

41ST PARLIAMENT



Procedure and Privileges Committee

Report 7

## Changes that Count: Making Temporary Orders Permanent and Other Procedural Wins

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Presented by  
Mr Stephen Price, MLA  
November 2024

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## **Procedure and Privileges Committee**

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# Changes that Count: Making Temporary Orders Permanent and Other Procedural Wins

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Report No. 7

Presented by

**Mr Stephen Price, MLA**

Laid on the Table of the Legislative Assembly on 12 November 2024



## Executive Summary

The Procedure and Privileges Committee's (PPC) seventh report, titled *Locked In: Making Temporary Orders Permanent and Other Procedural Wins* highlights the PPC's commitment to improving the procedural effectiveness of the Legislative Assembly and ensuring that the practices of the House are both contemporary and efficient.

This report recommends the entrenchment of successful Temporary Orders as permanent fixtures in our Standing Orders. The PPC's recommendations, particularly the continuation of the "walk through" division procedure and the continuation of "family friendly" hours, acknowledge the evolving nature of parliamentary proceedings.

The report also recommends some minor updates to language in the Standing Orders and some small procedural fixes for the remote examination of witnesses, the tabling of papers by the Clerk and the duration of Temporary Orders. The report also recommends that the practice of Supplementary Questions be codified.

These changes reflect a growing recognition of the importance of accessibility and flexibility in our operations, which enhances the quality of debate, and saves time for the House.



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# Recommendations

## Chapter 1 – The Temporary Orders

### Recommendation 1

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That the contents of Standing Orders 137 to 141 concerning Divisions be deleted and replaced with the contents of the Temporary Order adopted on 29 November 2023.

### Recommendation 2

Page 2

That the House amend Standing Order 147 as follows:

#### Members' statements

147. Once in each sitting week, at a time decided by the Speaker, the Speaker will call for statements by Members, and up to eight members, other than a Minister, may make a statement not exceeding two minutes each.

### Recommendation 3

Page 4

That the House amend Standing Order 19 as follows:

#### Days and Times of Meeting

19. Unless otherwise ordered:

(1) The Assembly will meet for business on each Tuesday at 1.00pm., each Wednesday at 12 noon and each Thursday at 9.00am.

(2) If the House is required to sit beyond 7.00pm on a Tuesday evening, such as to require a dinner break, the Speaker will advise the House of this before Question Time on that Tuesday.

## Chapter 2 – Other Procedural Changes

### Recommendation 4

Page 5

That the House amend Standing Order 2 as follows:

#### Temporary orders

2. The Assembly may from time to time adopt Temporary Orders which will have effect for the duration of the session, unless a lesser period is specified.

**Recommendation 5****Page 6**

That the House amend Standing Order 151 as follows:

**Tabled papers**

151.(1) Papers, including records in any form, may be laid upon the Table of the House by the Speaker, or a Minister, and in the case of reports from committees, by the Chairman or a member authorised by the committee.

(2) Papers may be presented in the Assembly or may instead be delivered to the Clerk who will publish each sitting day, a list of papers so delivered.

**Recommendation 6****Page 7**

That the House amend Standing Order 267 as follows:

**Examination of witnesses**

267. (1) The examination of witnesses by a committee will follow the procedural rules determined by the Speaker from time to time.

(2) Under exceptional circumstances a procedural rule may be varied with the prior approval of the Speaker.

(3) An electronic facility may be used by a committee to examine a witness.

(4) An electronic facility will not be used by a committee to take *in camera* evidence.

(5) If a portfolio-related committee, or the Public Accounts Committee in relation to portfolio-related matters allocated to it, is examining a witness, any member of the Assembly, not being a Minister, may attend and at the discretion of the Chairman, ask questions of the witness. That member is not a member of the committee and may not vote, move any motion, be counted for the purpose of a quorum, or be involved in any deliberative part of the committee meeting

**Recommendation 7****Page 7**

That the House amend Standing Order 117 as follows:

**Precedence of Motions**

117. At any other time after prayers precedence will be given to any of the following —

(1) Dissent from Speaker's ruling (S.O. 112);

(2) Closure (S.O. 106);

(3) Condolence motions (S.O. 117);

(4) Motion of privilege suddenly arising (S.O. 109); or

(5) Motions of a valedictory, laudatory, congratulatory or commendatory nature.

