

41ST PARLIAMENT



Report 70

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Standing Order 5 – Days and times of meeting

Presented by
Hon Alanna Clohesy MLC (Chair)
August 2023

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 Dan Caddy MLC

Staff as at the time of this inquiry:

Mr Sam Hastings, B.Econ; LLB (Hons) (Clerk of the Legislative Council)

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

Mr Grant Hitchcock, BA (Clerk Assistant (House) and Usher of the Black Rod)

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ISBN 978-1-925580-84-6



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1 Referral

- 1.1 On Wednesday, 21 June 2023, on the motion of the Leader of the House, the Legislative Council referred the following matter to the *Procedure and Privileges Committee* (PPC) for inquiry and report:

That the Standing Committee on Procedure and Privileges be required to inquire and report into whether the Legislative Council should amend its sitting hours to meet and adjourn one hour earlier on each sitting Tuesday.¹

2 Background to the referral

- 2.1 The Leader of the House addressed the background to the referral in comments during the debate on the motion:

Several months ago I asked members ... whether there was any interest in starting on Tuesdays at 1.00pm and finishing on Tuesdays an hour earlier, meaning we would finish orders of the day at 8.45pm instead of 9.45pm.

We would take members' statements at 8.45pm instead of 9.45pm and, if there is agreement, I propose to refer that to the Standing Committee on Procedure and Privileges to consider a change to the standing orders and to consider any flow-on effects as a consequence of that change.

There was agreement and support indicated for that and that is what brings the motion here today.²

- 2.2 Members contributing to the debate raised a number of related matters.
- 2.3 A matter of note is the proposed three and a half hour block of Orders of the Day on a sitting Tuesday that would follow as a natural result of the House commencing at 1.00pm rather than 2.00pm.
- 2.4 Other relevant matters raised were the potential impact on members having primary carriage of Bills, and a desire to make a progressive step towards more reasonable family-friendly sitting hours.

3 Approach by the PPC

- 3.1 The PPC has been tasked to consider the question as to whether the Legislative Council should amend its sitting hours each Tuesday to commence Tuesday sittings one hour earlier at 1.00pm, and adjourn the Council one hour earlier at 8.45pm.
- 3.2 The PPC notes that the referral reflects the convention of the Council to only consider amendments to its Standing Orders and practice that have been considered and reported by the PPC.
- 3.3 The PPC notes that the referral was progressed on the basis of agreement and support amongst party leaders, therefore further consultation with members was not advanced by the PPC.

¹ Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 21 June 2023, p 3136.

² *ibid*, p 3123.

3.4 Instead, the PPC has focused its consideration on the agreement reached by the party leaders, whether there are any adverse consequences to the business of the Council, and a recommendation to give effect to the leaders' agreement.

4 Days and times of meeting

4.1 Standing Order 5(1) provides that, subject to the annual sitting schedule, on the designated sitting weeks the Council shall meet to conduct its business on the days and times as follows:

Tuesday 2.00pm

Wednesday 1.00pm

Thursday 10.00am

4.2 Standing Order 5(3) also provides that the Council stands adjourned on the following days and times (unless sooner adjourned following Members' Statements³):

Tuesday 10.25pm

Wednesday 7.00pm

Thursday 6.00pm

4.3 The proposal articulated in the motion of the Leader of the House is to amend the Tuesday times specified in Standing Orders 5(1) and (3) by bringing forward the specified times by one hour respectively.

4.4 The referral contemplates no other changes to the Council's Standing Orders, the annual sitting schedule or sitting pattern, or further adjustments to the days and times of meeting.

Business of the Council

4.5 The PPC has considered whether the proposed adjustment to the Tuesday sitting times will have any adverse or unanticipated consequences to the efficient and orderly transaction of the Council's business.

4.6 The PPC is aware that an earlier commencement time has the potential to have minor impacts on members, parties and departmental staff engaged with the ordinary parliamentary activity that occurs outside of the precincts of the Chamber, for example, scheduling of pre-sitting meetings and briefings. The PPC considers it unlikely the proposed change will impact on these activities.

4.7 The effect of the Leader of the House's proposal merely shifts the Council's commencement and adjournment times forward by one hour on a sitting Tuesday. Other than formal business, questions without notice and member statements, the Council's ordinary Tuesday sittings deal exclusively with Orders of the Day and government business.

³ Statements automatically interrupt the business of the Council and commence 40 minutes prior to the scheduled adjournment: see: Standing Order 15(6).

