

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Recommendations 1 to 38 — Adoption — Motion

Resumed from an earlier stage of the sitting.

HON NICK GOIRAN (South Metropolitan) [2.24 pm]: Prior to the interval and commencement of the noting of the budget papers we were considering the sixty-fourth report of the Standing Committee on Procedure and Privileges, which sets out the review of the standard orders. It has been debated in various formats over the past few days. Prior to the interval I was looking in particular at recommendation 35. This is a 38-recommendation report, albeit a report that has subsequently needed to be amended by virtue of the sixty-fifth report of the Standing Committee on Procedure and Privileges. Recommendation 35 is an unobjectionable recommendation by the committee and is described as a technical amendment. It simply seeks to delete a redundant word in standing order 67(3) and, again, is an example of one that can be supported, albeit in the current circumstances we are being required to agree to all recommendation en bloc or not at all.

Recommendation 36 that follows deals with standing order 101 and the issue of petitions. Again, the committee has found a form of words—in this instance, seven words—that can be deleted because the committee has said that they are redundant with respect to the form and content of petitions. The penultimate recommendation in report 64 deals with uniform legislation and how matters are described with respect to working and business days and the like. It is a mere technical amendment that reflects the current practice.

The last recommendation deals with the issue of a quorum for committees and it puts beyond doubt that a committee at any meeting will have a quorum if a majority of the members are present. For example, if it is a five-member committee and three are present, that would be sufficient to satisfy a quorum, and four-person committees will still need to have three members present. With those words, I indicate that I will not support the motion before the house because of the problems that we have discussed, particularly around chapter 3 of the report.

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [2.27 pm]: I rise to make some comments on the sixty-fourth report of the Standing Committee on Procedure and Privileges and the motion moved by Hon Dan Caddy. As other members have said, I start with a huge thank you to the staff on the committee who performed above and beyond, as they always do in committees. Their frank and fearless advice was humbling and I am happy to say that the staff did a fabulous job putting this report together and I am sure all members of the committee thank them very much for that.

The report, which has been extensively debated, reads for itself in my view. A lot of hard work has gone into what the house charged the committee with. The executive summary sums up clearly what the committee was attempting to achieve in this report. It states —

The Committee is satisfied that the Council's Standing Orders are largely fit for purpose. Despite this, the Committee has identified a number of enhancements that increase the time available for core business, modernise certain procedures and simplify areas of confusion amongst Members.

I think that is very clear in the recommendations and I have heard a fair bit of positivity around a lot of the recommendations in this report that should bring us up into 2021. One of the intriguing parts in this report that is a little complex to me is at page 31—we talk about offensive language in the chamber. That was quite an interesting standing order to look into, particularly around what is offensive language in Parliament. People can take things differently and be heard differently by people. There was only a slight recommendation about offensive words, which was to clean it up a little bit by inserting the following —

A Member shall not use offensive words in debate, including offensive words against the Sovereign, the Governor, either House of Parliament, any Member of either House or a judicial officer.

It is definitely one of those areas for which, if there was more time and it was looked into further, we probably would not know how to identify what offensive language is. There are the obvious words, which, obviously, I cannot say. However, people can definitely have different views about offensive language. It was quite interesting to look at that part of the standing orders.

Another one I am very proud of is recommendation 19 to allow for caring for infants in the chamber. I think that is a very positive step in the right direction and is family friendly given it is the people's house. That recommendation obviously followed on from what had already been achieved in the chamber but it is appropriate that it be included in the standing orders in 2021. I am very impressed that that is allowed in this chamber in 2021.

An interesting part of the report to note is around the consideration of committee reports. Comments have been made about temporary orders and how things have played out. I reflect on how in the fortieth Parliament a stack of committee reports was constantly listed on the notice paper for debate. Before we knew it, the notice paper would list the reports and near the back end of last year there was a heap of reports but we could not get to our report to

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have a discussion. Reports were on the notice paper for the entire duration. I think an appropriate amount of time should be given to debate. In my view, four hours is appropriate; it gives an opportunity for members to have their say and for reports to be given attention. I reflect a bit personally on that because a report that was delivered towards the end of the fortieth Parliament that I was involved in was the Standing Committee on Public Administration Inquiry into WorkSafe. It was a huge report for which an hour could not be justified as enough time to debate it. Unfortunately, it was rotated out after an hour and we did not get back to it. Other reports that had been debated for years ended up coming back on. It was very unfortunate for that to happen. Given where we are heading now, we may not run into that type of situation again, and that will be good because the work our committees do and the work the staff behind them put into reports is tireless, and a lot of the time it is thankless. It is therefore important that we focus on detailed debate rather than just an opportunity to speak. Even though 10-minute intervals are allowed, it is probably not the intention to string out a speech but more to get into depth about a report and have a decent discussion within the chamber about the recommendations and the government response.

