point with bike helmets, maybe we have the cultural shift we need and people will seriously consider this. Perhaps we have gone too far; maybe we need to allow adults in particular to make up their own mind about whether they make that decision. We also need to remember that when people make those decisions and something bad happens, the community is left to pick up the pieces. The community has to pay for the health supports. I am a big fan of that; indeed, the Greens are supportive of public health measures and think that that is where our tax dollars should be going, but someone has to pick that up. Someone has to pick up the implications of a lifelong disability. It is not just a matter of going, "Hey, let me do what I want. I'm a free agent", because people live within a community and when they make personal choices that negatively impact on other people, perhaps there is a role for regulation and the government to play.

I thought I would make a comment about those two examples. As I have indicated, the Greens are supportive of the establishment of this committee. The Greens will not put forward any members because there are only four of us and we can only do so much work; and, Hon Peter Collier mentioned—it is certainly my hope—that another select committee may be established sometime in the future. We will see how things go. After the committee is established, I encourage it to try to keep its focus relatively succinct so that it does not end up become bigger than *Ben-Hur*. There are some useful discussions to be had about certain elements of the balance between personal responsibility and the role that government plays in community safety standards, so let us have that discussion.

HON CHARLES SMITH (East Metropolitan) [1.33 pm]: I thank Hon Aaron Stonehouse for raising this so-called nanny state issue. I rise to say a few words about the motion and libertarian ideology.

I, too, have some concerns about some instances of excessive government encroachment into our everyday lives. I am very wary of busybody bureaucrats and government overreach impinging on personal freedoms, particularly freedom of speech. There have been numerous examples across the country in recent years of government bodies that ostensibly have been created to defend human rights, seek to prosecute people on spurious grounds and shut down open discourse on important topics. Given these troubling developments, I think it is important that we remain ever vigilant against government overreach. There is certainly a temptation on the left to dramatically increase the size of government and demand compliance with its set of values through legislation and regulation. Yet, looking at this motion, I cannot help but conclude that this is about demonstrating ideological puritanism more than anything else. With all due respect to Hon Aaron Stonehouse, the notion that we should reduce or totally eliminate the regulations surrounding vaping, smoking, drinking and the use of life jackets in the name of greater personal choice ignores the fact that these activities and behaviours have wider impacts on public health and finances.

On the surface, some of elements of the libertarian ideology espoused by Hon Aaron Stonehouse seem appealing. Who can object to the principles of individual freedom, personal responsibility and the right to hold property, at least not as an ideal? Certainly, we cannot if we make the assumption that all people are rational and act in reasonable ways. The problem is that the real world is hardly rational and people behave in unreasonable ways. It is a shame that only the people who work in frontline services know what I am talking about.

All political philosophies must ultimately confront the real world, and this is where libertarian, Green and Marxist-socialist ideologies fail. Some restrictions and interventions on the personal choices of the individual are inevitable in society and made for the common good. Let us take, for example, the issue of alcohol-related harm. It is well documented that alcohol-related problems compromise individual and social health and wellbeing. The deleterious effects on the individual are numerous, including riskier and more violent behaviour, disease and premature death, loss of enjoyment and a reduction in the quality of life. Much of the burden for these problems is, of course, initially borne by first response and public emergency services, including police, ambulance and hospital emergency staff. But it does not end there. We also need to take into account productivity loss, traffic accidents involving alcohol and the cost to the public health system, the criminal court system, the police, and the cost of child protection and other support services. Further costs are associated with incarcerated individuals who are unable to work and the costs of detoxification and counselling services. The Alcohol Education and Rehabilitation Foundation found that more than one-third of child abuse cases are linked to alcohol. According to a 2010 report entitled, "The societal costs of alcohol misuse in Australia", the total costs of alcohol-related problems to Australia in 2010 was estimated to be \$14 billion. We can see that an individual's decision has wider

economic and social effects that must be considered when formulating policy. If a person chooses to damage their lungs by smoking, that is, indeed, a personal choice. If that person develops lung cancer or heart disease, they become a burden on their family, the healthcare system and the economy all because they selfishly chose to injure themselves. If a person chooses to destroy his or her health with heavy drinking, yes, that is a personal choice. But when these choices turn into antisocial behaviour, domestic violence or drink-driving, there must be some limits. One of those limits involves restricting availability because it ceases to be a matter of personal enjoyment and becomes a matter of public safety and security. Clearly, no person is an island, as some libertarians tend to believe. We collectively bear the costs associated with the bad and harmful choices made by individuals. Spare a thought for the humble taxpayer who must often pick up the tab associated with poor and irresponsible personal choices. Our hospitals must deploy resources to treat victims of violence, which are often alcohol or drug related, and those who have been injured by a drunk driver. They also have to care for people with serious alcohol and smoking-related illnesses, which diverts resources away from other patients. Unless one wants to abolish all public services, taxation, government, social and communal bonds and countries, it is clear that the libertarian belief in individual choice and autonomy over everything else is impractical and unrealistic. The American commentator Robert Locke has described libertarianism as Marxism of the right. He has argued —

If Marxism is the delusion that one can run society purely on altruism and collectivism, then libertarianism is the mirror-image delusion that one can run it purely on selfishness and individualism.

