

BUSINESS OF THE HOUSE

Temporary Order Suspension — Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.07 pm] — without notice: I move —

That so much of temporary order 6(3) be suspended in order for the consideration of committee reports and ministerial statements to be taken for 120 minutes.

By way of explanation, as I indicated earlier today, the amount of government business on the notice paper is quite limited. I will not go through the reasons for that again. One of the complaints in this place for a long time has been that when we consider ministerial statements and committee reports, they are generally not very relevant because by the time we get around to discussing some of them years have gone by. Whilst there is a bit of extra time available at the present time, it is my request of the house that we spend another hour today dealing with committee reports and ministerial statements. As members would be aware, 10 committee reports or ministerial statements are listed on the Business Program. In the event that we should go beyond those 10—which I suspect would be begging too much—we will then continue down the notice paper from where those committee reports and ministerial statements are listed. For those reasons, I seek the house's agreement to extend the one hour to two hours for this matter.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [5.08 pm]: I indicate that the opposition will oppose the motion. I had not contemplated doing this until I heard what I think was a bit of disingenuous reasoning from the Leader of the House in comments he made earlier today on why this house finds itself without legislation to debate. The proposition put to us was that somehow there was something untoward because Labor members of the Legislative Assembly were talking on bills before the Legislative Assembly.

Hon Norman Moore: If you read what I said, I actually didn't blame anybody.

Hon SUE ELLERY: Well, I have not been able to read what Hon Norman Moore said because I have not seen *Hansard*; I am relying on what Hon Norman Moore said to me, and I think my hearing was quite accurate.

So what has happened since we resumed after the five-week break in July is that we have not had enough work to do in this place. In each of the weeks we have been sitting—this is the third one now—we have had to stretch things out a little bit here and a little bit there and go home a little bit early here and a little bit early there.

Hon Norman Moore: About half an hour.

Hon SUE ELLERY: At one point there had been a proposition that we would not sit on day X, Y and Z, and I have had journalists ringing me up, saying that —

Hon Norman Moore: You've been ringing them up—that's the whole point! You were ringing them up —

Hon SUE ELLERY: They rang me!

Several members interjected.

Hon Norman Moore: — because they came and told me that you rung them up!

The PRESIDENT: Order!

Hon SUE ELLERY: Yes, and I told Hon Norman Moore as well —

Hon Ken Travers: They're sensitive, aren't they?

Hon SUE ELLERY: Yes.

I told Hon Norman Moore as well that if it was the case that we shut down early—quote, unquote—I would, “give you a whack.” That is what I said to Hon Norman Moore. I am quite happy to own up to that. But in the course of the conversations with journalists they are telling me, “Oh, I hear from the Premier's office that you are not going to sit next Tuesday”, or next Thursday or next Wednesday, or, “You are not going to sit on this particular day.”

Hon Ken Travers: From the Premier's office?

Hon SUE ELLERY: So somewhere in government people are talking about the fact that we do not have enough work to do, and they have to find a way to make it look less like we have not got enough work to do. So a little bit of going home early here, a little bit of add an extra hour onto this bit, a little bit of add a little bit of extra here, a little bit of people who would not normally speak in a debate suddenly stand up and speak in a debate.

Hon Norman Moore: Like when? Give us one example.

Hon Norman Moore; Hon Sue Ellery; Hon Ken Travers; President; Hon Simon O'Brien; Hon Wendy Duncan

Hon SUE ELLERY: That is what has been going on for the last three weeks.

Several members interjected.

The PRESIDENT: Order!

Hon SUE ELLERY: The reason we do not have enough work to do is not down to one thing, like members of the Labor Party in the Legislative Assembly daring to speak in debates in that house —

Hon Norman Moore: Filibustering.

Hon SUE ELLERY: No, that is not the case.

Hon Helen Morton: Filibustering.