Obviously, there has been a lot of discussion about chapter 3. As we said in the executive summary of the report, there is an attempt to see more available time for “core business, modernise certain procedures and simplify areas of confusion amongst Members.” It has been mentioned that the Senate has it but never uses it. Who is to say that that will not be the case here? I find it intriguing that a guillotine motion has been available in the past but has not been utilised. From memory, I think it has been utilised once although it is in the standing orders. I understand that some people try to play it up and try to convince us that the world and the roof will fall in on us all. However, with a little bit of common sense and understanding on reading it, legislation has been bogged down and drawn out and utilised for personal advantage to avoid getting legislation through. Remember again that the people who will be in charge of passing legislation will be the Leader of the House for the government. That comes from an election and a mandate. When we get elected we put out what we will do. The fortieth Parliament and some of the things we went to the election with in 2017 —

Hon Martin Aldridge interjected.

Hon KYLE MCGINN: I will not take interjections, Acting President.

The ACTING PRESIDENT: Order, members!

Hon KYLE MCGINN: We can look at what we clearly had a mandate for in 2017, yet the opposition is just not happy about it and could not accept its fate. It is reflected again in the forty-first Parliament. The people voted for what they wanted and that is what they will get. I definitely do not agree with a lot of what has been said, particularly by the opposition, on all of this. Reference to the roof falling in was described in the last report about speaking times, but the roof is still there. I think sometimes it is a little bit played up. As I said, did the world end because the guillotine motion is in standing orders? I do not think it did; I think we are still going in the forty-first Parliament.

Again, I would like to say that the committee did a very good job on the charge given to it by the house and has delivered, I believe, a very good report that goes a long way to modernising the standing orders. I understand there are different views in that space, but that is how it works. I find it intriguing that some people who were part of the committee do not seem to have some of the recommendations in the minority report but seem to say that they did not support the recommendations.

Hon Martin Aldridge interjected.

Hon KYLE MCGINN: That is how I interpreted it. I will keep my comments brief. Once again, I say to the staff: amazing work and I look forward to seeing this motion put to the house.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [2.38 pm]: I rise to make a contribution to the debate on the sixty-fourth and sixty-fifth reports of the Standing Committee on Procedure and Privileges. I do not intend to speak at length; however, it is difficult not to speak at some length because there are 38 recommendations in this report, and we cannot indicate our support or otherwise for any of those recommendations other than to record that via *Hansard* through this debate, because we do not get an opportunity to vote on those recommendations individually. Members will be aware that I made a submission to the committee off my own bat and I did indeed mention where I thought we could gain some time, including changing the dinner and afternoon tea breaks. I think these changes are eminently sensible. I am always keen for efficiency and to see us able to do our job of scrutinising, but not rushing, legislation. I think it is very important that we understand that they are different things. I will go through a few of these recommendations bit by bit.

Regarding the dinner and afternoon tea breaks, I am sure that we can live with shortening our dinner break to an hour and it is a good thing to remove afternoon tea. The committee’s recommendation 4 would enable committees to meet between 4.15 and 4.30 pm on sitting days. It is an interesting recommendation. Nonetheless, when committees have needed to urgently achieve some particular committee business, they have tended to do that anyway during the afternoon tea break. I think it is good to set a time when that can happen, for consistency. Committee members

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will know that that is the time of day to meet if they need to, and it can be arranged to do so. That is not a bad thing at all.

Recommendation 5 is the core problem with this report, because this is not an urgency provision in any way, shape or form; this is an expedited-passage-of-legislation provision. This provision will allow a bill to be rammed through, essentially. If a minister declares a bill urgent, we will then debate how long we are going to debate it. Once that is decided, the bill can be dealt with. However, as members will be aware, the procedure is that when a bill arrives in this house, it is first read. The minister then moves the second reading of the bill and makes their second reading speech. It is at that point, should this provision be enacted, that the minister will declare a bill urgent. The bill will then sit on the notice paper for a calendar week if it has come from the Assembly, or two calendar weeks if the bill originates from the Council. It might be an urgent bill, but it will still sit on the notice paper, because it is obviously not that urgent! This provision will not do anything to expedite the debate on such a bill. That is the key difference between this and other urgency provisions. If a bill is urgent, it is urgent—there is a reason that it needs to be brought on and debated urgently, which means in a reasonable time frame. During debate there was some discussion from the Leader of the House—I am reading from *Hansard*—who said —

The other circumstances in which I think an urgent bill might be declared is if there were some circumstance, not dissimilar to the COVID arrangement, in which there was some external reason why a particular piece of legislation needed to be treated as urgent. I cannot think of any example off the top of my head —

Then an honourable member interjected referring to the Clive Palmer bill.

