

**41ST PARLIAMENT**



## **Report 65**

# **STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES**

*Corrections to Report 64: Review of the Standing Orders*

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Presented by  
Hon Alanna Clohesy MLC (Chair)  
September 2021

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

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

Hon Alanna Clohesy MLC (Chair)

Hon Martin Aldridge MLC (Deputy Chair)

Hon Tjorn Sibma MLC

Hon Kyle McGinn MLC

Hon Daniel Caddy 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 Sam Hastings, B.Econ; LLB (Hons) (Clerk Assistant (House))

Mr John Seal-Pollard, BA (Hons) (Usher of the Black Rod)

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# 1 Introduction

- 1.1 On 2 September 2021 the Standing Committee on Procedure and Privileges (Committee) tabled Report 64: Review of the Standing Orders.

# 2 Corrections

- 2.1 The Committee brings to the attention of the House that the following corrections are required to Report 64.

## Correction 1

- 2.2 On page 17, Recommendation 5:

### RECOMMENDATION 5

That the following words be inserted after Standing Order 125 –

#### 125A. Urgent Bills

- (1) At any time after the moving of the Second Reading of a Bill a Minister may declare that a Bill is an urgent Bill.
- (2) After a Bill has been declared an urgent Bill, a Minister may move a motion specifying the maximum debate time to apply to each stage of the Bill. At the conclusion of the maximum debate time prescribed in Standing Order 23(1)(e), the Presiding Officer must interrupt debate and put to the vote all questions as are necessary to dispose of the motion.
- (3) If the motion is agreed, when the maximum debate time for a stage of the Bill has expired, the Presiding Officer must interrupt the debate and put to the vote all questions as are necessary for the Bill to complete that stage, including all amendments standing on the Supplementary Notice Paper. Except by leave, the question on each clause, schedule, preamble, title or amendment must be put as a separate question.
- (4) A Minister or Parliamentary Secretary may commence or complete a second reading reply speech notwithstanding the operation of (3).
- (5) A further motion under (2) can be moved at any time including, notwithstanding (3), immediately after the expiry of a maximum debate time.
- (6) The motion that the question be now put (closure) shall not be moved in any proceedings in respect of which time has been allotted under this Standing Order.
- (7) For the purposes of this Standing Order a stage of a Bill means a vote on a reading or the completion of the Committee of the Whole stage.

should read:

### RECOMMENDATION 5

That the following words be inserted after Standing Order 125 –

#### 125A. Urgent Bills

- (1) At any time after the moving of the Second Reading of a Bill a Minister or Parliamentary Secretary may declare that a Bill is an urgent Bill.

- (2) After a Bill has been declared an urgent Bill, a Minister or Parliamentary Secretary may move a motion specifying the maximum debate time to apply to each stage of the Bill. At the conclusion of the maximum debate time prescribed in Standing Order 23(1)(e), the Presiding Officer must interrupt debate and put to the vote all questions as are necessary to dispose of the motion.
- (3) If the motion is agreed, when the maximum debate time for a stage of the Bill has expired, the Presiding Officer must interrupt the debate and put to the vote all questions as are necessary for the Bill to complete that stage, including all amendments standing on the Supplementary Notice Paper. Except by leave, the question on each clause, schedule, preamble, title or amendment must be put as a separate question.
- (4) A Minister or Parliamentary Secretary may commence or complete a second reading reply speech notwithstanding the operation of (3).
- (5) A further motion under (2) can be moved at any time including, notwithstanding (3), immediately after the expiry of a maximum debate time.
- (6) The motion that the question be now put (closure) shall not be moved in any proceedings in respect of which time has been allotted under this Standing Order.
- (7) For the purposes of this Standing Order a stage of a Bill means a vote on a reading or the completion of the Committee of the Whole stage.

2.3 This correction will also be reflected on page ii.

#### **Correction 2**

2.4 On page 33, Recommendation 25:

#### **RECOMMENDATION 25**

That Standing Order 45 be deleted and the following be inserted in its place –

##### **45. Imputations and Personal Reflections**

All imputations of improper motives on the Sovereign, the Governor, any Member of either House of Parliament or a judicial officer, are disorderly other than by substantive motion.

should read:

#### **RECOMMENDATION 25**

That Standing Order 45 be deleted and the following be inserted in its place –

##### **45. Imputations and Personal Reflections**

All imputations of improper motives and all personal reflections on the Sovereign, the Governor, any Member of either House of Parliament or a judicial officer, are disorderly other than by substantive motion.