Hon SUE ELLERY: No; let us deconstruct it a little bit. There are 26 Labor members in the Legislative Assembly, and of those 26, nine are new members. That is actually, for an opposition, quite a high number of members to have—that is, 26 out of 59. Of those 26, nine are new members. The legislation in the other place is subject to debate, and if those 26 members want to stand and have their say on behalf of their electorate, they are entitled to. There is absolutely nothing new in that. What is new in the Legislative Assembly is that there is a larger opposition than there has normally been in that place and a smaller opposition in this place; that is the new paradigm as a result of the 2008 election. There are 26 people out of the 59 there who want to make a contribution and are entitled to make a contribution.

Hon Norman Moore: Nobody said they're not.

Hon SUE ELLERY: What is the other factor? Well, they do not sit late! For some reason, the leader of their house is not keen to sit regularly beyond about half past 10 or 11 o'clock.

Several members interjected.

The PRESIDENT: Order!

Hon SUE ELLERY: Not on a regular basis. Members go back and look.

Hon Robyn McSweeney: It was quarter past 11 last night.

The PRESIDENT: Order!

Hon SUE ELLERY: Members should go back and look at the previous Parliament, and when there was a legislative backlog what happened was that they regularly sat late; that is not occurring. For some reason, the Leader of the House down there—I do not know—has too many other things to occupy his mind of late, and he is too tired to stay back. He could not even maintain a quorum in the Assembly last Thursday afternoon.

Hon Simon O'Brien: Yes, you tried it up here, didn't you?

Hon SUE ELLERY: He could not even get the government members to stay in the house last Thursday afternoon! It is not about some kind of unreasonable conduct by the opposition in the other place —

Hon Norman Moore: Nobody said that at all.

Hon SUE ELLERY: — it is about a number of things: the numbers in the other place and the management of the other place. You folks do not have a legislative agenda; the government does not have a legislative agenda. Even if I was to accept the government's argument that somehow there is filibustering going on in the other place, the government does not have the legislation.

Several members interjected.

The PRESIDENT: Order!

Hon SUE ELLERY: The government does not have a legislative agenda!

The PRESIDENT: Order!

Hon SUE ELLERY: The government does not have a legislative agenda.

The opposition to the suspension of standing orders is not because I do not think it is a good idea to clear the decks of committee reports and ministerial statements; that is a good idea, but we are only doing it because the government does not have any legislation for us.

Hon Norman Moore: I told you that.

Hon SUE ELLERY: We would not do this on a normal day.

Hon Liz Behjat: That's called good management. The leader is a good manager.

Hon Norman Moore; Hon Sue Ellery; Hon Ken Travers; President; Hon Simon O'Brien; Hon Wendy Duncan

Hon SUE ELLERY: It is called, now, take a little bit here, a little bit there so, God forbid, we do not have to run out of work and have nothing to do tomorrow. That is what this is about—let us stretch it out so that we have pieces of legislation to do tonight and tomorrow.

Several members interjected.

Hon SUE ELLERY: The government is trying to scabble for minutes here —

The PRESIDENT: Order, members! Let us have one member on their feet at a time and one member speaking through the Chair to the rest of the chamber.

Hon SUE ELLERY: It is because the government is trying to scabble for some minutes here and some minutes there, so that it is not so obvious that the government does not have a legislative agenda. That is what this is about.

Hon Norman Moore: With respect, that is not correct.

Hon SUE ELLERY: The government does not have a legislative agenda. That is why we will not be supporting it.

We were asked late last week by the leader's office, in respect of the motion that we moved earlier today, to discharge some items from the notice paper. We were asked were there any items on the notice paper that we wanted to keep because we wanted to have a debate about those, and we said, "Yes, actually there's one of those that we would like to keep because it goes to a matter of privilege, and we think that if you've got no legislative agenda and nothing else for us to do, we could be debating that. So you could put that on the orders of the day for us to deal with." My colleague will talk about that in a minute.

Hon Norman Moore: Well, why didn't you ask?

Hon SUE ELLERY: So there is something more that the government could get us to do.

