

**EVIDENCE AND PUBLIC INTEREST DISCLOSURE LEGISLATION AMENDMENT BILL 2011**

*Discharge of Order and Referral to Standing Committee on Procedure and Privileges — Motion*

Resumed from an earlier stage of the sitting on the following motion moved by Hon Giz Watson —

- (1) That order of the day 7, Evidence and Public Interest Disclosure Legislation Amendment Bill 2011, be discharged and referred to the Standing Committee on Procedure and Privileges for consideration of clause 5, proposed sections 20G to 20M, and to report not later than 8 March 2012.
- (2) That the committee has the power to consider the policy of the bill.

*Amendment to Motion*

**HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary)** [4.04 pm]: I move —

To amend the motion as follows —

- (1) To insert after “20G to 20M” —  
and their effect, if any, on parliamentary privilege
- (2) To delete “8 March 2012” and substitute —  
29 November 2011
- (3) To delete paragraph (2).

It appears plain from the comments that have been made to date that the real concern is one of the effect of this bill, if any, on parliamentary privilege. It is the government’s view that it is a very narrow issue which will require only evidence of a legal-opinion nature. That can be determined in a fairly short space of time by the Standing Committee on Procedure and Privileges so that this bill can proceed in the last week of the scheduled sittings of this chamber.

Clause 5 deals simply with the question of journalists’ privilege, as it were. If the amendment to the motion is accepted, the procedure and privileges committee can focus on that question entirely and report back, the government believes, in a fairly short space of time, by 29 November, which will be the start of the last sitting week. Depending on the committee’s conclusions and allowing enough time for members to consider the committee’s report, there is a very good prospect that the bill can be disposed of at the Committee of the Whole stage in that week.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [4.07 pm]: I rise to indicate that we will be supporting the amendment to the motion. We intended to support Hon Giz Watson’s original motion in any event. I have put on the record already that we support the policy of the bill; in fact, we all voted for that at the end of the second reading. However, I think there are a number of matters that go to why this house in particular should refer this bill to a committee. I want to quickly touch on that because I do not want to stop people from doing what they normally do at 4.15 pm, heaven forbid! I will make a few quick comments.

The bill has been introduced into this house in particular. It did not have to be introduced into this house but the government chose to introduce it into this house. This house has a particular role in respect to review. I made my point during the second reading debate that personally I do not describe myself as a parliamentary purist but I think that when it comes to questions of privilege, we have to be careful. The fact is that this bill has not been subject to any other debate, so no other issues have been canvassed in the other place, and issues have not been canvassed in public. There has not been an in-depth analysis of this bill, so I think it is appropriate that it be referred to a committee.

We are really talking about only one element of the bill—that is, the matter of privilege. So it is right that the inquiry be narrowed to proposed sections 20G to 20M. Because we are dealing with only one matter, it is appropriate that it also not be a lengthy consideration. It would not have hurt anyone to refer it to the committee in the terms as originally put by Hon Giz Watson, perhaps minus the matter of the consideration of the policy of the bill. I do not think it would have damaged the government’s election commitment, because under the terms of that motion, the matter would have been dealt with before we resumed next year. The government would still have honoured its election commitment as long as the bill was passed before 9 March 2013. It would not have lost anything in that sense. As the house of review, I think we have an obligation in these particular circumstances in which there has not been a broad canvassing of all the issues as they affect the rights and obligations of Parliament. For all those reasons, it is appropriate that the bill be referred—full stop. The conditions outlined in the motion will ensure that the bill goes to the right committee in the first place—the Standing Committee on Procedure and Privileges. It is also a narrow reference and it provides for a relatively

short period for consideration. I do not think that hurts anybody's obligations to the commitments that we have given to support the passing of the bill. With those comments, we support the amendment.

**HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary)** [4.11 pm]: The Nationals also support the policy of this bill. We are very pleased that the matter of privilege will be referred to a committee, if the house supports it. The Nationals certainly support the amendment. We believe that it is appropriate that the Standing Committee on Procedure and Privileges consider the issue of privilege. It does not need a long period of consideration because the issue is being dealt with.

**Hon Max Trenorden:** And the procedure and privileges committee is brilliantly led!

**Hon WENDY DUNCAN:** And the procedure and privileges committee is brilliantly led, as Hon Max Trenorden has interjected. With those comments, we support the amendment.

**The PRESIDENT:** I will give the call to Hon Max Trenorden if he wants it!

**HON GIZ WATSON (North Metropolitan)** [4.12 pm]: Obviously, this amendment will amend the referral motion as I first put it to the house. I am willing to accept these changes. I think we are setting ourselves a difficult task to deal with even this narrow matter in such a short time frame, but I recognise the need for a negotiated compromise to get this matter dealt with. I certainly hope that the committee can produce some useful advice to the house in that time frame. I indicate that we are willing to support the changes, if that is the will of the house. If the majority of the house wants the referral in these terms, we can live with that.

Amendment put and passed.

*Motion, as Amended*

Question put and passed.

**The PRESIDENT:** As the Chairman of the Standing Committee on Procedure and Privileges, I forewarn members of that committee to be prepared for a brief meeting immediately at the end of today's proceedings.

*Sitting suspended from 4.15 to 4.30 pm*