

## STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

### *Recommendation 1 — Adoption — Motion*

Resumed from an earlier stage of the sitting.

#### *Withdrawal of Remark*

**The DEPUTY PRESIDENT:** Members, before the break in proceedings, we were dealing with a point of order. I understood that the Leader of the Opposition wanted to be heard on the point of order.

**Hon Dr STEVE THOMAS:** Mr Deputy President, very quickly, I refer to standing orders 44, 45 and 46, and all imputations being considered highly disorderly. “Unparliamentary language” comes under standing order 46. I would have thought the process here, Mr Deputy President, is that the words were deliberately meant to be insulting. If that is the case, they should be withdrawn.

**The DEPUTY PRESIDENT:** Having reflected on the point of order during the break, I want to make a few comments. It is not uncommon for members to refer to classes or groups of members on either side of the chamber as a collective. Standing order 43 clearly states that members should refer to other members by their title of office or their name. However, it is commonplace for members to refer to others in the general course of debate. Certain words were used by Hon Dan Caddy. Having reflected on them and reflected on previous rulings with respect to the language that has been used, I rule that there is no point of order. However, I ask that when a member does raise a point of order, the standard practice of what constitutes unparliamentary language in this house comes down to context. On this occasion, I do not consider those words used to be unparliamentary. However, the practice in this place is that when a member objects to certain words used, the member is invited to withdraw those words as a courtesy. I invite the member to withdraw those words. However, I will not insist on the withdrawal.

**Hon DAN CADDY:** Thank you for your ruling, Mr Deputy President. I withdraw those words.

#### *Debate Resumed*

**HON DAN CADDY (North Metropolitan)** [5.05 pm]: The point I was making was to do with complaints from the other side about the short time frame. I must say that I was surprised. When I look at those opposite, I see a pretty accomplished lot: I see lawyers, farmers and former small business owners. A generally accepted trait of lawyers is their ability to react quickly to change, to circumstances and to new information. When it comes to farmers—I am sorry to the lawyers in the room—they are at the top of the tree; they are the ultimate in reacting quickly and keeping the show on the road. Those who have been in business for themselves, as I have, would know that we have to react quickly. If we do not, we fail. Let us be really clear on one point: was the time frame tight? Yes. Was it restrictively tight, especially given it applied only to an interim report on one aspect of a single part of the review? Not really. The committee was asked to look at only one small area. Paragraphs 1.1 to 1.6 note this. They note that the committee chose at a very early stage, as outlined in the report, that it would be considering speaking time limits only with respect to bills. The scope was even reduced, it would appear by the committee, noting in paragraph 1.6 that in the final review, all speaking times would be looked at in the wider report.

I may be labouring the point a little, especially for some members, although some members may appreciate the labouring of points, but it is critically important that it is a matter of the public record that the time provided by the house was entirely adequate to look at this one particular element. I want to be really clear on that because that is where the bulk of the criticism has landed that was directed, unjustly in my opinion, at the Leader of the House. Anyway, I will move on.

I will make just a general comment about the report. The report contains a brief history of the standing orders in Western Australia with respect to speaking times during the consideration of bills and where we have been previously and when decisions were made and not made. Although all this stuff is nice to know, it does not necessarily inform the debate on modernisation nor does it compel us in one direction or another. It is, at best, nice to know. It gives a historical context, which can be important but it is not necessarily critical when the thrust of the motion from the house was modernisation. By contrast, the table provided at appendix 1 looks like a very good resource for us, in reading the report, to refer to. I want to make two things evident when we consider this table. The first is critically important; that is, the minority report makes reference to making decisions without sufficient information. I take members back to the motion of the house, which asked specifically for an analysis based on upper houses of Australian states and the Senate. This is exactly what appendix 1 was—no more and no less. It is exactly what the motion of the house asked for. Then we look at the amendment proffered by Hon Dr Steve Thomas to the original motion. The amendment from the Leader of the Opposition sought to amend the reporting period for the initial report for part (4) of the motion. This was the entire extent of the amendment—to alter the time frame for reporting.