The issue is that this is not about bringing a particular bill on for immediate debate. This is only about rushing a bill through the house after the normal period of it sitting on the notice paper has occurred. I think there is some merit in debating a bill urgently. Over the COVID period, we have seen a need to debate bills urgently and quickly in order to protect our community and economy from what was unfolding in front of our eyes. The opposition supported that process at the time and the COVID bills were able to be brought on under the temporary orders and debated straightaway, with time limits and so on set. This provision will not allow a bill to be debated immediately. It will not make a bill urgent.

Indeed, what is most likely to happen with this provision, as has been alluded to in some of the contributions, is that it will be used towards the end of a sitting year or perhaps even towards the end of a parliamentary term—perhaps towards the end of the forty-first Parliament, when, in October 2024, there will be a bunch of bills on the notice paper that have been second read but never brought on for debate. They will suddenly be declared urgent bills and we will have to push them through before the election, even though they sat on the notice paper for years, as occurred in the previous Parliament. Bills sat on the notice paper during that Parliament for years. They were never brought on for debate. The opposition was blamed for holding them up, but it is not the opposition who decides whether bills come on for debate; that is firmly the remit of the government. I certainly do not support recommendation 5. That is not an urgent bills provision; it is a battering ram provision to essentially allow bills to be pushed through without proper scrutiny and due process. It will also not allow a bill to be read in and urgently debated, as is implied in the name given to the proposed provision in the report.

I think the committee has done a great job with some of the recommendations, and I note the minority report as well. I think the minority of the committee has done a good job in outlining its concerns, and writing a minority report is no easy task. I think the committee and its staff did a good job in the limited time available. In his contribution, Hon Kyle McGinn referred to a particular provision—the offensive language one. He said that if there was more time, perhaps the committee could have looked into that a bit more. We did not set the time frame and we gave the committee an extension.

Regarding the other recommendations, it is eminently sensible that we look at the motions on notice process and the procedure of adopting the practice that we have now. In the past, before my time in fact, the notice paper would fill up with motions, and by the time they were debated, they were well and truly out of date. I think the suggested change is an eminently sensible approach that will give all participants in the chamber the opportunity to debate motions that are of particular significance and importance to them and their political party. That is a good thing.

Regarding the speaking times on motions on notice, the adoption of a 20-minute rule is good. It will give enough opportunity for members to outline what they think. Most of the other recommendations, I have to say, are sensible. I agree with the recommendation to increase the time given to debate committee reports. Hon Kyle McGinn made a very good point in his contribution about the WorkSafe inquiry. That committee did an incredible body of work and produced a massive report that deserved a much more thorough debate than it got, by virtue of the fact that it moved down the notice paper and could not be debated again. There are plenty examples of that happening with committee reports; for example, the report of the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community. The report of that committee, which Hon Samantha Rowe and I were on, was worthy of debate for far longer than the opportunities we had to debate it. I think the decision by the

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committee to extend the debate on committee reports to 240 minutes is a good one. It will give us time to properly consider those reports.

Recommendation 18 talks about e-petitions. I am a fan of electronic petitions, I have to say. It is the twenty-first century and we want to give all participants in our democracy the opportunity to contribute to debate. The vastness of our state means that many participants may not be able to physically get hold of and sign a paper petition or submit it in time, or indeed at all, for consideration. The opportunity for others to contribute via electronic means is a good one. No doubt, there will be some IT and security challenges in making sure that that e-petition system is robust, cannot be gamed and is secure, so that individuals' data is definitely protected and privacy prevails. That will be a big challenge, but I think it is worth pursuing. As I said, e-petitions offer a great opportunity for members of the public to be more involved and engaged in the debate in this place and in the lawmaking of their state and to bring forward issues that matter to them. Every opportunity that we can have as members of Parliament to be more connected to our communities and allow them the opportunity to engage in and understand what we do in this place will be a good thing.

Recommendation 19 is that we change the definition of “strangers”. This will give effect to a ruling made by the President earlier in this government's term. It is a good recommendation. We are in a modern world. We need to enable whoever is elected to this place to actively participate. If a member needs to care for their child, obviously particularly an infant, and bring that child into the chamber, that is something we absolutely have to consider and allow, because we want a diversity of representation in this place. That is incredibly important for the health of our democracy across our nation.

Recommendation 20 deals with questions on notice. As I have said, I am supportive of many of these recommendations. Recommendation 21 is about the time allowed for statements upon the tabling of committee reports. This goes back to the comments made earlier. Five minutes is probably barely enough time, to be honest, to enable a statement to be made on some of the bigger reports. The provision of extra time for debate on committee reports will probably go some way towards solving that problem. It is certainly a real struggle to make a meaningful statement in three minutes when tabling a committee report in this chamber. Therefore, that is a good move.

Recommendations 24 and 25 deal with offensive words, and imputations and improper reflections. The proposed changes are relatively minor, but they will clear up some things that have been confusing for members, and every opportunity that we can have to do that is a good thing. Recommendation 26 is an interesting one around the answering of questions on notice. It is eminently sensible that we remove the nine sitting day period and go to one calendar month. There are obviously times when six sitting days have gone past, but we then go to the winter recess and we do not get the answer back until the third sitting day after the end of the winter recess. It is important that questions on notice are answered in a timely fashion. This will enable that to happen.