Hon Norman Moore: Why didn't you ask for us to do it?

Hon SUE ELLERY: I did!

Several members interjected.

Hon SUE ELLERY: I did! Go and read the email, honourable member: "And we would like it brought on", is what the email said.

Hon Ken Travers: So she did ask!

Hon SUE ELLERY: Go and read the email, my friend.

Hon Norman Moore: I haven't read any emails from you.

Hon SUE ELLERY: Okay, because Hon Norman Moore got his staff member to contact me by email, which she did; I emailed back to her: "Dear Julie, here's the one we want to keep on the notice paper, and we would like it brought on for debate." That is what I emailed to her last Friday afternoon.

Hon Norman Moore: All right; well let's just do it now then!

Hon SUE ELLERY: Excellent!

Hon Ken Travers: Excellent!

Hon SUE ELLERY: We are ready to go, so let us do it.

Hon Norman Moore: What is it?

Hon SUE ELLERY: The reason we will be opposing the suspension of standing orders is that this is not about genuinely "let's clean up the notice paper"; this is about "let's scabble a little bit of time here and a little bit of time there" and make it look less like what it is, which is that the government does not have a legislative agenda.

HON KEN TRAVERS (North Metropolitan) [5.17 pm]: Mr President, can I make it very clear that I do not stand to filibuster; I stand to raise a very important issue that should be of concern to all members in this house. The Leader of the House has moved that we should sit to consider committee reports for 120 minutes, instead of 60 minutes. What I would put to the house is that if the government has not got enough legislative program to fill up the day, there is an item on the notice paper that should be brought on for debate. It should have been brought on for debate soon after it was tabled, as previous matters of a similar nature have been dealt with by this house. It was not done; it has not occurred. As the future Leader of the House has pointed out, she indicated, in an email to the Leader of the House, that we were keen to have it not discharged, but brought on for debate.

Hon Norman Moore: Which one is that?

Hon Norman Moore; Hon Sue Ellery; Hon Ken Travers; President; Hon Simon O'Brien; Hon Wendy Duncan

Hon KEN TRAVERS: It is a committee report of the Standing Committee on Estimates and Financial Operations. It is my view that it should have been given precedence a long time ago, and it should be given precedence before we go on to debating other committee reports. Let me put it also into the context that if this matter was put on the notice paper —

Hon Nick Goiran: I'll do his work for him; 25—all right?

Hon KEN TRAVERS: I know the committee report number, I am just trying to find the right page here.

Hon Norman Moore: Is this the one where you wanted something from the Assembly to turn up?

Hon KEN TRAVERS: Yes.

Hon Norman Moore: You know that doesn't happen.

Hon KEN TRAVERS: It is order of the day 25. If that had not had a motion that required action of this house and it had sat on the list of committee reports, we would be getting on to that today, certainly if we were to sit for a —

Several members interjected.

Hon Nick Goiran: It is 18 November 2010—read your paper properly!

Hon KEN TRAVERS: No —

The PRESIDENT: Order!

Hon KEN TRAVERS: If one were to look at the committee reports that we are about to move on to, Hon Nick Goiran —

Hon Sue Ellery interjected.

Hon KEN TRAVERS: It is definitely order of the day 25.

I point out to members that the 10 committee reports and ministerial statements that are listed on today's business program are dated around 18 November 2010. If we are to debate them for 120 minutes, as the Leader of the House is keen for us to do, we will move through more of those committee reports. If we had been dealing with committee reports and ministerial statements now, we would have been starting to deal with that report around this time. I put it to you, Mr President, that the house should have dealt with this matter far earlier. We should not be extending the time in which we debate committee reports today; we should be moving on to this matter. This matter should have been brought before the house.

Several members interjected.

The PRESIDENT: Order!