At no time was an amendment put that the scope of what would eventually go towards the make-up of appendix 1 be increased. At no time was an amendment moved to increase the breadth of analysis the committee was required

to undertake when making its recommendation. It is a little curious when we see that the main thrust of the minority report is that the authors of the report could not make a decision, and one of the primary reasons for that was there was not enough information. Let us be completely clear: the information that the committee was given to consider, according to the report and the evidence in the report at appendix 1, was exactly the information that the motion of this house dictated the committee use when considering the motion. Let us also be completely clear that when the option was there to amend the motion—the opposition put forward an amendment—this issue was not part of the amendment. There was no question of this being an issue. The amendment was specifically about the time frames.

I think I have made the two points that I wanted to make. I will conclude with this, for all members, old and new: do not aim to be good at what you do in this place; aim to be exceptional at what you do in this place because it is an artist who can speak for 10, 20 or 30 hours on an issue in this place, but it is a maestro who can condense the essence of a good argument into just a few minutes.

**HON MARTIN ALDRIDGE (Agricultural)** [5.11 pm]: I rise to contribute to the motion moved by Hon Kyle McGinn. In doing so, I will probably contain my remarks to key aspects of both the majority and minority report and some of the contributions that have been made thus far today, because I think that the minority report by my colleague Hon Tjorn Sibma and me deals in greater detail with the constraints that the committee faced, the problems it encountered and the difficulty it had in forming a firm view at this time.

I will start by addressing some of the comments made so far today. Hon Kyle McGinn's contribution was interesting. I want to pick up on a couple of things he said. When reflecting on paragraph 1.7 of the majority report, he commented to the effect that paragraph 1.7 shows where we came from. He suggested to the chamber that his interpretation of paragraph 1.7 was that at that point in time members of the Council had a 30-minute speaking limit, which is not the case. It has never been the case in the Legislative Council's entire history that a member of this chamber has been restricted to 30 minutes. When members look at paragraph 1.7, they will see that it refers to a debate that occurred in 1986 when a proposal was advanced for a 30-minute limit on each member for any debate before the house and time limit of 10 minutes for each contribution in the Committee of the Whole House. I make it clear that we have not gone from unrestricted to restricted time limits and regressed to unrestricted limits. It needs to be read carefully.

I might mix the comments of Hon Dr Steve Thomas and Hon Kyle McGinn because Hon Dr Steve Thomas said that most changes to the standing orders, if not all in recent history, have been on the basis of consultation and consensus. I do not think that point is in dispute. I have not heard anyone dispute that point in their contributions today. Chapter 2 of the minority report, if I am not mistaken, sets out what has been the ordinary process of amending standing orders in recent history. Of course, the proposition before the house is not the end product of either consultation or consensus. I think Hon Dr Steve Thomas was charitable when he said it was simply the opinion of five members. I would probably define that further by saying it is more likely the opinion of three members in the majority report.

Hon Kyle McGinn said that he has never had any issue articulating his view in 45 minutes. I want to make this point, not to be disparaging of Hon Kyle McGinn's contribution to this place, but there is a different perspective on a member's right to speak depending on whether they are a government member or an opposition member, because their role and function in this place is quite different. Hon Kyle McGinn seems quite comfortable with what he has recommended based on his experience, but he has had a very limited opportunity to contribute to second reading debates because he has been a member of the government for the entire time he has been a member of this place. We have only just welcomed Hon Dan Caddy to this chamber and he has not contributed to a second reading debate in this place. I think those things are said in good faith and they need to be taken with good intention. Members' perspectives about speaking times and about what can and cannot be done differ. That is why dealing with this, I think probably the most sensitive aspect of our standing orders, in this way, was never going to be wildly successful, particularly given the time frame involved.

