

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Recommendation 1 — Adoption — Motion

Resumed from an earlier stage of the sitting.

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.19 pm]: I refer to the recommendation set out in the sixty-seventh report of the Standing Committee on Procedure and Privileges seeking access to the documents in possession or under the control of the Select Committee into Cannabis and Hemp. It seems to me that the recommendation itself is a procedural matter. The information that is before the house is a request from the most senior committee of this house, and I am happy to support that on behalf of the government.

The PRESIDENT: Members, that motion has been moved by the Deputy President, and the Leader of the House has spoken to that motion. The question is the motion be agreed.

HON NICK GOIRAN (South Metropolitan) [3.20 pm]: I rise briefly to add my support to the house approving that recommendation. As the Leader of the House has just indicated, it appears that this motion is of a procedural nature. I share with the Leader of the House a desire to assist the committee and facilitate its inquiry. Members will note that at paragraph 1.3 in this very short report, under “Terms of reference”, the committee specifically states that in order to facilitate its inquiry, it recommends to us that we agree that it have access to documents in possession or under the control of a select committee. That is a little peculiar, President. The difficulty for members at this point—even though I will be supporting the recommendation, and the government has indicated that it will be doing so as well—is that we do not have an explanation before us as to why the Standing Committee on Procedure and Privileges has made this recommendation. All we have in front of us is this one-page report, which reminds us that the genesis of this matter was a matter of privilege raised by the honourable Leader of the House on 19 May, when regrettably I was away on urgent parliamentary business. The report outlines the first two terms of reference that have been agreed to by the committee. It then, in the third term of reference, asks us to agree with this recommendation in order to facilitate the committee’s inquiry. There is no explanation as to why it is necessary for the procedure and privileges committee to have access to the documents in possession or under the control of the Select Committee into Cannabis and Hemp.

I do not quibble with that request, because the five hardworking members of that committee have obviously considered this matter and thought it sufficiently important to make this request, and, like the Leader of the House, I would like to facilitate that request and add my support. This is perhaps a matter for the committee, but can I respectfully suggest that in future some elaboration or explanation be provided as to why the committee has made this somewhat peculiar request. There is nothing irregular about it. The committee can ask for whatever it likes, and the house can agree to whatever it likes. However, it is somewhat peculiar for this committee to ask for possession and control of documents that are with a select committee.

I note what the Leader of the House said on 19 May. This is something on which I do not completely agree with the Leader of the House. According to the uncorrected proof *Hansard* of that day, the Leader of the House said —

It is not the case that inability to attend a particular committee trip deems any member unable to fulfil their duties. It is not the case that inability to attend a particular travel trip requires any member to resign. There are no standing orders, conventions or practices that enforce travel on any member of a committee.

I understand why the Leader of the House said that on that day. I must say that when this matter was first reported in the press, I also, like the Leader of the House, raised my eyebrow about how that matter had been reported. This matter will be under inquiry, and I commend the committee to its work. However, I draw to members’ attention that notwithstanding what the Leader of the House has said, standing order 159 may apply in certain circumstances. I am not saying it does apply, because I simply do not know the facts in this matter. Members may be interested to look at standing order 159(2), which states —

A Member shall be discharged from a Committee —

It then lists two scenarios —

- (a) by motion on notice; or
- (b) if the Member fails to attend 3 consecutive meetings of the Committee, unless leave of absence has been granted to the Member by the Committee or the Council.

I simply note that notwithstanding the fact that I associate myself with the remarks of the Leader of the House, when we think of committee travel, a committee might go on a conference or something of that sort, and that might not involve any meetings of the committee. In that case, I would agree with the Leader of the House that inability to attend a particular committee trip would not deem a member unable to fulfil their duties. I would go further to say that nor should it. Having said that, I do not know anything about this particular select committee and what meetings it might or might not have organised. I simply make the observation that I do not think that what the Leader of the House said on 19 May fully captures what the standing orders actually say on these matters. For all

those reasons, I think it is good that the standing committee is looking into this matter, and I commend the committee on its inquiry and support the recommendation.

HON MARTIN ALDRIDGE (Agricultural) [3.25 pm]: I rise to speak in support of my motion—that is, to seek the support of the house for recommendation 1 of this report. Obviously, I do so reluctantly because speaking as a member of the Standing Committee on Procedure and Privileges on a report of this nature is somewhat troublesome, in that in investigating or considering a matter of privilege we do not want in the same breath to create a matter of privilege. Therefore, I will do so carefully.

I draw members' attention to the recent circumstances that have led to this brief report. That is obviously the matter of privilege raised by Hon Sue Ellery on Thursday, 19 May 2022, and the ruling that was made by you, President, yesterday, which was that, in your view, this is a matter of substance that should stand referred to the procedure and privileges committee. The President said in that ruling —

The Leader of the House submitted that Hon James Hayward had misrepresented to a court the practices and rules of the Legislative Council and that this conduct had the potential to bring this Council into disrepute.

In closing, the President said in her ruling —

Whilst acknowledging from the outset the practical issues that such an investigation may face, I refer the matter to the procedure and privileges committee.

Members would be aware that in considering the matter of privilege raised by Hon Sue Ellery and also the ruling by the President, that this matter does relate in some respects to the conduct of the select committee; therefore, the Standing Committee on Procedure and Privileges seeks the concurrence of the house in support of this motion to allow the committee to examine documents in possession or under the control of that select committee in the course of its inquiry, and I ask for the support of the house in doing so.

Question put and passed.