As I said at the start of the debate, I am broadly supportive of many of these provisions. However, I cannot support the motion overall, because I do not support recommendation 5 in its current form. We have debated various proposed amendments. Therefore, unfortunately I will have to vote against the motion itself when it comes to that. I find that disappointing, because the Standing Committee on Procedure and Privileges has made some very good recommendations and done some very good work.

I broadly support recommendation 32. I think I share the same view as Hon Nick Goiran on that recommendation. That recommendation proposes to amend standing order 188(2)(b). I will go to the actual standing order to make sure that I refer to it correctly. Standing order 188 is headed “Tabling of Report”. Paragraph (2) states —

Upon tabling in the Council, a Committee report shall be —

- (a) deemed printed and published under the authority of the Council; and
- (b) except for ...

It then refers to particular reports that are not subject to that provision. I share the concern expressed by Hon Nick Goiran that members should be given the opportunity to have a debate on committee-initiated inquiries under standing order 179 in order to express their views. Many members in this place have experience in a variety of different fields. From a committee member's perspective, it is always good to hear the views of other members on a particular committee-initiated inquiry. Members of the chamber are not always aware of those inquiries because they are initiated by the committee itself. It is important that other members have the opportunity to at least contribute in the initial phase of the committee establishing an inquiry. Therefore, I am not particularly supportive of that proposed amendment to standing order 188(2)(b).

I will leave my contribution there. I have made it clear that there are a number of provisions that I support. The committee has done a lot of good work. I support many of the recommendations. However, I do not support the urgent bills provision. It is not an urgent bills provision at all. It is simply about giving the government the ability

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to ram a bill through the house. It is not an ability to bring on a bill for urgent debate, as was the case in the last Parliament with the COVID-19 crisis when we needed to bring on an urgent debate in order to keep people safe. This proposed amendment will not allow that to happen. On that basis, I will be joining many of my colleagues—I am sure all of my colleagues—in voting against the motion before us. I will not be supporting it.

HON KATE DOUST (South Metropolitan) [2.56 pm]: I want to make a few comments on the sixty-fourth report of the Standing Committee on Procedure and Privileges. I firstly want to acknowledge the report and thank the members who participated on the committee, and certainly the staff, because I know how much work goes into pulling these reports together. I will note my disappointment that there is a minority report. That is a very unusual circumstance to occur on that committee. I have been a member of that committee on and off during a range of terms in my 20 years in this Parliament, and this is the first occasion on which I can recall a minority report. I hope this is the one and only minority report that will come out of the committee for the duration of this term.

I will not talk specifically about the range of recommendations. A lot of them are simply a tweaking or minor update of language in the standing orders. However, I will talk about the proposal to deal with—finally—the question of e-petitions. Having spent a couple of terms on the Standing Committee on Environment and Public Affairs—I cannot remember whether it was two or three terms; it might have been three—the dominant work of that committee, certainly for the last term at least, was around petitions. There was a high volume of petitions over that time. The issue of allowing e-petitions was certainly canvassed in the early 2000s as people became more tech-savvy and wanted to speed up the process and get their message in. This has been raised on a number of occasions, and certainly during the last term we tried to get this issue resolved. There was a particular block in our way—a member who had quite strong views on e-petitions. Sadly, he is no longer with us in the chamber.

Hon Peter Collier: He might be listening!

Hon KATE DOUST: Yes, he might be listening. We had some interesting discussions about how this would work and about that member's concerns. I think we have to give these things a go. It will be a temporary arrangement. That will allow the public, members and staff to determine what works best and what does not work and to tweak it to see whether it will be a long-term arrangement. Extensive work was done in the early 2000s to look at how e-petitions function in other Parliaments. I think Tasmania might have run with that at one point. Certainly the Parliament of Scotland was a leader in this space. I do not see why we should be dragging our feet, given that we are one of the very few Parliaments in our country that deals with petitions appropriately by having them referred directly to a committee, seeking responses from ministers and departments, and with the possibility of an inquiry. Some substantial inquiries have arisen out of the petitions process. I think back to the inquiry on Alcoa, on which we spent four years, and the subsequent report. That erupted from a petition. We did a lot of inquiries around waste and also emissions in the early days. Some of those inquiries resulted in changes to legislation or changes to the processes. The Alcoa one in particular turned out to be very expensive for that company as a result of the recommendations made by the committee. A lot of very important work was done.

Given the tyranny of distance and access to members, hopefully it will be a lot easier for some members of the public to present a petition and have it dealt with. During that period, I will certainly watch with great interest to see the uptake around the number of petitions that are presented in that manner. It will certainly not preclude members from using the more traditional form. It will be interesting to see how the results are collated and presented back to this house in due course, with a view to maintaining that process.