Another comment Hon Kyle McGinn made was that scrutiny is not being restricted by limitations on contributions to the second reading debate because members can make unlimited contributions in the Committee of the Whole. I want to make the point that second reading contributions are very different from the Committee of the Whole stage. At the second reading debate, the policy of the bill has not been settled. It is accepted that second reading contributions are much broader. They can encompass a greater range of issues. Members can suggest the ways in which members think the bill ought to be improved or matters that have been omitted, but once the second reading of the bill is settled, the policy of that matter is settled. When we get to the clauses of a bill in the Committee of the Whole stage, members will often hear the Chair of Committees and Deputy Chairs of Committees rule on and pull up members when they start to introduce matters of policy after the second reading debate has been settled. I do not accept for one moment that we should be overly restricted in the second reading stage of a bill because, do not forget, there is plenty of opportunity in the Committee of the Whole; they are not interchangeable opportunities.

Another comment from Hon Kyle McGinn's address that I want to pick up on is he said we are the only house that has inequitable speaking times. He quoted paragraph 1.29 from the report on this, which is reflected in appendix 1. Paragraph 1.29 states —

The Council is the only Upper House jurisdiction that provides unlimited speaking time to some Members and limited speaking time to others.

That does not translate to mean we are the only house that has inequitable speaking times, because just about every other upper house chamber shown in the table of the report has inequitable speaking times among its members. It has classes of members such as ministers, shadow ministers, lead members and members deputed. No matter how it is classified, each of those jurisdictions accounts for the type of member and allocates time inequitably.

**Hon Kyle McGinn:** I was talking about unlimited.

**Hon MARTIN ALDRIDGE:** That is not what Hon Kyle McGinn said.

**Hon Kyle McGinn** interjected.

**Hon MARTIN ALDRIDGE:** The member can rise in a minute and make a personal explanation.

Hon Dan Caddy made some suggestion at the beginning of his contribution about how disappointed he was that the five members of the standing committee could not reach a consensus position when there appears to be an overwhelming consensus now in the chamber on some compromise position. That may well be his narrative, but that is certainly not mine. Whether the chamber ends up agreeing on a motion, which is foreshadowed, or some other product, this is not the way to amend the standing orders. Hon Dan Caddy also said that clearly an adequate time frame was provided. Clearly, there was not. I draw members' attention to paragraphs 1.3 to 1.6 of the majority report, in which the standing committee articulates its failure to report on speaking times by 22 June 2021. The report states —

- 1.3      The Standing Orders of the Legislative Council contain 33 individual time limits spread over thirteen different categories.

It also states —

- 1.4      The Committee notes the short reporting deadline for this Interim Report. In this short period, the Committee has not been able to consider —

I repeat: it has not been able to consider —

all 33 time limits in comparison with the other Upper Houses in Australia. Consequently, the Committee has had to carefully consider the scope of this Interim Report.

Clearly, there was not adequate time. The committee considered three out of 33 time limits. I do not understand how anyone can stand and say that clearly we had an adequate frame time—11 business days. It is not defensible.

Hon Dan Caddy also said that no amendment was put to the house, other than the reporting time frames, on the scope of the inquiry. I do not think that matter was in dispute. A universal view was expressed in the minority report that there is nothing to be afraid of in reviewing our standing orders; it is just that the time frames involved are inadequate. I recall making repeated contributions to this place that if members want to insist on 11 business days to conduct an inquiry into 33 speaking limits, they should stand and make a contribution to allow the committee to focus its efforts in the time that it had available. I am pretty sure I made that comment; in fact, I probably repeated it on several occasions on 3 June.

Hon Dan Caddy said that no instruction was given to the committee on how to conduct the inquiry. I think this was in response to some earlier criticism about the lack of consultation. To that I would say that it would ordinarily be expected, for an inquiry like this—going back to the comments made by the Leader of the Opposition—that consultation and consensus were key to orderly standing order amendments. Keep in mind, members, that this inquiry remains active. The referral motion of the house requires the committee to report fully on the entire 240-odd standing orders in less than seven weeks! If I am not mistaken, it will be our second sitting Tuesday after the winter recess. I will say more about that in a moment.

