

**40TH PARLIAMENT**



## **Report 49**

# **STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES**

*Treaty function - Standing Committee on Uniform  
Legislation and Statutes Review*

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Presented by  
Hon Kate Doust (Chair)  
May 2018

## **Standing Committee on Procedure and Privileges**

### **Members as at the time of this inquiry:**

Hon Kate Doust MLC (Chair)

Hon Simon O'Brien MLC (Deputy Chairman)

Hon Martin Aldridge MLC

Hon Adele Farina MLC

Hon Rick Mazza MLC

### **Staff as at the time of this inquiry:**

Mr Nigel Pratt, BA, BJuris, LLB (Clerk of the Legislative Council)

Mr Paul Grant, BA (Hons), LLB (Deputy Clerk)

Mr Grant Hitchcock, BA (Usher of the Black Rod)

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# 1 Treaty function — Standing Committee on Uniform Legislation and Statutes Review

## Referral to the Procedure and Privileges Committee

1.1 On Thursday, 12 April 2018, on the motion of Hon Michael Mischin, the Legislative Council ordered:<sup>1</sup>

That Recommendation 1 of Report No. 112 of the Standing Committee on Uniform Legislation and Statutes Review, *Committee's Treaty Function*, be referred to the Standing Committee on Procedure and Privileges for inquiry and report.

## The treaty function

1.2 The House considered and noted Report No. 112<sup>2</sup> of the Standing Committee on Uniform Legislation and Statutes Review during Consideration of Committee Reports on Wednesday, 11 April 2018. The report contained the following recommendation:

Recommendation 1: The Committee recommends that the Legislative Council delete clause 6.3(c) in Schedule 1 of the Standing Orders of the Legislative Council and re-number the remaining subclauses accordingly.<sup>3</sup>

1.3 Clause 6 of Schedule 1 of the Standing Orders sets out the terms of reference of the Standing Committee on Uniform Legislation and Statutes Review. Clause 6.3(c) provides that one of its functions is:

(c) to examine the provisions of any treaty that the Commonwealth has entered into or presented to the Commonwealth Parliament, and determine whether the treaty may impact upon the sovereignty and law-making powers of the Parliament of Western Australia;

1.4 During the debate to note Report 112, several members expressed the view, consistent with the report, that the Standing Committee on Uniform Legislation and Statutes Review was unable to discharge this function effectively and that maintaining this function therefore served no useful purpose.<sup>4</sup>

1.5 The Procedure and Privileges Committee (**PPC**) has reviewed Report 112 and the accompanying debate. The PPC thanks the Standing Committee on Uniform Legislation and Statutes Review for the very thorough report into its treaty function, which distils the problems identified with it in the past. This work has assisted the PPC in quickly reaching a concluded view regarding the issue.

1.6 The PPC supports the view expressed in Report 112 regarding the utility of this aspect of the Committee's functions. Accordingly the Procedure and Privileges Committee makes the following recommendation consistent with that of the Standing Committee on Uniform Legislation and Statutes Review to remove the treaty function from its terms of reference:

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<sup>1</sup> Hon Michael Mischin, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 12 April 2018, p 1954.

<sup>2</sup> Tabled Paper TP No. 1187, Legislative Council, 27 March 2018.

<sup>3</sup> *ibid* p 11.

<sup>4</sup> Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 11 April 2018, p 1758-61.

## RECOMMENDATION 1

That Clause 6.3(c) in Schedule 1: of the Standing Orders of the Legislative Council be deleted and the remaining sub-clauses be renumbered accordingly.

A handwritten signature in blue ink, appearing to read 'Kate Doust', is positioned above the printed name.

Hon Kate Doust MLC  
**Chair**

## Standing Committee on Procedure and Privileges


### Date first appointed:

24 May 2001

### Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

#### **'1. Procedure and Privileges Committee**

- 1.1 *A Procedure and Privileges Committee is established.*
  - 1.2 The Committee consists of 5 Members, including the President and the Chair of Committees, and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chair, and the Chair of Committees is the Deputy Chair, of the Committee.
  - 1.3 With any necessary modifications, Standing Order 163 applies to a co-opted Member.
  - 1.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the Council and its Committees, and recommend to the Council such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the Council or its Committees.'
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