2.5 This correction will also be reflected on page ix.

#### **Correction 3**

2.6 On page 36, Recommendation 32:

## RECOMMENDATION 32

That Standing Order 188(2)(b) is deleted and the following inserted in its place –

- (b) except for reports –
  - (i) giving notice of a committee-initiated inquiry under Standing Order 179;
  - (ii) seeking an extension of time on an inquiry referred by the Council;
  - (iii) on a motion for disallowance; or
  - (iv) on a Bill,

listed for consideration by the Council in accordance with Standing Order 110.

should read:

## RECOMMENDATION 32

1. That Standing Order 188(2)(b) is deleted and the following inserted in its place –

- (b) except for reports –
  - (i) giving notice of a committee-initiated inquiry under Standing Order 179;
  - (ii) seeking an extension of time on an inquiry referred by the Council;
  - (iii) on a motion for disallowance; or
  - (iv) on a Bill,

listed for consideration by the Council in accordance with Standing Order 110.

2. That Standing Order 110(1) be amended by deleting, “(except reports pertaining to Bills)”.

2.7 This correction will also be reflected on page x.

### Correction 4

2.8 On pages 45 and 46, the sections headed **Bills (Second and Third Reading)**:

#### **Bills (Second and Third Reading)**

|   |            |
|---|------------|
| Mover                                     | unlimited  |
| Lead Member<br>(Government or Opposition) | unlimited  |
| Party Leader or Member deputed            | unlimited  |
| Other Members                             | 45 minutes |
| Mover-in-Reply                            | unlimited  |

should read:

#### **Bills (Second and Third Reading)**

|   |            |
|---|------------|
| Mover                                     | 60 minutes |
| Lead Member<br>(Government or Opposition) | 60 minutes |
| Party Leader or Member deputed            | 60 minutes |
| Other Members                             | 45 minutes |
| Mover-in-Reply                            | 60 minutes |

## Correction 5

- 2.9 Consequential to Correction 2 (above), on page 51, the section in the third column headed **45. Imputations and Personal Reflections:**

### **45. Imputations and Personal Reflections**

All imputations of improper motives on the Sovereign, the Governor, any Member of either House of Parliament or a judicial officer, are disorderly other than by substantive motion.

should read:

### **45. Imputations and Personal Reflections**

All imputations of improper motives and all personal reflections on the Sovereign, the Governor, any Member of either House of Parliament or a judicial officer, are disorderly other than by substantive motion.

## Correction 6

- 2.10 Consequential to Correction 3 (above), on pages 62 to 64, the section in the third column headed **110. Consideration of Committee Reports:**

### **110. Consideration of Committee Reports**

- (1) Consideration of Committee reports presented under Standing Order 188 (except reports pertaining to Bills) shall be listed for noting in Committee of the Whole House as orders of the day on the Notice Paper.
- (2) Orders of the day under (1) shall be listed in the order in which the reports were presented to the Council.
  - (2A) Where the debate on an order of the day listed under (2) has reached one hour of consideration and further orders of the day are listed on the Notice Paper, the debate on the order of the day shall be postponed.
  - (2B) An order of the day postponed under (2A) shall be listed for further consideration after the orders of the day for the consideration of committee reports listed on that day's Notice Paper and not disposed of.
  - (2C) After an order of the day listed under (2) has been debated for the maximum period prescribed in Standing Order 23(1)(b), the question must be put that the report be noted unless, immediately before that question is put, a Member moves that the report be further considered. If such a motion is agreed by the Committee and adopted by the Council, the order of the day will remain on the Notice Paper and be postponed as if it was postponed under (2B).
  - (2D) A motion to further consider a report under (2C) can be moved after the expiry of further maximum periods prescribed in Standing Order 23(1)(b).
- (3) Where an order of the day listed under (2) has remained on the Notice Paper for 12 months without being moved, the President shall announce that the order of the day will be removed from the Notice Paper on the next sitting day.
- (4) A Member may move without notice that an order of the day removed under (3) be reinstated to the Notice Paper.