Hon KEN TRAVERS: The reason it is important and should take precedence over the issues that are the subject of the motion moved by the Leader of the House today is that this matter leads to an issue of privilege. The Standing Committee on Estimates and Financial Operations has not formally moved for a matter of privilege; it has asked a member of the other place to come before a committee of this place to explain a discrepancy between the evidence given to the committee by the minister and the evidence given to the committee by that minister's department. That is a matter of extreme importance that this house should be dealing with.

Hon Norman Moore: You've never discussed it with me at all. You've never come to me and asked that it be brought on.

Hon KEN TRAVERS: Leader of the House, I should not have to.

Hon Norman Moore: Because I'm not going to agree to what you want to do; it's as simple as that.

Hon KEN TRAVERS: We know that the Leader of the House is a stubborn, pig-headed man, and that is fine. That is why we do not bother to raise it with him. We should not have had to raise it with the Leader of the House. Any decent Leader of the House would have done it automatically.

Several members interjected.

The PRESIDENT: Order! Let us have one person speaking at a time. We will go back to the motion. The motion is quite specific about extending the time period allocated to a certain item on the notice paper. Let us not stray into the substantive matter or some of the issues that might come up.

Hon KEN TRAVERS: Thank you, Mr President. I will try not to be distracted by the interjections that drag me into the substantive matter. We should have a debate about the substantive matter. That is why we should oppose

the motion moved by the Leader of the House. I make the point that these matters have been given precedence and priority over other matters by governments and Leaders of the House in the past.

Hon Norman Moore: When?

Hon KEN TRAVERS: The Leader of the House asks when these matters have been given precedence. This might help him understand why we oppose this motion. I refer the Leader of the House to 19 September 2007 when the Standing Committee on Estimates and Financial Operations presented a report to this house asking for a member of the other place to be given permission to attend that committee to give evidence. A member of the opposition —

Hon Liz Behjat: A waste of time.

Hon KEN TRAVERS: The member was not even on the committee at the time, so I do not think she knows what she is talking about. It was for Trevor Sprigg to attend before and give evidence to the Balga Works inquiry.

Hon Norman Moore: He wanted to; he offered to. That's the reason why it happened.

Hon KEN TRAVERS: That is exactly my point, Leader of the House. Precedence was given to that issue then so that it could be dealt with quickly by this house, and it did not even go to a matter of privilege. That is why we oppose this motion. If the government has 60 minutes of spare time that it does not need for its legislative program, at the very least it should allocate it to allow us to deal with this matter. When the house dealt with that matter, the report was tabled and it was dealt with by the then Leader of the House with priority. The report was tabled and basically within the same month—in fact, I think it was within a couple of days—the motion was put before the house, the motion was agreed to and a message was sent to the other place. If this motion is defeated and the government chooses to bring on this matter, it may want to discard the recommendation of the committee report, which was signed off, I accept, not by Hon Liz Behjat, but by Hon Philip Gardiner and Hon Giz Watson. It was signed off not just by Labor members, but even by government members of the house. If the will of the house at that point is that it does not want to send a message to the other place to ask that member to explain himself to the house, that is a matter for debate. If the government wants to protect the member and is worried that he cannot explain his actions, let that be the case. That can be the debate we have down the track.

Several members interjected.

Hon KEN TRAVERS: That matter should be brought on and given priority so that the house can make that decision. It is an absolute disgrace that it has never been brought on, and it will be an absolute disgrace if we move on to consider other committee reports while this report continues to sit on the table and not be dealt with. As I said earlier, if we were to support this motion, I expect that we will start to move into the realm of committee reports that were tabled around the same date as this report was tabled. The fact that we will not then deal with this report is an absolute indictment and goes against hundreds of years of tradition in the Westminster parliamentary system about matters of privilege.

Several members interjected.

The PRESIDENT: Order!

Hon KEN TRAVERS: These guys opposite can laugh and show absolute disrespect to the institution —

Several members interjected.

The PRESIDENT: Order! Earlier I was having a bit of trouble hearing, and I asked for the volume of the speakers to be turned up as high as it could be. I am not having that trouble now! We need to keep the debate on the motion before the house.