As members would be aware if they have read this report, as a former Presiding Officer, I was asked to provide a submission. I provided a very brief submission. I thank the committee for picking up a couple of the comments that I made in my submission. I have noted that further work needs to be done on a couple of those matters. The committee dealt with that in chapter 7 of the report. We have had an extensive debate on this report over the last couple of days. One of the issues I raised related to making the review of the standing orders a much more regular feature on the calendar of the upper house. This is done as a matter of course in a number of other Parliaments, both within Australia and overseas. I think the New Zealand Parliament does that at the very beginning of a new sitting period. From memory, the outgoing Parliament makes recommendations on any possible changes that may assist the incoming members of a new Parliament, and that is dealt with. I hope that at some point, perhaps by way of a self-referral, the privileges committee may elect to conduct a further inquiry into whether the standing orders should be amended to allow for a more regular, if not permanent, revisit of the standing orders. Perhaps if that were to happen, and we had an occasional tweak, update or inclusion of a new arrangement to deal with what was happening at that point in time, debates on those changes might be dealt with in a lot more economical fashion than we have seen over the last couple of days. I sincerely hope that that matter is given further consideration in due course.

The other issue that I raised related to the functions and arrangements of our parliamentary committees. I note that this was picked up by Hon Barry House, one of our former Presiding Officers, and certainly by Hon Simon O'Brien in his submissions. The comments in my submission related to the discussion that we need to have about our

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significant number of committees. We have not really looked at their form and function for an extended period. Members of both houses are often quite stretched, given that we have joint standing committees, and certainly in the last Parliament, we had a number of select committees. I am not sure whether that will be the case in this Parliament but perhaps we need to consider the make-up, the function and the issues that are canvassed in those committees. If we want to modernise them, I suggest that might be a way of doing that.

I have always been very keen to look at how we engage the community in our committee work. There is perhaps a lack of education or understanding about the value of parliamentary committee work in our general community. Our Parliamentary Education Office has done a fantastic job with its regional outreach program, trying to raise these issues and provide information to interested parties when it visits the regions. Perhaps more work could be done in that area, looking at different mechanisms of how we can engage. Since the arrival of COVID-19, we have seen an increased use of technology in the digital space to engage with the community and run hearings and access submissions online. There is a piece of work to be done in that area. I am not sure whether the Deputy President might take that on board in his role as Chair of Committees or whether the privileges committee might take it up as well. Some interesting work can be done there.

Referencing COVID, I also talked about that in my submission. Unfortunately, the privileges committee did not deal with that particular comment. I think it arose a few times during the debate. Like a number of other Parliaments, we need to take a formal look at how we functioned during the COVID pandemic: what we did, what we could do better and how we can manage it. Some work has been done through the Commonwealth Parliamentary Association, with some discussions about how various Parliaments managed it within their committees and in the chambers. Did members sit in the chamber or were they online? I note that the House of Commons only came back to real-time physical sitting arrangements last week for the first time since COVID erupted. An interesting piece of work can be done around that. Although we were able to operate under a set of arrangements during COVID relating to seating in the chamber, divisions, questions without notice, staff movements, member movements around the chamber and pair arrangements—a whole range of things—a bit of work can be done to clarify some of those issues, futureproofing, if you like, for an occurrence that might happen down the track so that we do not have to negotiate every time. Instead, as a starting point, some sort of framework will be in place so that people know where they stand and we can just drop back into a set of arrangements that have been agreed if we have to deal with that sort of situation. They are some of the matters that I wanted to talk about.

The one issue that has been quite contentious in this chamber relates to recommendations 5 to 9 and declaring bills. As a member who has been here for quite a while—I have put my view quite clearly for my party in other venues—I have expressed some concern about the application of declaring a bill urgent. My view is that something should be spelt out in the standing orders, such as a set of criteria or circumstances that would apply when that would happen so, again, there is clarity for all members. Members have talked about longevity, the cycle and all those things, so I will not go through those.

I note that Hon Colin de Grussa raised the issue of members of a committee being able to meet between 4.15 and 4.30 pm on a particular day to deal with committee business. I took a slightly different view. I was really pleased to hear what he said—setting aside a specified time so everyone knew where they stood. That makes sense. I agree that given that we will not have an afternoon tea break and business might be happening in the house, only one committee should be able to meet a day. If the President has to give permission and announce to the chamber, does it really matter what time of the day that is if they are going to take 15 minutes? I do not know whether the privileges committee might review that at some point once it has seen how this works over a period of time. I think it is really important that committee members have the capacity to step outside the chamber when they have to deal with something urgent. It may be that a bill or an issue has just been referred to their committee and they need to decide when they are going to advertise for submissions or have their first meeting. It might be that they have to sign-off on a report. Those things are always important. In the past when we tried to finalise a waste authority report or a children's commission report, Hon Norman Moore was quite adamant that we could not do these things—that we had to do them outside of a sitting period. Things have moved on and committee members may very well need to have that flexibility, but I am not too sure that we should be restrictive with the time. The Standing Committee on Procedure and Privileges might go back and review that after a period of time.

