



Reflections of a New Speaker in a New Parliament

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Speaker of the Legislative Assembly of Western Australia

Introduction

The March State General Election in Western Australia resulted in a convincing win for the Labor party after eight and a half years in Opposition. Labor now holds 41 of the 59 seats in the Legislative Assembly. The Liberal party holds 13 seats and their former Alliance partners, the Nationals, hold the remaining five seats. Whilst the Government can comfortably pass its legislative program in the Assembly, the numbers are quite different in the Legislative Council, in which it holds just 14 seats in the 36 member chamber, the remaining seats covering six diverse political parties, which has already had some impact on the business of the Assembly, which I will talk about further in a while.

My background

First things first – what is my background? I was elected to the Thirty-Sixth Parliament for the seat of Albany at the State Election on 10 February 2001 and was re-elected in 2005, 2008, 2013 and now in 2017. Albany is a regional electorate on the south coast of Western Australia, and is one of the major regional cities in WA. Hence, I've been a member of parliament for over 16 years.

I was made an Acting Speaker in March 2005 when the Labor party was in Government, and I held that position for four years. At the next election in September 2008, the Liberal-National parties narrowly came to power and it was a hung Parliament. On Opening Day of that Parliament, I was nominated

as Deputy Speaker against the Liberal Party's candidate, Michael Sutherland, and after a ballot, narrowly missed becoming Deputy Speaker when the then Speaker had to use his casting vote to decide the question: the result was tied on 29 votes. However, I was added to the Acting Speaker panel again for that Parliament until January 2013.

In this Parliament, I was elected as Speaker of the Legislative Assembly on 11 May 2017 and I am happy to say there were no other nominations.

Composition of the new Parliament

Let me give you some statistics and details about the new Parliament in Western Australia.

I've already mentioned that in the lower house, Labor holds 41 of the 59 seats, which equates to 69.5% of the seats, which I understand is a record majority in Western Australian state politics. The Liberal party holds 13 seats (22.0%) and the Nationals 5 seats (8.5%).

We have 24 new members; again a record with over 40% new members elected: 20 Labor, 3 Liberals and 1 National party member. Flipping this, 20 members lost their seats, while four didn't re-contest, in my view, losing 24 members is a significant loss of political and parliamentary knowledge and experience for any Chamber.

In the Legislative Council with its 36 seats, Labor holds just 14 seats, with the Liberal party holding 9, the Nationals and Greens four each, Pauline Hanson's One Nation three, and one Shooter and Fisher and one Liberal Democrat.

Interesting challenges and issues

Taking the Chair in a House dominated by a new government has thrown up some interesting challenges and issues in the first months of this Parliament. Apart from the task of remembering the names of the 24 new members and their electorates, and occasionally calling an opposition member 'Minister', we are all adjusting to our new roles in varying ways. Former Government Ministers and backbenchers are developing their parliamentary strategies and learning to make the most of their time in the House, while the new

government members, to use a sporting analogy, are adjusting from offence to defence, shaking off the well-worn tactics of an effective opposition.

Even the Clerks have struggled with the large government majority during divisions and have had to 'double up' on the government side to be able to cope with the large numbers. The current numbers in the House mean that there are insufficient seats available for all government members to sit on one side of the House or the other.

As we finished up our sittings last week, I was struck by how different yet how familiar in some ways this new Parliament is. For example, the Government still acts as if it is in Opposition. Perhaps it is because legislation is still being drafted, but we haven't had many bills brought to the House yet. Consequently, we are finding that Government backbenchers are talking (or filibustering if I'm being honest) on the second reading debate stage of all bills. Even Ministers are having a say on bills which they don't have carriage of, so it feels like *déjà vu*.

Only the other day, Government Ministers and backbench members pulled a stunt by displaying pages denigrating the previous Premier while they asked or answered a question during Question Time. These are more the tactics of an Opposition than a Government.

Given the Opposition's numbers, it has been difficult for them to fill key parliamentary and other positions in the House. For example, 12 of the 13 Liberal members in the lower house have shadow responsibilities, in addition to the traditional Leader, Deputy Leader and Whip roles. While initially only one Liberal was appointed to the Acting Speaker panel, we have now added a National party member, so the Acting Speaker panel now consists of two Opposition and four Government, plus the Deputy Speaker and myself. Even that has brought its own challenges, as three of the Chairs are new members and one has not undertaken chairing duties before. This has put us all on our toes, especially the Clerks who need to guide the new Chairs, who willingly admit they have their 'training wheels on'.

The Liberal party also has to cope with the significant loss of experienced members at the last election, going from 30 members to only 13 in this Parliament. This included losing five ministers in our House, as well as the

Speaker. Of those Liberals remaining, only two of the 13 members have more than 10 years' experience: one has 12 years and the other as the longest-serving member has 27 years' experience in the House. However, the remaining Liberal members were elected post-2008, when the Liberal-National parties won government, so they have no experience of life in Opposition.