Hon KEN TRAVERS: Members opposite can laugh and carry on as though this is not an important matter. That is their right; they can do that. But they need to understand that, in doing so, they are trashing hundreds of years of tradition in the Westminster parliamentary system.

Point of Order

Hon NORMAN MOORE: The member has suggested that this is a matter of privilege. I draw his attention to the standing order that requires matters of privilege to be drawn to the attention of the house the moment members become aware of the matter of privilege. This is a report that has been provided to the house and has nothing to do with privilege until such time as somebody might be called to give evidence to a committee, in which case privilege may become an issue at that point. For the member to continue to suggest that somehow or other we are dealing with a matter of privilege is, in my view, totally incorrect and you should correct him, Mr President.

Hon Norman Moore; Hon Sue Ellery; Hon Ken Travers; President; Hon Simon O'Brien; Hon Wendy Duncan

The PRESIDENT: We are not dealing with a matter of privilege. In fact, we are not even dealing with the report that the member is referring to. We are dealing with a motion that seeks to extend the time allocated to a certain order of the day on today's business program. That needs to be the focus of all the remarks made by all members.

Debate Resumed

Hon KEN TRAVERS: The Leader of the House is right. We are not dealing with a specific matter of privilege brought before the house.

Hon Norman Moore: Don't say that we're trashing hundreds of years of tradition because you know that's not the case.

Hon KEN TRAVERS: I will stand by my comments on that.

Hon Norman Moore: You're wrong.

Hon KEN TRAVERS: What I am arguing is that we should not support the motion moved by the Leader of the House; we should defeat it. The opposition would then hope that the government would have the decency to bring on for consideration the recommendation in this report, because it should be given priority. It should be given priority over the matters that are the subject of the motion moved by the Leader of the House because it leads to a matter of privilege. The issue about privilege cannot be determined until the member has come before the committee to explain.

The PRESIDENT: Order! I think the member is once again straying into the substance of a committee report. We need to get back to the specifics of the motion, which is to change the time allocated to an order of the day.

Hon KEN TRAVERS: I wish to make it clear to the house that the point I am trying to make is why consideration of this matter should be given precedence and priority over the proposal put forward by the Leader of the House. The house should defeat the motion moved by the Leader of the House so that we can give this matter greater consideration. The house should give it priority. It should be given higher priority than committee reports —

Hon Liz Behjat: They're all good committee reports, not just the one in your hand.

Hon Norman Moore: You're very dismissive of the work done by the committees.

Hon Sue Ellery: Did you hear that interjection from a member of the committee who dissented from the report?

The PRESIDENT: Order! Once again, we do not want to get into a discussion about a committee report of any description at this stage because that is not the motion before the house. There will come a time when these matters are the direct focus of a debate, but they are not right now. The direct focus of this debate is merely the time allocated to an order of the day on today's business program.

Hon KEN TRAVERS: I agree with you, Mr President. The fact that members are interjecting on me about the report demonstrates that many members in this house have a view about this report. This report needs to be given priority over the motion moved by the Leader of the House. If we defeat the motion moved by the Leader of the House, instead of going on to deal with more committee reports and statements by ministers, we can get on and deal with this report. That is the option that I am putting to the house. If we support the motion and the proposition I am putting to the house, the member can get up and put her views about this report. That is the issue. If we support the motion moved by the Leader of the House, no-one will get that opportunity. Hon Philip Gardiner might have a very different view from Hon Liz Behjat because he signed off on the report. She did not. He might want to get up and say something. If we support what I am putting to the house, we will be able to do that. If we defeat the motion moved by the Leader of the House, we will be able to do that. If we do not defeat the motion moved by the Leader of the House, we will never get to this matter. We will move beyond it when it comes to other committee reports —

The PRESIDENT: Order! The member cannot repeat the same things over and again. You can make your point in several different ways but you have to get to a stage at which, having made your point, you get on to the next point and then mainly address the motion before the house.