- (5) An order of the day reinstated under (4) shall be dealt with before the consideration of other Committee reports.

should read:

**110. Consideration of Committee Reports**

- (1) Consideration of Committee reports presented under Standing Order 188 shall be listed for noting in Committee of the Whole House as orders of the day on the Notice Paper.
- (2) Orders of the day under (1) shall be listed in the order in which the reports were presented to the Council.
- (2A) Where the debate on an order of the day listed under (2) has reached one hour of consideration and further orders of the day are listed on the Notice Paper, the debate on the order of the day shall be postponed.
- (2B) An order of the day postponed under (2A) shall be listed for further consideration after the orders of the day for the consideration of committee reports listed on that day's Notice Paper and not disposed of.
- (2C) After an order of the day listed under (2) has been debated for the maximum period prescribed in Standing Order 23(1)(b), the question must be put that the report be noted unless, immediately before that question is put, a Member moves that the report be further considered. If such a motion is agreed by the Committee and adopted by the Council, the order of the day will remain on the Notice Paper and be postponed as if it was postponed under (2B).
- (2D) A motion to further consider a report under (2C) can be moved after the expiry of further maximum periods prescribed in Standing Order 23(1)(b).
- (3) Where an order of the day listed under (2) has remained on the Notice Paper for 12 months without being moved, the President shall announce that the order of the day will be removed from the Notice Paper on the next sitting day.
- (4) A Member may move without notice that an order of the day removed under (3) be reinstated to the Notice Paper.
- (5) An order of the day reinstated under (4) shall be dealt with before the consideration of other Committee reports.

**Correction 7**

2.11 Consequential to Correction 1 (above), on pages 65 and 66, the section in the third column headed **125A. Urgent Bills:**

**125A. Urgent Bills**

- (1) At any time after the moving of the Second Reading of a Bill a Minister may declare that a Bill is an urgent Bill.
- (2) After a Bill has been declared an urgent Bill, a Minister may move a motion specifying the maximum debate time to apply to each stage of the Bill. At the conclusion of the maximum debate time prescribed in Standing Order 23(1)(e), the Presiding Officer must

interrupt debate and put to the vote all questions as are necessary to dispose of the motion.

- (3) If the motion is agreed, when the maximum debate time for a stage of the Bill has expired, the Presiding Officer must interrupt the debate and put to the vote all questions as are necessary for the Bill to complete that stage, including all amendments standing on the Supplementary Notice Paper. Except by leave, the question on each clause, schedule, preamble, title or amendment must be put as a separate question.
- (4) A Minister or Parliamentary Secretary may commence or complete a second reading reply speech notwithstanding the operation of (3).
- (5) A further motion under (2) can be moved at any time including, notwithstanding (3), immediately after the expiry of a maximum debate time.
- (6) The motion that the question be now put (closure) shall not be moved in any proceedings in respect of which time has been allotted under this Standing Order.
- (7) For the purposes of this Standing Order a stage of a Bill means a vote on a reading or the completion of the Committee of the Whole stage.

should read:

#### **125A. Urgent Bills**

- (1) At any time after the moving of the Second Reading of a Bill a Minister or Parliamentary Secretary may declare that a Bill is an urgent Bill.
- (2) After a Bill has been declared an urgent Bill, a Minister or Parliamentary Secretary may move a motion specifying the maximum debate time to apply to each stage of the Bill. At the conclusion of the maximum debate time prescribed in Standing Order 23(1)(e), the Presiding Officer must interrupt debate and put to the vote all questions as are necessary to dispose of the motion.
- (3) If the motion is agreed, when the maximum debate time for a stage of the Bill has expired, the Presiding Officer must interrupt the debate and put to the vote all questions as are necessary for the Bill to complete that stage, including all amendments standing on the Supplementary Notice Paper. Except by leave, the question on each clause, schedule, preamble, title or amendment must be put as a separate question.
- (4) A Minister or Parliamentary Secretary may commence or complete a second reading reply speech notwithstanding the operation of (3).

- (5) A further motion under (2) can be moved at any time including, notwithstanding (3), immediately after the expiry of a maximum debate time.
- (6) The motion that the question be now put (closure) shall not be moved in any proceedings in respect of which time has been allotted under this Standing Order.
- (7) For the purposes of this Standing Order a stage of a Bill means a vote on a reading or the completion of the Committee of the Whole stage.

Hon Alanna Clohesy 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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