On 3 June, we heard one contribution from the government, and that was from the Leader of the House. At that point, having listened to the Leader of the House, I reflected on her contribution. Not having researched it, I was led to believe that the Western Australian Legislative Council was some backwater that was lagging the rest of the nation in terms of having a modern set of standing orders, including speaking time limits. Paragraph 1.29 of the majority report clearly sets out that the Western Australian Legislative Council is fairly mid-range. I do not think we are either leading or lagging. I do not think we could be classed as an overly restrictive or an overly liberal jurisdiction on our speaking time limits. Paragraph 1.29 makes the point —

... unlimited speaking times for all Members have been dispensed with in three jurisdictions—the Senate, New South Wales and Victoria. Two jurisdictions have unlimited speaking times for all Members—South Australia and Tasmania.

I make this clarifying point for members who have not read footnote 12: the New South Wales Legislative Council has not permanently enshrined its sessional orders within its standing orders. It probably sits in the middle. The Senate and Victoria have got rid of unlimited speaking times on a permanent basis, South Australia and Tasmania have retained them, and New South Wales has a rolling sessional order that is reintroduced at the start of every session of Parliament, which I think has occurred for the past 10 years.

I will not refer to paragraph 1.34 extensively. The Leader of the Opposition has pointed out that if members have more restricted speaking times, we will get more government legislation through the house. Perhaps that is not the case. The committee has not been able to analyse the available data and it has not been able to adequately communicate with other jurisdictions. All those matters are well set out in the minority report. All we have done is google the standing orders of the other places, put together a table and formed some views, or at least three members of the committee formed some views in the majority report, with some significant limitations.

Members are aware that the general time allocation applies to members who are not a leader or a deputed leader—that is, a leader of a party, the Leader of the Opposition or the Leader of the House; they are ordinary members like me. At the moment we get 45 minutes, and under standing order 22, by leave of the house, we can have a 15-minute extension. In my eight and a bit years here, I have sought that leave on one or maybe two occasions. Paragraph 1.43 states —

A majority of the Committee is of the view that a 30 minute time limit should apply to second reading speeches by Members who do not currently have unlimited speaking times. The Committee notes that this is at the upper end of time allocations for those jurisdictions that do not have unlimited speaking times.

One thing that I think is lacking in this majority report is any consideration of the way in which standing order 22, in our little red book, is drafted. Standing order 22, “Variations to Time Limits”, states —

- (1) A Member limited to 45 or 60 minutes speaking time may, by leave, be granted an extension of 15 minutes.
- (2) Subject to order of the Council, the time limits relating to Committee of the Whole House may be applied to other business.

It is obvious from reading this report that either it was not contemplated or it was not intended to be applied. Keep in mind that paragraph 1.18 sets out that nine members of the house—one-quarter of the house—are entitled to unlimited speaking times. Three-quarters of the house fall under general time allocation. I can only interpret the majority report to mean that three members of the committee want a hard 30 minutes—no extension; no leave: “Thirty minutes, you’ve had your time, sit back down”. There is nothing before us in the recommendation moved by Hon Kyle McGinn that reflects an amendment to standing order 22. Otherwise, perhaps recommendation 2, or part of recommendation 1, would have been an amendment to standing order 22, which would have said —

A Member limited to 30, 45 or 60 minutes speaking time may, by leave, be granted an extension of 15 minutes.

That clearly was not the intention of this recommendation.

Paragraph 1.50 of the committee’s majority report is interesting, and I think Hon Kyle McGinn quoted and in fact emphasised this point —

The Committee is also aware that there may be an interrelationship between the limiting of second reading speeches and the length of the Committee of the Whole stage and the Committee will undertake to monitor this in the remaining stages of this review.

I do not have a problem with that statement. It was good of Hon Kyle McGinn to emphasise it, because it has made me now talk about it.