And make consequential amendments to Standing Order 115.

**Recommendation 8****Page 8**

That the House amend Standing Order 176 as follows:

**Clauses and amendments moved together**

176. Any number of —

(a) clauses and schedules; or

(b) amendments in any one clause,

may be put as one question if leave of the Assembly is given without a dissentient voice.

**Recommendation 9****Page 8**

That the House amend Standing Order 82 as follows:

**Questions without notice**

82. (1) Questions without notice may be asked for a period determined by the Speaker.

(2) At the Speaker's discretion, Members may ask one supplementary question immediately following each primary question they ask. Supplementary questions must be direct and related to the substantive question.



# Chapter 1

## The Temporary Orders

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**"The law is a reflection of society's values."**

– Ronald Dworkin

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### Divisions

The current practice of "walk through" divisions originated in the second report of the Procedure and Privileges Committee, presented on 15 February 2022.<sup>1</sup>

The procedure was developed in the context of COVID, to allow social distancing for formal votes. This is a particular issue in the 41<sup>st</sup> Parliament, with a large Government majority meaning that the traditional division process of aggregating most Members on one side of the House would render a division count difficult to conduct.<sup>2</sup>

In the walk-through system, Members exit the Chamber and re-enter from behind the Speaker's Chair. They file past the Clerks' Table where the Clerks would record the votes.

This has proven an effective and efficient way of conducting divisions.

Firstly, it is simple for Members to vote and for the Clerks to record the votes. Also, it has the added benefit of retaining the privacy of Members' documents about their seats in the Chamber, which was impinged upon through the traditional voting procedure.

This is not to say that the traditional voting system was not without its merits. It is imbued with ceremony, and the call to "lock the doors" provides certainty in the case of a hung Parliament.

Further, your Committee notes that with more even numbers of Government and Opposition Members, walk through divisions might result in a "log jam" when two queues of Members converge to enter the Chamber behind the Speaker's chair.

However, on balance, your Committee prefers the "walk through" division process as a convenient way of conducting divisions.

It could be that the advent of technology occasions further enhancements to the divisions process in the future, such as electronic voting. However, the Assembly is not at that stage yet.

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1 Procedure and Privileges Committee, *Report 2: The Conduct of Divisions in the Legislative Assembly*, 15 February 2022.

2 *ibid*, p. 2.

Your Committee recommends that the walk through divisions procedure should continue, by being incorporated into the Standing Orders.

**Recommendation 1**

That the contents of Standing Orders 137 to 141 concerning Divisions be deleted and replaced with the contents of the Temporary Order adopted on 29 November 2023.

**Members' Statements**

Members' Statements are provided for in Standing Order 147. They are six 90 second statements that take place once in a sitting week at a time decided by the Speaker. The current practice is for these statements to be held prior to the lunch break on Thursdays.

By Temporary Order dated 29 November 2023, Members' Statements were expanded to eight, 2-minute statements. The previous 90 second statements resulted in a "race call" of Members hurrying through their contributions. The additional 30 seconds has ameliorated this.

Further, the additional two statements per week, over the course of a 19 week sitting year, provides an additional 38 opportunities to raise constituency matters in the House.

Your Committee is of the view that the Temporary Order concerning Members' Statements should be enshrined in the Standing Orders.

**Recommendation 2**

That the House amend Standing Order 147 as follows:

**Members' statements**

147. Once in each sitting week, at a time decided by the Speaker, the Speaker will call for statements by Members, and up to eight members, other than a Minister, may make a statement not exceeding two minutes each.

**Amended Sitting Times**

On 29 November 2023 the House resolved that:

The House will meet on Tuesdays at 1.00 pm.