As the Liberals and Nationals are no longer in alliance, this has brought fresh challenges for them in attempting to balance or share Question Time, matters of public interest, and private members time. I have heard mutterings from some Liberals that the 30 minute time set aside for opposition members to debate a matter of public interest should not include the Nationals, as it is only the Liberal Party who are the "official Opposition". They argue that the five minutes allocated for 'other members' should be taken up by the Nationals, although the long-standing practice of this House has been to allow 30 minutes for the Government, 30 minutes for the Opposition, and five minutes for Independents on any MPI debate. Of the three hours allocated to Private Members' Business time each Wednesday, they seem to have decided to share one and a half hours each, but this can appear to dilute the effectiveness of debates by adjourning motions prematurely before they have been fully discussed. The Liberal and National parties need to start working cooperatively and smarter to have an impact.

Surprisingly, one procedural tactic that both the Liberal and National parties have latched onto is reasoned amendments. I have been informed by the Clerks that reasoned amendments are a relatively rare procedure, but they have already been used twice in the past four sitting weeks. For those a bit rusty on what a reasoned amendment is, it is where the question for the second reading, i.e. "That the bill be now read a second time", is amended in an attempt to delay the second reading until something occurs. Not surprisingly, both attempts failed.

Committee membership is another area in which particular challenges have arisen for both the opposition and government. For the opposition, the prospect of spreading the members 'too thin' by covering all of the committees is an issue. Typically, opposition members in key leadership positions might not take on committee work, given time and other constraints. However, of the 33 committee positions available to Assembly members in the

current Parliament, 13 are drawn from the 18 member opposition, which includes members of the leadership group and at least one member serving on two committees. Despite this, one of the Committees has remained Opposition controlled, the Community Development and Justice Standing Committee, with three Liberal and two Labor members.

The government has not been without its own committee issues, particularly relating to membership on the joint standing committee that has oversight of the Corruption and Crime Commission. It is established by statute, but its membership is set out in the Legislative Assembly's Standing Orders. That committee comprises two members from each house; typically one member from the two major parties is appointed from each house. On this occasion however, perhaps due to the state of the numbers in that house, neither of the Council members, being one Green and one Liberal, came from the government side of the house. As a way to balance the membership of the committee the government moved to appoint two of its members from the Assembly. The motion consumed a significant chunk of government business time, during which the opposition expressed outrage at the decision and raised legal questions over a section of the *Corruption, Crime and Misconduct Act 2003*, which confers some functions upon that committee. Whilst the government prevailed on this occasion, these issues remain and will likely need to be addressed in the coming months.

We will also to see a Joint Select Committee on End of Life Choices established in August, modelled on the inquiry undertaken by the Victorian Legislative Council Legal and Social Issues Committee.

The complexion of the Legislative Council and its lack of a government majority has the potential to impact further on the government as it tries to progress its legislative agenda. We are anticipating amendments to all manner of bills and an increase in the number of private members' bills that will pass that House. Of the ten bills introduced so far in this parliament, three are Legislative Council private members' bills that cover issues such as 'industrial manslaughter', repealing a port assets disposal Act, and the forced closure of remote Aboriginal communities. In terms of amendments, the Liberal Democrat member just this week flagged his intention to request the Assembly to decrease the sum of its Loan Bill, something unheard of since 1937. That

was soundly defeated in the Legislative Council but I feel we are entering new territory in this Parliament!

Record number of Questions on Notice

So far in 2017, we have had a record number of questions on notice asked, mostly by one Opposition member. A total of 1,654 questions on notice have been asked over a period of five sitting weeks, averaging 331 written questions per sitting week. This contrasts with 1,123 questions on notice asked in 2016 over a period of 19 sitting weeks, averaging 59 per sitting week. You can see from the slide the number of questions on notice asked over the past five years, along with the average number of questions per sitting week.

Year	No. of QON	No. of sitting weeks	Average no. QON per sitting week
2017	1,654	5	331
2016	1,123	19	59
2015	1,492	21	71
2014	1,649	21	78
2013	1,660	20	83

The record number of questions asked in this Parliament is largely down to one Liberal party member, Zak Kirkup MLA, the member for Dawesville. I understand that he is crowdsourcing his questions, asking constituents to submit questions for the Government via his website. If he judges them fair and reasonable, he puts them to the relevant Ministers as questions on notice, then posts the response on his website. Apparently he is calling it “BYO Parliamentary Question” and it is believed to be a WA-first.