**Hon Kyle McGinn:** No problem.

**Hon MARTIN ALDRIDGE:** Okay; cool. The problem with this statement is that members should keep in mind that the reporting date is 10 August. If they agree with my view of the world, it should be 3 December. Hon Kyle McGinn’s paragraph 1.50 is solid—I think it is a good one—but the problem is that we have to report in full by 10 August. We have one business day tomorrow, and then we go into the winter recess. When we come out of the winter recess, we will have Tuesday, Wednesday and Thursday and then we will have to report on the following Tuesday. Members should keep in mind that we will have to draft a report, deliberate on the report, prepare a report and print the report. That will not happen on the Monday night before the Tuesday. Effectively, we will have four business days of the house in which to, according to Hon Kyle McGinn’s paragraph 1.50, examine the interrelationship between the limiting of second reading speeches and the length of the Committee of the Whole stage, and the committee will

undertake to monitor this in the remaining stages of this review. Good luck! If he had a more reasonable time frame in which to consider this, such as by 3 December, I think that could be achieved. That is a sensible thing to do. It could be achieved by 3 December. We will probably have dealt with a dozen or 20 bills in that time as we head towards the summer recess. That would be a good time to examine and look at, say, a block of 10 bills and ask: how do these 10 bills differ from the 10 bills last year? I think members need to reflect on these things when deciding their position on this recommendation.

The recommendation of the majority of the committee sits at page 6 of the report. It recommends those effectively with unrestricted speaking times should have 45 minutes and other members—three-quarters of the chamber—should have 30 minutes. I just want to make this point at this stage. Appendix 1 starts on page 7. I want members to have a look at that. Also at appendix 1 on page 7 is a comparison with the Western Australia Legislative Assembly. Here we can see that a mover of a motion or a party leader or member deputed in the Assembly has 60 minutes to speak. Of course, under standing order 102, they have a right to a further 15-minute extension, so they can have up to 75 minutes. That is up to 75 minutes in the Assembly for a lead member—a senior member—in considering a bill. Compare that with what the majority of the committee has recommended for Council members, which is 45 plus 15 minutes with leave, so 60 minutes in total. What has been recommended here by those three members of the committee is a lesser opportunity, or a lesser speaking time—in my view, less scrutiny of bills than in the other place.

If we look at “other members”, this recommendation is that we should all have a hard and fast 30 minutes—no excuses. In the other place, members can have 20 minutes, then they can get a further 10 minutes under standing order 101 and then they can have another 15 minutes under standing order 102. That takes what we would call a general member in the other place to 45 minutes in comparison with our 30 minutes, which is the recommendation of the majority.

Members, we are the house of review. I do not think it is a defensible proposition to bring a recommendation to this place that we should have a lesser opportunity to scrutinise legislation than those in the Legislative Assembly. If members think that, I look forward to them defending their position.

The other problem that exists here is that, if we look back to the thirty-ninth Parliament, when a bill was being debated, Labor Party members would all speak on the second reading debate, then the last member would get up and move a motion to refer the bill to a committee, then they would all speak on the referral motion, and then we would finally get to the end of the second reading stage and into the Committee of the Whole. That did not happen in the last Parliament—it did not happen once. The strange thing is that if the Labor tactics were to be employed, general members would have 30 minutes to speak on the second reading, but the moment my good friend here Hon James Hayward moved a motion to refer the bill to a committee, I would get 45 minutes. That is just bizarre. This is the problem with rushing inquiries like this.

I want members to reflect on a couple of things in my closing remarks. At paragraph 1.7 of the minority report, it is stated —

In 2018 the Council referred the procedure for Motions on Notice to the PPC for inquiry and report which took four months to complete.

That four-month inquiry resulted in the temporary orders that were reinstated today. They are good temporary orders. They should have been reinstated on the first day of this Parliament. They should be under review by the Standing Committee on Procedure and Privileges.

Paragraph 1.8 states —

That same year, the PPC took three months to report on Standing Order 6(3) relating to the provisions by which the House is recalled.

They were two very discrete sections of the standing orders that took four months and three months respectively to inquire into and report on, and the committee did it in a proper fashion. Members, 10 August is less than seven weeks away. The government has charged us with reviewing the entire standing order book, plus all the other speaking limits that we did not do. Remember, we have done three out of 33. That means we still have 30 to do. I want members to contemplate and reflect on that.

Section 2 of the minority report goes to amending standing orders. I am not going to have time to go through it, but I think it is a really important part of the minority report that particularly new members of the chamber should take two minutes to read, because it clearly sets out, in the words of the Leader of the House, how standing orders ought to be amended.