Hon KEN TRAVERS: I completely agree, Mr President. When I keep hearing the same interjections, I wonder whether members on the other side have heard the points I am making.

In conclusion, the house has a very simple choice to make. It can either —

Hon Nick Goiran: It's the first time you said something sensible.

The PRESIDENT: Order!

Hon Norman Moore; Hon Sue Ellery; Hon Ken Travers; President; Hon Simon O'Brien; Hon Wendy Duncan

Hon KEN TRAVERS: The house has a very simple choice to make. It can either support the motion moved by the Leader of the House and we will move on and deal with a range of committee reports or it can defeat the motion moved by the Leader of the Opposition and we will get to move on and deal with the issues relating to privilege brought before that committee. That is a simple choice for the house to make. If members opposite are worried that the Minister for Transport and former Treasurer will not be able to come before the committee and explain himself, they should support the Leader of the House. That is their right. If they want to protect him, defend him and keep him away from proper scrutiny, that is fine; in that case, they should go ahead and support the Leader of the House.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [5.34 pm]: I can tell that most members want to stop this procedural matter and get on with it. That is why I will limit my observation to one thing, and it has to be said. Hon Ken Travers has just indicated that the question before us is whether we choose to go on and consider a few extra committee reports and if we do so, we do so in a sense of rejecting our responsibilities as members of Parliament. That is not the question before us at all. We are about to move on to consideration of committee reports, to which 60 minutes is normally allocated. The Leader of the House has moved that on this occasion, this week, because we have the capacity to do so, we give it a bit longer time in the hope that we will clean up some of these outstanding issues. That is the question before the house. It has nothing to do with matters of privilege and nothing to do with an estimates committee report, unless that was to come up for consideration. It has nothing to do with debates about a former Treasurer. It is the height of inventiveness to suggest that this is what this vote is all about. I think it proves what the Leader of the House has said about what seems to be happening in some semi-coordinated way between the two houses on the part of the ALP. The question is quite a simple one and it should be considered and resolved forthwith.

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [5.36 pm]: The Nationals will be supporting the motion moved by the Leader of the House. We believe that it is sufficient use of the house's time to move on and place extra attention on ministerial statements and committee reports in the order listed on the notice paper. After all, the job of the Leader of the House is to determine what order business is dealt with. One should be careful about saying that we need legislation for the sake of it to keep members of Parliament occupied. There is certainly plenty of legislation on the statute book. If we see the need to bring in legislation or amend acts, that will certainly be done and is being done by this government. This government does not bring in legislation for the sake of it just to keep the house occupied. There are enough statutes on our books to confuse the common man without that happening. With those few words, I support the motion.

The PRESIDENT: I indicate to members that this question requires an absolute majority.

Question put.

The PRESIDENT: There being a dissentient voice, we are required to ring the bells.

Division taken with the following result —

Ayes (20)

Hon Liz Behjat	Hon Phil Edman	Hon Nigel Hallett	Hon Norman Moore
Hon Jim Chown	Hon Brian Ellis	Hon Alyssa Hayden	Hon Helen Morton
Hon Peter Collier	Hon Donna Faragher	Hon Col Holt	Hon Simon O'Brien
Hon Mia Davies	Hon Philip Gardiner	Hon Robyn McSweeney	Hon Max Trenorden
Hon Wendy Duncan	Hon Nick Goiran	Hon Michael Mischin	Hon Ken Baston (<i>Teller</i>)

Noes (9)

Hon Matt Benson-Lidholm	Hon Adele Farina	Hon Linda Savage
Hon Kate Doust	Hon Lynn MacLaren	Hon Ken Travers
Hon Sue Ellery	Hon Ljiljana Ravlich	Hon Ed Dermer (<i>Teller</i>)

Question put and passed with an absolute majority.

Several members interjected.

The PRESIDENT: Order! There is no motion before the house therefore there is no debate.