I wanted to put on record just a few comments about this report. It is never easy when change is about to be implemented—one group will be happy and another group will not. Members might want to think about embracing the change. There is always opportunity after a period of time, after we see how things work, to revisit these issues. How we manage our business in this place should be a constantly evolving question. If we had stuck to the standing orders of this chamber when it began, God knows how we would manage our business. I hope there is still opportunity to review some of the issues that I raised in my submission. I wait with bated breath to see the outcome of today's debate.

HON STEVE MARTIN (Agricultural) [3.11 pm]: I rise to make a few comments on the motion moved by Hon Dan Caddy on the sixty-fourth report of the Standing Committee on Procedure and Privileges, *Review of the standing orders*. I thank the members and staff of the committee for their hard work. There is some good work in the report, so congratulations. Unfortunately, like other members, because of a small number of recommendations I will not be able to support the motion. Rather than doing what other members have done, which is to go through the various recommendations, I will take my time to reflect on this process and some of the things that I have learnt in my brief time in this chamber.

We have been at this for the best part of two and a half days and aside from a brief opening remark or two from Hon Dan Caddy, who led the debate, and a contribution from Hon Kyle McGinn, I am none the wiser about the answers to a number of questions about the report. That is unfortunate given that, in particular, I have found the process of the Committee of the Whole really informative and useful. We obviously do not win many votes; in fact, I am not sure whether we have won one yet, and we probably will not win one. During the Committee of the Whole process on the Agricultural Produce Commission Amendment Bill 2021 and the Veterinary Practice Bill 2021 with Hon Alannah MacTiernan, we had conversations. Amendments were proposed by the minister, industry and members on this side of the house. We had conversations about issues that were raised during our second reading contributions. The minister sought feedback from the sector. Amendments were made and the result was a better bill. We were tinkering around the edges, but the minister listened and explained the reasoning behind some of the various provisions in the bills. We learnt a little bit. The minister moved some small amendments and we ended up with a better bill. It would be unfortunate if the outcome of this review of the standing orders is less of an opportunity for review in this chamber. I heard the Leader of the House's remarks. When the other new members and I joined the Legislative Council, we received some useful advice from Hon Kate Doust and other experienced former and present members: "Sit and listen as much as you can and take your role as legislators in this house of review seriously." I have attempted to do that. When experienced members of this place, such as the Leader of the House, get to their feet, I do my very best to listen and learn. I disagree with her comments, "Trust me, we won't use this. I know what I'm doing." If we look at this in terms of good governance, Hon Sue Ellery may be the most outstanding Leader of the House for the rest of her time in this place. But she will not be here forever and another Leader of the House from either side of politics will probably correctly use the standing orders to their advantage. Hon Kyle McGinn said that similar provisions have been available in the Senate since 1926 but they have not been used. Therefore, my immediate response is, "Why are they there in the first place?" I do not agree with the Leader of the House's suggestion that we need this provision just in case—"I will do the right thing." We saw what happened with the COVID SafeWA app. The police carefully and correctly read a line in the Emergency Management Amendment (COVID-19 Response) Bill 2020 and interpreted it to mean that they could do certain things—the legislation was rushed back to Parliament to be fixed—and surprise, surprise, that is what they did. That analogy might be a stretch but if the standing orders permit something, at some stage it will happen. Much to my surprise very early in my term, we had two sitting Thursdays in one day. Members who have been here a long time were shocked about that. We finished at the normal time on Thursday and, shortly after that, we came back for another sitting Thursday. The Clerk and the staff organised a new business program and the President read another Lord's Prayer and welcome to country. We had two Thursdays because that is permitted by the standing orders. If the standing orders allow for that, the Leader of the House was well within her rights to choose to do that. Some Leader of the House will take advantage of the new standing orders.

As I said, I will not go through the various recommendations. There are some good things in the report. I am concerned about recommendation 5. Going back to my remarks about the committee process, I had hoped for a response before I stood to contribute to this debate. I was not sure whether Hon Kyle McGinn was going to provide one. If any member opposite can, I would still like some answers so that I leave here better informed about what this might look like. As Hon Kate Doust asked, "What sort of bill will be declared urgent?" Can a minister or a parliamentary secretary say at the end of their second reading speech that there will be no talking time on the bill? I do not know. I do not know about a number of things in the report. I understand that Hon Dan Caddy, who led the debate, did not know what questions would be asked. After two and a half days of debate, we are no better informed and that is disappointing. I guess we will find out about these provisions when they are first used. It might be during the debate on upper house reform; that would be disappointing. It would be nice to get a clearer picture of what the changes will entail. I know what the outcome of the vote will be at the end of this very long discussion. I will not prolong it much further.