If the House is required to sit beyond 7.00 pm on a Tuesday evening, such as to require a dinner break, the Speaker will advise the House of this before Question Time on that Tuesday.

This was a continuation of the order introduced in the previous year, which was recommended in PPC Report 4, tabled on 22 June 2022.<sup>3</sup> The PPC said in that report:

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3 Procedure and Privileges Committee, *Report 4 Amended Sitting Schedule for the Legislative Assembly*, 22 June 2022.

Given the Parliament of Western Australia provides the most generous schedule of sitting days and times for the conduct of parliamentary business, the Committee considers there is scope to propose a slight adjustment to the sitting schedule which will promote the House to conclude its business at a reasonable hour on Tuesday nights, without necessarily resulting in a reduction in the overall time available to conduct business.<sup>4</sup>

The 7.00pm. finish on Tuesdays has, anecdotally, been well received by Members and staff.

As the PPC pointed out in its fourth report, in a calendar year the Legislative Assembly still sits for several more weeks than the next State Parliament in Australia.

Further, there is a general move in Australian parliaments away from the “legislation by exhaustion” approach.

In the report *Representing Care: Toward a More Family-Friendly Parliament*, the authors noted that family friendly sitting hours send an “important signal” that:

[It] is possible to combine work in Parliament with caring responsibilities. It would also have important flow-on effects for parliamentary staffers with family responsibilities. These changes also have additional potential benefits: they could improve the quality of legislative debate and decision making by MPs by avoiding errors due to lack of sleep or late-night decision making. And they could help lower the likelihood that sexual harassment or assault will occur within Parliament by reducing the perception that Parliament does not adhere to ordinary workplace norms and expectations.<sup>5</sup>

The Temporary Order has provided a presumption that the House will rise at 7.00pm. on a Tuesday, but it is framed in such a way that the House can still sit later if more time is required for business, requiring only that the Speaker notify the House of the extended sitting before question time.

Your Committee is aware that as the composition of the House changes over time, the sitting hours may also vary – the patterns of sitting hours will differ from parliament to parliament.

However, in light of the changing nature of legislative activity and the general movement towards a more family friendly approach to parliamentary business, the presumed 7.00pm. finish is a sensible approach and should be incorporated into the Standing Orders.

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4 Ibid, p. 2.

5 Dixon, R., Jackson, K. and McLeod, M. (2022) *Representing Care: Toward a More Family-Friendly Parliament*, Pathways to Politics.

**Recommendation 3**

That the House amend Standing Order 19 as follows:

**Days and Times of Meeting**

19. Unless otherwise ordered:

(1) The Assembly will meet for business on each Tuesday at 1.00pm., each Wednesday at 12 noon and each Thursday at 9.00am.

(2) If the House is required to sit beyond 7.00pm on a Tuesday evening, such as to require a dinner break, the Speaker will advise the House of this before Question Time on that Tuesday.



# Chapter 2

## Other Procedural Changes

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**"Words are like leaves; and where they most abound, much fruit of sense beneath is rarely found."**

Alexander Pope

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This chapter embraces Pope's insight, with the intention of editing unnecessary verbosity and refining the Standing Orders of the Legislative Assembly for greater clarity and efficiency. The Chapter also seeks to address some minor procedural hurdles, such as the duration of Temporary Orders, the handling of tabled papers, and the use of electronic facilities for remote witness examination. In making recommendations for change, the PPC seeks to reduce time-consuming practices that prevent other business from being conducted, and to provide clarity for Assembly Committees. A recommendation is also made to incorporate the Assembly's longstanding practice of Supplementary Questions into the Standing Orders.

### The duration of Temporary Orders

Temporary Orders have effect for 12 calendar months, unless a lesser period is specified. Renewal of successful orders every year is a time-consuming process which prevents other business being conducted. If Standing Order 2 were changed to allow the orders to have effect for the duration of a session of a Parliament, unless a shorter period is specified, it would obviate the yearly lapsing of a temporary order. This would still allow for shorter trial periods, but the default setting of a temporary order lasting as long as the Assembly is in session has a great potential to cut down time spent in the House on "Business of the Assembly".