Section 3 of the report refers to all the things that the minority of the committee members felt were issues and were the reasons for not being able to form a view with the rest of our committee members that recommendation 1 and other aspects of the report ought to be supported, and therefore resulted in this minority report. They are clearly

set out at paragraphs 3.1 to 3.25. We go further and refer to the things that the standing committee ought to be charged to do before making decisions on this matter. They are found at paragraphs 3.21, 3.22 and 3.23. Members should keep in mind that when we did things like reviewing the prayer of this place, it was a very involved, consultative process. We had surveys, we had submissions, we had contemplation and reflection and then we had options for the house to consider, and, ultimately, the house made a decision.

*Amendment to Motion*

**Hon MARTIN ALDRIDGE:** Recommendations A and B of the report of the minority of the committee I think are quite sound, and that is why at this point I move —

To delete all words after “that” and insert —

- (1) The reporting time for the committee is extended in respect to its report into the review of standing orders from 10 August 2021 to 3 December 2021; and
- (2) The committee is instructed to —
  - (a) advertise the inquiry publicly;
  - (b) seek submissions from members of the Council and external stakeholders;
  - (c) collect and analyse relevant data pertaining to speaking time usage over at least the last two Parliaments;
  - (d) engage with upper house Australian jurisdictions to establish a greater understanding of their relevant standing orders and any consequence of them;
  - (e) conduct a literature review to identify relevant articles and papers and possible solutions for consideration; and
  - (f) consider the merits of releasing a discussion paper presenting options for change and surveying members of the Council on their preferred options.

Acting President (Hon Steve Martin), I commend that amendment to the house.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [5.38 pm]: I know that a copy is going to be circulated, but, effectively, what the honourable member has done is move a motion that gives effect to recommendations A and B in the report before us, so everybody knows what we are dealing with.

The government will not be supporting this amendment. I do not think that will be of any surprise to anyone. I will just make this point. When pressure was applied, this house has before it now a recommendation and indeed an amendment that will go no small way to stopping the filibuster that occurs in second and third reading speeches. That is a good thing. I look forward to the next report. The government will not support the proposition that Hon Martin Aldridge has moved.

*Division*

Amendment put and a division taken, the Acting President (Hon Steve Martin) casting his vote with the ayes, with the following result —

*Ayes (7)*

Hon Martin Aldridge  
Hon Peter Collier

Hon Nick Goiran  
Hon Steve Martin

Hon Tjorn Sibma  
Hon Dr Steve Thomas

Hon Colin de Grussa (*Teller*)

*Noes (19)*

Hon Klara Andric  
Hon Dan Caddy  
Hon Sandra Carr  
Hon Stephen Dawson  
Hon Kate Doust

Hon Sue Ellery  
Hon Peter Foster  
Hon Lorna Harper  
Hon Jackie Jarvis  
Hon Kyle McGinn

Hon Sophia Moermond  
Hon Dr Brad Pettit  
Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Samantha Rowe

Hon Dr Sally Talbot  
Hon Wilson Tucker  
Hon Darren West  
Hon Pierre Yang (*Teller*)

Amendment thus negated.

*Motion Resumed*

**HON TJORN SIBMA (North Metropolitan)** [5.44 pm]: I will take my instructions, somewhat strangely, from Hon Daniel Caddy and try to make this into a maestro moment!

**Hon Sue Ellery:** Have faith in that.

**Hon Dan Caddy:** I’m sure you will succeed.

**Hon TJORN SIBMA:** Listen! I think it is generally unusual for the Standing Committee on Procedure and Privileges to have, effectively, a minority report as an attachment to the majority report. I am told that it is unprecedented. I would not be surprised if that is the case. I was the co-author of the minority report for a number of simple reasons—primarily, because I do not feel that the committee was provided with an adequate amount of time to conduct an inquiry worthy of the name. I think that is abundantly clear. I also cannot let go of the fact that this is a very unconventional approach to amending speaking times—absolutely unconventional. There was a complete lack of consensus. Previous contributors remarked that the opposition had an opportunity to amend the term of reference to a slightly longer horizon but that that was not taken up, and we should have considered, potentially, a shorter extension. That opportunity has now passed, with the defeat of the amendment in the terms just put.