I have some small questions about e-petitions. I broadly support members of the Western Australian public having the ability to sign an e-petition. But, for example, will a seven-year-old be able to sign an e-petition? That is not clear in the recommendation. I do not know and I will not get a chance to ask. There are flaws with the process that has been used to get through the review of the standing orders. I congratulate the committee for its hard work. Unfortunately, because I cannot separate recommendation 5 from the other recommendations, I cannot support the motion.

HON WILSON TUCKER (Mining and Pastoral) [3.18 pm]: I rise to make several remarks about the recommendations in the sixty-fourth report of the Standing Committee on Procedure and Privileges, *Review of the standing orders*. I thank the committee for the hard work it has put into this report. I have already made my views known during the 15-minute afternoon tea break. I am certainly not here to die on the hilltop, but I would like to spend some time talking about e-petitions. I am glad that the Standing Committee on Procedure and Privileges has included a recommendation for e-petitions. I made that recommendation to the committee using the Victorian model as a solid model to follow and I am glad that that has been reflected in the report. I am a firm believer that e-petitions are an effective tool in enhancing our democracy and making the petition process more accessible to people in Western Australia. As members will be aware, the Mining and Pastoral Region is a very large region; it covers more than two million square kilometres, has about 70 000 electors and presents a number of challenges when circulating a hard copy petition to people in that region. I note the objections raised by Hon Dr Steve Thomas and the grumblings from Hon Kyle McGinn about e-petitions potentially lowering the bar for submissions and inundating the committee with applications. In response to these concerns, I would like to point out that there is a workflow recommended by the Standing Committee on Procedure and Privileges as part of e-petitions, which includes verifying that the person submitting the petition is a WA resident. The clerks are also involved in screening e-petitions, and a member of Parliament is still required to table a petition and put their name against it. I would also point out that Victoria and other jurisdictions around the world have successfully implemented e-petitions. I am starting to realise that Victoria is, in many ways, more progressive than WA in its legislative and parliamentary processes, and is typically a good model to follow.

I am also sure that the Standing Committee on Procedure and Privileges has done its due diligence in respect of measuring the effectiveness of e-petitions in other jurisdictions. As Hon Kate Doust pointed out, there is a 15-month trial recommendation here. In the tech industry there is a saying: fail fast and often. That means that you trial something, and if it does not work, you go back and you measure the effectiveness of that change. If it fails, that is fine; you have learnt something as part of that process. I understand that the WA Parliament moves a little slower than the tech industry, but 15 months feels like an appropriate amount of time, in my opinion.

Another tech term that I will share with you all is a one-way or two-way door decision. A one-way door decision is when you make a decision and you cannot go back. An example of that would be COVID response border policies and the situations we are seeing in New South Wales and Victoria. They tried to achieve COVID-zero, but the cat is out of the bag, the genie is out of the bottle, and they are unlikely to get back to that zero space. A two-way door decision is reversible; you can make the decision but then go back to the original state. E-petitions are an example of a two-way door decision in that they incorporate technology and are a more progressive approach, and I welcome that recommendation by the Standing Committee on Procedure and Privileges.

I would also like to touch on the urgent bill recommendation that is outlined in the report. I am certainly not here to rehash the points that have already been raised by the opposition and the crossbench. There have certainly been some excellent arguments as to why the urgent bill provision is dangerous. I note the Leader of the House's comment that an urgent bill would only be declared in very select circumstances, and I take her at her word that she has the best interests of Western Australians at heart. However, we all know that best intentions can morph over time and become a different beast from that which was originally perceived.

The Leader of the House also gave examples of what might constitute an urgent bill. A couple of the examples were the pieces of legislation dealing with COVID and Clive Palmer. In both examples, it is very likely that there will be unilateral support. I do not think anyone from the opposition or the crossbench would really drag their feet or delay the passage of legislation that deals with either a global pandemic or a billionaire trying to sue the WA government for millions of dollars.

That raises the question: if the government is going to get support for the examples presented by the Leader of the House anyway, why then would we need urgent bill provisions, unless they are to advance and streamline the government's agenda and limit the role of the upper house as the house of review?

In closing, I thank the PPC for its hard work. It has achieved a lot in a short space of time. It is unfortunate that we could not step through this report, recommendation by recommendation, as would have been appropriate considering the importance of the standing orders. It is for that reason that I cannot support this motion today.

HON SOPHIA MOERMOND (South West) [3.24 pm]: I rise to speak on the *Review of the standing orders*. I will not speak for long because of my dislike of wasting time. Like almost everyone else on this side of the chamber—the crossbench and the Liberals and Nationals—I have concerns about the recommendations under chapter 3 of this report. The passing of this motion appears, to me at least, to hinge on the definition of “urgent”, and how that will be interpreted by the minister. This is currently based entirely on trust. As a critical-thinking feminist hippie, I am well aware of how the public generally perceives politicians; I think we sit somewhere near used car salesmen on the trust scale! Although I personally trust Hon Sue Ellery to do the right thing, I am here to represent the people of South West Region and WA, and they may not share my sentiment.