#### **Recommendation 4**

That the House amend Standing Order 2 as follows:

#### **Temporary orders**

2. The Assembly may from time to time adopt Temporary Orders which will have effect for the duration of the session, unless a lesser period is specified.

### Publication of Tabled Papers

On Tuesday 6 August 2024, the Speaker advised that she had approved a minor change in relation to tabled papers.<sup>6</sup> Typically, at the commencement of each sitting day the Clerk reads the list of tabled papers to the House as prescribed in Standing Orders. That list is then published each day in the Votes and Proceedings.

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<sup>6</sup> Michelle Roberts MLA, Speaker, Legislative Assembly, *Hansard*, 6 August 2024, p.3391.

On the first sitting day following a period of recess the list can be quite long and time consuming to read out. Rather than reading the full list to the House, the Speaker authorised the Clerk to announce to the House that papers are tabled pursuant to statutory and other requirements, copies of the list of tabled papers are available in the Assembly Office, and email the papers to all members. The Speaker will continue to present those papers that are required by statute to be tabled by the Speaker.

A simple change to the Standing Orders can formalise this new arrangement, which gives time back to the House for its business. Instead of the Standing Orders providing that the Clerk ‘read each sitting day’ the list of papers, the Clerk could ‘publish each sitting day’ the list instead.

#### **Recommendation 5**

That the House amend Standing Order 151 as follows:

#### **Tabled papers**

151.(1) Papers, including records in any form, may be laid upon the Table of the House by the Speaker, or a Minister, and in the case of reports from committees, by the Chairman or a member authorised by the committee.

(2) Papers may be presented in the Assembly or may instead be delivered to the Clerk who will publish each sitting day, a list of papers so delivered.

### **Remote examination of witnesses**

Standing Order 267 provides that “A video-conferencing facility may be used by a committee to examine a witness”.

This has resulted in some difficulties for Committees, in circumstances where video conferencing technology might not be available. Committees have also experienced instances where technical difficulties occur and a video link drops out mid hearing, but an audio link can be maintained.

If this part of the Standing Order was reframed as an “electronic facility”, consistent with the language employed by the Legislative Council,<sup>7</sup> this broader expression will allow more flexibility for Committees to examine witnesses remotely.

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<sup>7</sup> For example see Legislative Council of Western Australia, *Standing Orders* Standing Order 162, Participation by Electronic Communication

**Recommendation 6**

That the House amend Standing Order 267 as follows:

**Examination of witnesses**

267. (1) The examination of witnesses by a committee will follow the procedural rules determined by the Speaker from time to time.
- (2) Under exceptional circumstances a procedural rule may be varied with the prior approval of the Speaker.
- (3) An electronic facility may be used by a committee to examine a witness.
- (4) An electronic facility will not be used by a committee to take *in camera* evidence.
- (5) If a portfolio-related committee, or the Public Accounts Committee in relation to portfolio-related matters allocated to it, is examining a witness, any member of the Assembly, not being a Minister, may attend and at the discretion of the Chairman, ask questions of the witness. That member is not a member of the committee and may not vote, move any motion, be counted for the purpose of a quorum, or be involved in any deliberative part of the committee meeting

**Votes of Thanks**

Standing Order 117 reads awkwardly: ..."[m]otions of a valedictory, laudatory, congratulatory or **thanks nature**..." (emphasis added).

A simple change is suggested to remove "thanks nature" from the wording of the Standing Order and replace with "commendatory nature". Nothing is lost in doing so and the formality and precision of the language in the Standing Orders is improved.

The phrase "thanks nature" should also be changed in Standing Order 115.

**Recommendation 7**

That the House amend Standing Order 117 as follows:

**Precedence of Motions**

117. At any other time after prayers precedence will be given to any of the following —
- (1) Dissent from Speaker's ruling (S.O. 112);
- (2) Closure (S.O. 106);
- (3) Condolence motions (S.O. 117);
- (4) Motion of privilege suddenly arising (S.O. 109); or
- (5) Motions of a valedictory, laudatory, congratulatory or commendatory nature.