I want to briefly identify a couple of issues; one is to pick up on the identification of an issue at appendix 1 of the majority report. There is absolutely no justification for a chamber like this, worthy of the epithet “house of review”, to have speaking times that are more constrained than those of our counterparts in the other place. That is a fundamental problem with the recommendation we are now being asked to adopt that is embedded in the majority report.

I will very briefly quote from a report provided by, I think, the then Clerk of the New South Wales Legislative Council, Mr David Blunt, of 26 July 2012. There is a footnoted reference to this report within the body of the main report. I think it makes some interesting observations about some of the effects of the introduction of constrained speaking times. I will quote from page 8, on a consequence of the change —

What has changed is that there has been a significant increase in the number of speakers on contentious bills, but with most speakers now speaking for a shorter time. The length of time contentious bills are before the parliament and subject to scrutiny has varied, but does not appear to have decreased on average. Similarly the average time contentious bills are being subjected to detailed scrutiny in committee-of-the whole does not appear to have decreased, with a similar number of amendments being moved.

This is what is interesting —

Two further observations may be made about the impact of the introduction of time limits on debate on government bills, beyond the analyses set out in the appendices. Firstly, during debate on one of the six contentious bills analysed ... a member who used the maximum time available for his speech, having further material which he would have ordinarily introduced in a longer speech, incorporated material in *Hansard* by leave. The material consisted of case studies from police officers who might have been affected by the legislation. One of the case studies included some extremely unparliamentary language. Had the material been read onto the record, as would have presumably occurred in the absence of time limits on debate, it is highly likely that objection would have been taken to that language. As the material was incorporated, however, the language only became apparent when the galley proof of *Hansard* appeared the next day.

The offending words were edited out of the transcript before production of the pamphlet and bound volumes of *Hansard*. This is perhaps a salutary lesson that should the existence of time limits on debate lead to additional request for leave for the incorporation of material in future.

The second observation that may be made is rather obvious, namely that the existence of time limits on debate on government legislation eliminates the filibuster as a procedural option.

All that is saying is that there are potentially unintended consequences of any limitation—that is all that that is saying. If the committee had been provided with a more appropriate time to turn its mind to these issues, these matters would have been more fully explored, as indeed would the interrelations of different standing orders and how they are presented.

That said, I will move very quickly on to what I am going to do. I acknowledge that there has been discussion behind the chair and there is broad agreement to amend the times and the recommended speaking limits as they appear on the notice paper. I like to say that I generally adopt a precautionary principle to these matters, and I think that if we want to embed change, we should proceed at a conservative rate, which is likely to foment genuine goodwill, which would achieve a superior outcome.

*Amendment to Motion*

**Hon TJORN SIBMA:** That being said, I move to amend the recommendation as follows —

To delete all words after **Bills (Second and Third Reading)** and insert —

Mover	60 minutes
Lead Member	60 minutes
(Government or Opposition)	

**Extract from *Hansard***  
[COUNCIL — Wednesday, 23 June 2021]  
p1898c-1905a

Hon Dr Steve Thomas; Hon Dan Caddy; Hon Martin Aldridge; Hon Sue Ellery; Hon Tjorn Sibma

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Party Leader and Member deputed	60 minutes
Other Members	45 minutes
Mover-in-Reply	60 minutes

That amendment is being circulated presently.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [5.51 pm]: Can I just indicate that this motion has been the subject of discussion behind the chair and an unsigned version of the draft has been circulated. I do appreciate the meaningful negotiation that occurred today. I reiterate the point that I made earlier that when pressure was applied, we could actually deal with this quite quickly. I will be supporting this amendment and I encourage the house to support it.

**The ACTING PRESIDENT (Hon Steve Martin)**: Is that paper being distributed? Thank you.

Amendment put and passed.

*Motion, as Amended*

Question put and passed.

*House adjourned at 5.53 pm*

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