Hon Nick Goiran; Hon Kyle McGinn; Hon Colin De Grussa; Hon Kate Doust; Hon Steve Martin; Hon Wilson Tucker; Hon Sophia Moermond; Hon Dan Caddy

Like my colleague Hon Dr Brian Walker, I can see the benefit of almost all the other suggested changes. I am all for speeding up procedures to make us more efficient and more effective in this place. But I ask: please define “urgent”. That is my only question. Thank you.

HON DAN CADDY (North Metropolitan) [3.26 pm] — in reply: I will be very brief. I start with the words of Hon Martin Aldridge in my ears, when he interjected on Hon Kyle McGinn to say, “the briefer, the better”. I will not touch on the contents —

Hon Martin Aldridge interjected.

Hon DAN CADDY: You did say that!

I will not touch on the contents individually. I outlined at the beginning the way in which the contents are broken up, and everyone in this chamber who has spoken has touched at length on either all or some of the contents; others have certainly dug into it. But I will take a minute to talk to the way in which the motion is structured, because there has been a lot of conjecture about the fact that my motion was to move recommendations 1 to 38 in one hit.

Hon James Hayward—I am not singling the honourable member out, because many others said the same—asked how we could possibly speak to each of the recommendations in the time given. That is a fascinating question because when Hon Dr Brian Walker spoke, he did exactly that, extremely eloquently, and probably within about the first 15 minutes of the 45 minutes he had, so it certainly was possible to do. Hon Colin de Grussa also spoke very well and did exactly that also. Hon Steve Martin—who also spoke well—chose to outline why he was not happy with the process, rather than actually using his time to address the recommendations in the report. He reflected very well on the Leader of the House and the fact that she had said that she would use the recommendations that he was not happy with in moderation, or with a great deal of thought. I am not sure about his reservations about future leaders of the house, but I am sure they will all follow in Hon Sue Ellery’s footsteps; he then turned to the COVID app.

Those members who wanted to and chose to all had an opportunity to put on the record what they thought about each of the recommendations in the report, within the time they were given. Some members chose to say, “I am happy with all of them bar this one”, which by default was almost like moving, en bloc, that they were happy with all the recommendations other than the ones they chose to speak about, and then speaking about the ones that they were not happy with. It certainly was possible.

I will finish by thanking, first of all, the committee staff for all their hard work and the long hours that they put in.

I also thank not just the members I have referred to by name, but all members who spoke to this motion, especially Hon Kate Doust for her contribution. I recognise, along with most people in this chamber, that there is probably no-one here more qualified to talk about the standing orders of this place than Hon Kate Doust. I will not take any more of the house’s time and I will retake my seat.

Division

Question put and a division taken, the Acting President (Hon Jackie Jarvis) casting her vote with the ayes, with the following result —

Ayes (18)

Hon Dan Caddy	Hon Lorna Harper	Hon Stephen Pratt	Hon Dr Sally Talbot
Hon Sandra Carr	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Darren West
Hon Kate Doust	Hon Alannah MacTiernan	Hon Samantha Rowe	Hon Pierre Yang (<i>Teller</i>)
Hon Sue Ellery	Hon Kyle McGinn	Hon Rosie Sahanna	
Hon Peter Foster	Hon Shelley Payne	Hon Matthew Swinbourn	

Noes (11)

Hon Martin Aldridge	Hon James Hayward	Hon Tjorn Sibma	Hon Dr Brian Walker
Hon Peter Collier	Hon Sophia Moermond	Hon Neil Thomson	Hon Colin de Grussa (<i>Teller</i>)
Hon Nick Goiran	Hon Dr Brad Pettitt	Hon Wilson Tucker	

Pairs

Hon Ayor Makur Chuot	Hon Dr Steve Thomas
Hon Klara Andric	Hon Steve Martin
Hon Stephen Dawson	Hon Donna Faragher

Question thus passed.

Point of Order

Extract from *Hansard*

[COUNCIL — Thursday, 9 September 2021]

p3680a-3688a

Hon Nick Goiran; Hon Kyle McGinn; Hon Colin De Grussa; Hon Kate Doust; Hon Steve Martin; Hon Wilson Tucker; Hon Sophia Moermond; Hon Dan Caddy

Hon NICK GOIRAN: If we are changing the standing orders, an absolute majority is required. If the vote is 18, does that constitute an absolute majority?

The ACTING PRESIDENT (Hon Jackie Jarvis): In relation to the point of order, a motion that requires concurrence of an absolute majority is on the suspension of a standing order without notice. This was a motion with notice.