And make consequential amendments to Standing Order 115.

**Clauses and amendments moved En Bloc**

The heading of Standing Order 176, "Clauses and amendments moved *en bloc*", contains an outdated phrase. "En bloc" is a formal term that may not be readily understood or correctly pronounced by all readers.

Substituting “en bloc” with “together” retains the original meaning while using plain language, making the rule more comprehensible without compromising its procedural accuracy.

**Recommendation 8**

That the House amend Standing Order 176 as follows:

**Clauses and amendments moved together**

176. Any number of —  
(a) clauses and schedules; or  
(b) amendments in any one clause,  
may be put as one question if leave of the Assembly is given without a dissentient voice.

**Supplementary Questions**

Supplementary Questions do not feature in the Standing Orders. However, they are an established practice of the Assembly. Your Committee is of the view it is prudent to enshrine this long-established practice within the Standing Orders, to ensure the Standing Orders accurately capture the practice and procedures of the House which they govern.

Codification of Supplementary Questions confirms the discretion of the Speaker in relation to their allocation, and the limitations around what a Supplementary Question should contain.

**Recommendation 9**

That the House amend Standing Order 82 as follows:

**Questions without notice**

82. (1) Questions without notice may be asked for a period determined by the Speaker.  
(2) At the Speaker’s discretion, Members may ask one supplementary question immediately following each primary question they ask. Supplementary questions must be direct and related to the substantive question.

**Conclusion**

The recommended changes to the Standing Orders in this report are designed to enhance the efficiency, accessibility, and overall effectiveness of the Legislative Assembly's procedures. By incorporating successful Temporary Orders—such as the “walk through” division method and extended Members' Statements—the Assembly can institutionalise these beneficial practices. Confirming arrangements for the finish time on Tuesdays also reflects the Assembly’s recognition of the importance of work-life balance for Members, aligning with broader trends in Australian parliaments.

In keeping with Pope’s insight that “words are like leaves,” further recommendations are made to prune unnecessarily awkward language in the Standing Orders, to improve precision and readability of the rules of the House.

Addressing procedural hurdles like the yearly renewal of Temporary Orders, simplifying the handling of tabled papers, and updating the rules for remote witness examinations, the proposed revisions will save time while making the Standing Orders clearer and more accessible.

Codifying Supplementary Questions is an important recommendation that acknowledges that this practice is fully established in the House, and it deserves to be reflected in the Standing Orders.

Overall, these updates foster a more streamlined and effective parliamentary process without sacrificing procedural integrity.

Your Committee notes that the alterations recommended in this report are relatively straightforward, and there are doubtless other changes which could be made to the Standing Orders. It is the hope of your Committee that the recommendations contained in this report could be acted upon before the expiry of the 41<sup>st</sup> Parliament, and potentially a future Procedure and Privileges Committee could embark upon a wholesale review of the Standing Orders, and recommend more substantial procedural initiatives.

A handwritten signature in blue ink that reads "Michene Roberts". The signature is written in a cursive, flowing style.

**Hon M.H. Roberts, MLA**  
**Chair of the Committee**  
**12 November 2024**



# Appendix One

## Committee's functions and powers

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Legislative Assembly Standing Order No. 282 provides the following functions, powers and terms of reference to the Procedure and Privileges Committee -

### **Procedure and Privileges Committee**

282. (1) A Procedure and Privileges Committee will be appointed at the beginning of each session to —
- (a) examine and report on the procedures of the Assembly; and
  - (b) examine and report on issues of privilege; and
  - (c) wherever necessary, confer with a similar committee of the Council.
- (2) The Procedure and Privileges Committee will have the powers of a select committee.
- (3) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.
- (4) Standing Order 278 will apply except that where possible any report of the committee will be presented by the Deputy Speaker.
- (5) When consideration of a report from the committee is set down as an order of the day it will be considered using the consideration in detail procedure.



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