- 4.8 The proposed adjustment will not, in the PPC's view, result in any reduction to the scheduled time available to the Council to conduct its ordinary business on a Tuesday, and has no impact on the business of the Council on any of the remaining days in a scheduled sitting week.
- 4.9 In this regard, the PPC is satisfied that the net effect of the proposal to the business of the Council and its overall hours of meeting is zero.

Members having carriage of Bills

- 4.10 A concern articulated in the referral debate relates to the potentially lengthy three and a half hour block of Orders of the Day on sitting Tuesdays. Members commented that this proposed period may adversely impact ministers and parliamentary secretaries having carriage of Bills in the Council, other members, and staff supporting those members.
- 4.11 The PPC observes that from time to time ministers or parliamentary secretaries spend extensive periods of time at the Table while in charge of a Bill; often with little to no breaks or relief. On occasion, these members may require a few minutes to reacquaint themselves with the next item of business.
- 4.12 Without being overly prescriptive, however, the PPC is satisfied that the Council is capable of continuing to manage its business with the existing practice and mechanisms available to it, and without undue impact on members having carriage of Bills.

Related issues

- 4.13 Historically, the parliamentary working environment involves late nights. In recent years, Australasian and international parliaments have considered measures to enhance working conditions and work-life balance for both members and parliamentary staff, whilst maintaining efficiency in the conduct of parliamentary business.
- 4.14 The PPC agrees that sitting late into the night is not conducive to efficient practice.
- 4.15 The PPC therefore considers that a slight adjustment to the sitting schedule is a progressive step towards more family friendly hours, and an appropriate means to facilitate the Council concluding its business earlier on Tuesday nights with no reduction in the time available to conduct that business.

Recommendation

- 4.16 The PPC is satisfied that the appended Order of Business gives effect to the consensus agreement of the party leaders and adequately preserves the effective operation of the business of the Council without any unanticipated or adverse impact.

4.17 The PPC recommends that the Council amend Standing Order 5 as follows:

RECOMMENDATION 1

That **Standing Order 5** be amended as follows —

(1) In Standing Order 5(1) — To delete “Tuesday 2.00pm” and insert —

Tuesday 1.00pm

(2) In Standing Order 5(3) — To delete “Tuesday 10.25pm” and insert —

Tuesday 9.25pm



Hon Alanna Clohesy MLC
Chair

APPENDIX 1

PROPOSED ORDER OF BUSINESS

TIMES	TUESDAY	WEDNESDAY	THURSDAY	TIMES	
10.00am 10.15am			HOUSE MEETS FORMAL BUSINESS *	10.00am 10.15am	
10.15am 11.35am			NON-GOVERNMENT BUSINESS (80 minutes)	10.15am 11.35am	
11.35am 12:35pm			PRIVATE MEMBERS' BUSINESS (60 minutes)	11.35am 12.35pm	
12.35pm 1.00pm			ORDERS OF THE DAY	12.35pm 1.00pm	
1.00pm 1.15pm	HOUSE MEETS FORMAL BUSINESS *	HOUSE MEETS FORMAL BUSINESS *	LUNCH	1.00pm 1.15pm	
1.15pm 2.00pm	ORDERS OF THE DAY	MOTIONS ON NOTICE (120 minutes)		ORDERS OF THE DAY	1.15pm 2.00pm
2.00pm 2.15pm			CONSIDERATION OF COMMITTEE REPORTS (60 minutes)		2.00pm 2.15pm
2.15pm 3.15pm		ORDERS OF THE DAY			2.15pm 3.15pm
3.15pm 4.15pm					ORDERS OF THE DAY
4.15pm 4.30pm			ORDERS OF THE DAY		
4.30pm 5.00pm	QUESTIONS WITHOUT NOTICE	QUESTIONS WITHOUT NOTICE	QUESTIONS WITHOUT NOTICE	4.30pm 5.00pm	
5.00pm 5.20pm	ORDERS OF THE DAY	ORDERS OF THE DAY †	ORDERS OF THE DAY †	5.00pm 5.20pm	
5.20pm 6.00pm			MEMBERS' STATEMENTS Δ	5.20pm 6.00pm	
6.00pm 6.20pm	DINNER				6.00pm 6.20pm
6.20pm 7.00pm		MEMBERS' STATEMENTS Δ		6.20pm 7.00pm	
7.00pm 8.45pm	ORDERS OF THE DAY †			7.00pm 8:45pm	
8.45pm 9.25pm	MEMBERS' STATEMENTS Δ			8:45pm 9.25pm	

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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