While I understand this is stretching the resources of ministerial departments to be able to respond to his questions within the one calendar month timeframe (and stretching our Chamber staff in processing all of the questions and answers), it is an ambitious way for the Opposition to hold the Government to account.

Record number of women in the LA

The significant number of new members elected to the 40th Parliament also includes a record increase in women MPs in the Legislative Assembly. Of the 59 members elected to the lower house, 18 seats or 30.5% were won by women,

compared with 13 seats or 22.0% in the previous Parliament. In the upper house, the numbers were down from the previous Parliament with 11 of the 36 seats won by women (30.6%), compared with 15 seats in the previous Parliament (41.7%). While the total number of 29 women in this Parliament equals the total number of women in the last Parliament, the increase in women in the Legislative Assembly is a result of a record number of female Labor Party members elected to that Chamber.

In the new Parliament, women hold a range of leadership positions. In the Legislative Council, the Hon. Kate Doust was elected as the first female President on 23 May 2017, while the Leader of the Government in the Legislative Council and Deputy Leader of the National Party of Australia (WA) are both women.

In the Legislative Assembly, Lisa Baker was elected as Deputy Speaker on 11 May 2017, while the Leader of the National Party of Australia (WA), the Deputy Leader of the Opposition, and the Opposition Whip positions are held by women.

Five women have been appointed as Ministers (out of 17) and three women have been appointed as Parliamentary Secretaries.

In another first, on the Opening of the 40th Parliament, Members went to the Legislative Council Chamber to hear Western Australia's first female Governor, Her Excellency the Hon. Kerry Sanderson AC, present the Governor's speech to the Parliament.

Not surprisingly, there have been calls to introduce family friendly reforms. An options paper is being developed by some of the Labor women on the type of initiatives that might be considered, such as establishing a family room in Parliament House, more family friendly working hours and women being allowed to breastfeed in the Chamber. I would welcome any comments or suggestions after my talk along these lines from any jurisdictions who have contemplated or introduced any family-friendly initiatives.

A couple of other procedural developments or reforms which have been called for in this new Parliament include introducing an acknowledgement of country at the beginning of sitting days and reforming the petition process. In

reviewing whether other jurisdictions have an acknowledgment of country, it looks like WA is one of the few Australian Parliaments who don't make an acknowledgement of country on sitting days.

We have also again had a call for reforming the petition process and those of you who attended last year's Presiding Officers and Clerks Conference in Tonga will recall that the Clerk of the Western Australian Legislative Assembly presented a paper on petitions. The genesis for that paper stemmed from a couple of incidents regarding petitions at the beginning of last year, when an Opposition member presented a petition with four signatures which complied with Standing Orders, and the same petition with 20,000 signatures which was non-conforming as it was from an e-petition site. That same member who raised it in the previous Parliament is now Leader of the House, and only last week he said, "I think as parliamentarians we need to address that and find a way for an appropriate petition that otherwise conforms to standing orders but is in electronic form can be accepted as a legitimate petition in this place."

Other developments

In other developments in this new Parliament, I have recently approved an updated crest for the Legislative Assembly. The update was required because high-quality proofs of the official version of the logo have been lost since the introduction of this crest in the mid-2000s, and a number of different versions of varying quality have been in circulation. The overall design of the crest has not changed substantially, although some small details have been altered, including fonts and the direction of the swan. This has been part of a wider corporate branding project, which has also seen us reclaim our blue colour. As the Western Australian Legislative Assembly is only one of a very small number of Chambers in the world furnished in blue rather than the traditional green, we have changed to blue as the Assembly's corporate colour. The shade of blue matches the blue leather of the Chamber seats.

Historic photographs

As occurred in the previous Parliament, we again decided to take unique 360-degree and 180-degree 'historic' group photographs of the Legislative Assembly. Members were asked to smile and not move for approximately 15 minutes at 2.00pm on a sitting Thursday, with formal proceedings commencing

after that. This results in a wonderful and unusual panorama photograph of all members and Chamber staff sitting in the Chamber.

Conclusion

I've been an Acting Speaker during the time of a hung Parliament two parliaments ago, and now Speaker in a Parliament with a large government majority. In my view, it was a little easier with a hung Parliament as there was more even debate and it was not so one-sided.

One thing I'd like to reinforce as a new Speaker in this Parliament is getting back to basic standards, for example, acknowledging the Chair when entering and leaving the Chamber. Over time these things can slip, but I think it is important to maintain these traditions. Hopefully we can bring some decorum, dignity and respect back into the House. Good manners get you a long way!

In conclusion, I'd like to share some of the things I've done in my first few weeks as a new Speaker:

- Knowing my staff
- Having morning tea with the staff around Parliament House
- Visiting their work areas
- Having a user-friendly parliament for all members
- Having an open door policy (literally having my door open) – listening