In the real world, a successful society needs a degree of both individualism and collectivism to function. The reduction of all goods to individual choices assumes that all goods are individual in nature. However, they are not. Some, like community, national security, a clean environment or a positive culture are inherently collective. We cannot ignore that humans are social animals and have obligations to each other based on communal bonds. The evidence from history itself shows that our species developed in small, close-knit social groups in which cooperation and sharing overrode our individual, competitive self-interests for the sake of the common good. We became intensely interdependent social animals with a sense of empathy towards others, a desire for inclusion and loyalty to the groups we bond with. As Charles Darwin himself pointed out in *The Descent of Man, and Selection in Relation to Sex*, the intrinsic satisfaction we derive from cooperative activities and our concern for having the respect and approval of others all evolved in humankind to temper and constrain our individualistic, selfish impulses. People with conservative views, such as me, have a strong preference for individual freedom, but we also recognise a role for government in smoothing the rough edges of a free society. We also recognise that society exists and we simply cannot do whatever we like without any wider consequence. This concern for general welfare helps to minimise the potential for disruptive, unbeneficial change, while honouring a shared moral commitment to the vulnerable. To quote Roger Scruton —

Conservatism is not in the business of correcting human nature or shaping it according to some conception of the ideal rational chooser. It attempts to understand how societies work and to make the space required for them to work successfully.

That includes using laws as a disincentive to engage in objectively harmful behaviour. Although it is right to let people enjoy the benefits of their wise choices and suffer the costs of their stupid ones, decent and responsible societies set some limits on both those outcomes to minimise the wider impact.

To conclude, I agree with the honourable member on the importance of smaller government, lower personal taxation and the manifold problems with the welfare state, but I do not support selfishness and utter disregard for social responsibility associated with libertarianism. That is why I do not support the motion to create a select committee designed to view health and safety issues exclusively through the prism of personal choice.

HON COLIN HOLT (South West) [1.42 pm]: I have listened to the debate today. Although I applaud the notion of the motion and I think Hon Aaron Stonehouse clearly articulated his view of the world, I am yet to be convinced of the need to establish a parliamentary committee to look into this. As the motion reads, there is already an inherent bias in the potential issues to be considered. Although there is some tight focus in parts (2)(a) and (b), including inherent bias in looking at risk-reduction products such as e-cigarettes, which are already debatable, part (c) almost opens it up to anything that comes before the committee. Hon Alison Xamon made an effort to focus some of the potential efforts of the committee so that it does not get too dragged away from the issues, but that is not what this motion says. This motion says —

- (c) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.

My mind immediately goes to seatbelts. Where do we go with that? If that issue came before the committee, the committee would probably be obliged to look into it. I have a real struggle with the pragmatic policy outcomes that such a committee might reach. I do not want to pre-empt what the committee might get to, but not even the membership of the committee is listed in the motion. Who is going to chair it? I would certainly like to know that. I would really like to know whether a member of the government is going to be on the committee.

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Hon Stephen Dawson: I can tell you that they are.

Hon COLIN HOLT: It is not in the motion. It is a really useful conduit from the committee to the government and policy making. It is not in the motion. If there has been agreement behind the Chair amongst the parties, I would have thought the mover of the motion could have defined who is going to be the chair and what the membership of the committee will be. My personal belief is that committee work is a really important and useful means for the Parliament to get to the nub of issues. We debate very important motions and establish select committees to look into pertinent issues of the day. I note that there are other motions on notice to establish other committees along these lines, mainly from the opposition and crossbench. We will again judge the importance of these. I think some of them will be incredibly important. We just had a joint select committee report last week about a really important and pragmatic policy setting framework.

Hon Alison Xamon: And the elder abuse committee is very important, too.

Hon COLIN HOLT: The terms of reference of those committees are very defined and give an indication of what is expected for policy settings into the future. I do not see that in this motion.

I can read the will of the house; I think it is going to get through. I just do not believe that at this point in time I can support the motion to establish this select committee. I have no argument with having a debate on the balance between regulation and personal responsibility—I will be the first to talk about that. There is an issue on the south coast around the use of personal flotation devices at the Salmon Holes, which the committee might look into. Education has been used to try to fix that problem, but it has failed. At some point, the balanced case will be that people will have to wear a personal flotation device there, because it impacts on the personal safety of not only those individuals but also every person who has to jump into a boat to rescue them or recover their bodies. That is something else that has to be looked at. The motion would give the committee a very broad scope. At this point, I will not be supporting the establishment of the select committee or this motion.

HON AARON STONEHOUSE (South Metropolitan) [1.46 pm] — in reply: I will briefly address some of the points that were raised during the debate. I obviously have my own ideological bent, but I will be only one member of this committee once it is established. I have left the scope of the committee open-ended to look at other matters. That was somewhat intentional. There are a plethora of what I would consider to be nanny state regulations that are hard to nail down—there are so many of them. Some are small and some are more serious issues. I also expect that members of the committee will bring their own concerns to the inquiry, so I wanted to allow for that. What I suspect will ultimately limit the scope of the inquiry is the time frame. With a 12-month time frame, we will have to be quite selective and discriminatory in what issues we choose to take on. That is what I see will probably restrict the scope of the committee in the end.

In terms of the membership, there were conversations behind the Chair with members of every party. I offered positions to every party in this chamber. The Nationals WA in the end did not want to have a member on this committee, so that position has been offered elsewhere. Once this motion is passed, I will move a subsequent motion without notice to establish the membership of the committee. We will see it then. As far as I know, it is well within the standing orders to move a motion to establish a committee and then to move a motion without notice immediately afterwards to specify the membership of that committee. I do not see any problem with that. Those privy to the conversations behind the Chair are well aware of who will and will not be on the committee. With that, I commend the motion to the house.

Question put and passed.

Membership — Motion

On motion without notice by **Hon Aaron Stonehouse**, resolved —

- (1) That the following members be appointed as members to the Select Committee on Personal Choice and Community Safety: Hon Aaron Stonehouse; Hon Dr Sally Talbot; Hon Dr Steve Thomas; Hon Rick Mazza; and Hon Pierre Yang.
- (2) That the chair is to be Hon Aaron Stonehouse.
- (3) That the deputy chair is to be Hon Dr Sally Talbot.