

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

*Forty-fifth Report — “Outstanding Matters from the 39th Parliament” —
Recommendation 1 — Motion*

Resumed from 24 August on the following motion moved by Hon Adele Farina —

That recommendation 1 contained in the forty-fifth report of the Standing Committee on Procedure and Privileges, entitled “Outstanding Matters from the 39th Parliament”, be adopted and agreed to.

The PRESIDENT: My notes say that it is the continuation of the remarks of Hon Adele Farina, but I will give the call to Hon Simon O'Brien.

HON SIMON O'BRIEN (South Metropolitan) [2.08 pm]: Thank you, Madam President. Hon Adele Farina, who is away on urgent parliamentary business, was our Chair of Committees at a material time when a lot of these matters were considered. She initially gave notice of the motion. I want to move, without notice, to amend the motion.

The PRESIDENT: Hon Simon O'Brien, you are ahead of yourself. You will be amending the second motion. We will, hopefully, just put the first motion.

Hon SIMON O'BRIEN: That is right; they are both labelled as the forty-fifth report because there are several aspects to it.

The PRESIDENT: That is correct.

Hon SIMON O'BRIEN: As I said, in due course I look forward to moving a motion to amend one of the motions moved by Hon Adele Farina. For now, I simply say that I support the recommendation. This recommendation relates to members having unlimited periods of 10 minutes per report to consider committee reports. We have tried it in practice. The current arrangements still need to be fine-tuned in the manner suggested by the Standing Committee on Procedure and Privileges. I am sure I speak for all members when I thank the members of the Standing Committee on Procedure and Privileges for all the work and effort they put into bringing this to the house. I support the motion.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.10 pm]: I also rise to speak on order of the day 29, the forty-fifth report of the Standing Committee on Procedure and Privileges, “Outstanding Matters from the 39th Parliament”. I indicate that the government will support this. For the benefit of members and for the historical record in *Hansard*, this matter and the next item listed in the orders of the day involve the house making a decision about a couple of standing order matters for which the arguments have been well ventilated and set out in the forty-fifth report of the Standing Committee on Procedure and Privileges, “Outstanding Matters from the 39th Parliament”, which was presented to the house, Madam President, by you in August 2017. The one that we are dealing with now about temporary orders was also ventilated and all the arguments put and explored in the thirty-seventh report of the Standing Committee on Procedure and Privileges, “Temporary Orders — 2016”, which was presented to the house by the then President, Hon Barry House, in November 2015. The arguments have been well put and members have had access to the reports for some time now. I am pleased to indicate that we will support the recommendations set out in the forty-fifth report and the thirty-seventh report about temporary orders.

Question put and passed.

Recommendation 3 — Motion

Resumed from 24 August on the following motion moved by Hon Adele Farina —

That recommendation 3 contained in the forty-fifth report of the Standing Committee on Procedure and Privileges, entitled “Outstanding Matters from the 39th Parliament”, be adopted and agreed to.

Amendment to Motion

HON SIMON O'BRIEN (South Metropolitan) [2.11 pm] — without notice: I move —

To insert after “to” at the end of the motion —

except for that part that deals with recommendation 1 of the thirty-ninth report of the Standing Committee on Procedure and Privileges, which is in regard to parliamentary privilege and contempts of Parliament

In addressing this briefly, I should explain to members that if they have the Business Program to hand, they will find this order of the day on pages 4 and 5. Initially, the reference is to recommendation 3 contained in the forty-fifth report of the Standing Committee on Procedure and Privileges. As they read on, members will acquaint themselves with the fact that three recommendations are contained under recommendation 3. It gets

a little bit complicated until we analyse the way that this has been constructed. The reason for the amendment I have moved is to postpone consideration of matters arising from the Standing Committee on Procedure and Privileges report, “Review of the Report of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament”. In short, we will be taking out the first recommendation and will just be considering the second and third recommendations for reasons that will become apparent. I think that is probably sufficient explanation, given that the remaining two recommendations, as I understand it, are not controversial. Members may wish the PPC to contemplate the recommendation we are about to exclude a little more before going down that path. Finally, the reason we are using this convoluted means is that if Hon Adele Farina were here, she might be able to simply seek leave to amend the motion but she is not here. The motion is in her name, so I cannot seek leave to do that. That is why I have moved an amendment in the terms I have. I hope that is crystal clear.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.15 pm]: I thank Hon Simon O’Brien for moving the motion and for his explanation of what is before us. The government agrees with the motion and will support it. If this is successful today, we will be making changes to the standing orders about strangers in the house when a division is called and to witness entitlements. As I indicated in my speech about the last matter, the arguments for those changes are set out in the forty-fifth report of the Standing Committee on Procedure and Privileges, “Outstanding Matters from the 39th Parliament”, presented by the President in August 2017 and based on those in the thirty-ninth report, which was tabled by the then President, Hon Barry House, in June 2016. The arguments are well set out in those reports and members have had access to those for some time. I am happy to commend the motion moved by Hon Simon O’Brien and indicate that we will support the substantive motion.

The PRESIDENT: Before I put the motion I want to alert members to the fact that there is a small typo on the notice paper today. It states that recommendation 2 is —

That Standing Order 97(2) be deleted and the following inserted —

- (1) When a division is called strangers shall withdraw unless otherwise ordered by the President.

It has (1); that should read (2). I just wanted to correct that.

HON COLIN HOLT (South West) [2.17 pm]: I have no issues with the recommendations put forward on the notice paper, but I want to point out that we are not dealing with all outstanding matters raised in the Standing Committee on Procedure and Privileges reports from the thirty-ninth Parliament. Recommendation 4 and recommendation 5 continue to be not dealt with. Recommendation 4 is about e-petitions. I know that the Leader of the House commented not long ago about agreement on standing orders and that the preferred way forward is to ensure that there is an agreement on standing orders so that we do not have protracted debates without a way forward. I can appreciate that, but at some point the Standing Committee on Procedure and Privileges went through the process of developing a report to present to this chamber. I have no recollection of having an opportunity to debate its fortieth report, which is about e-petitions. We have just been through a process whereby, I think it was you, Madam President, talked about acknowledgement of country and the development of a process that will suggest a form of words at some point for this house to adopt. I am sure that there is a variety of views about that idea and they will be good to debate. I think that is the role of the Standing Committee on Procedure and Privileges—that is, to debate the issues of standing orders and the proper procedures of this house. I want to point out to members that we are not dealing with all the outstanding issues from the thirty-ninth Parliament as set out in the forty-fifth report. I hope we get to discuss that unfinished business at some point.

Amendment put and passed.

Motion, as Amended

Question put and passed.