

40TH PARLIAMENT



Report 54

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Standing Order 6(3): Recalling the Council

Presented by
Hon Kate Doust (Chair)
December 2018

Standing Committee on Procedure and Privileges

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Standing Order 6(3): Recalling the Council

Referral

- 1.1 On Wednesday, 19 September 2018, on the motion, as amended, of Hon Martin Aldridge, the Legislative Council resolved the following:
- A. That a proposed amendment to Standing Order 6(3) be considered by the House in the following terms —
 - (3) When the Council is adjourned the President:
 - (a) may on the request of the Leader of the House and after consultation with the leaders of all parties vary the day and time at which the Council may next meet; or
 - (b) shall, at the written request of an absolute majority of the whole number of Members that the Council meet at a certain day and time, fix a day and time of meeting in accordance with that request.
 - (4) When varying or fixing a day and time of meeting not less than 4 days' notice shall be given to each Member.
 - (5) For the purposes of (3)(b):
 - (a) A request by the leader or deputy leader of a party in the Council shall be deemed to be a request by every member of that party who is a member of the Council.
 - (b) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.
 - (c) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Deputy Chairs of Committees, who shall be required to summon the Council on behalf of the President, in accordance with this temporary order.
 - B. That the proposed amendment is referred to the Standing Committee on Procedure and Privileges for consideration and report within three months.
 - C. That each party leader not a member of the Standing Committee on Procedure and Privileges be co-opted to the committee for the purpose of this referral.

Committee procedure

- 1.2 The membership of the Procedure and Privileges Committee (**PPC**) was expanded for this inquiry to include the co-opted leaders of all parties represented in the Council.
- 1.3 For the purpose of this inquiry the PPC reviewed the comparable Standing Orders and procedures in the other Australian jurisdictions, the Westminster Parliament and the Canadian National Parliament. A table of the relevant Standing Orders and procedure is contained in Appendix 1.

Standing Order 6(3)

- 1.4 Standing Order 6 was amended by the Council on 15 November 2016 when the Council adopted new clause (3) as follows:
- (3) When the Council is adjourned, the President may on the request of the Leader of the House and after consultation with the leaders of all parties vary the day and time at which the Council will next meet.
- 1.5 This Standing Order was an amended form of the recall Standing Order recommended by the PPC in Report 41: *Recall of the Legislative Council*.¹ That report set out the procedural and legal issues arising from the Executive's assertion that the Governor has the power to abridge the Council's adjournment by proclamation and recall the Council to an earlier date. The need for an abridged adjournment in that instance was to enable the two Houses to meet for the purpose of holding a joint sitting to choose a person to hold the place of a Senator for Western Australia whose place had become vacant under section 15 of the *Commonwealth of Australia Constitution Act*.
- 1.6 The Standing Orders of the Legislative Assembly provided a capacity for the Speaker to vary a date of an adjournment on request from the Leader of the Government. However, at that time the Legislative Council Standing Orders did not contain an equivalent express capacity.
- 1.7 The new Standing Order 6(3) was drafted to reflect the Legislative Assembly Standing Order 25 with a minor variation requiring the Leader of the Government to consult with the Leaders of all other parties.
- 1.8 The amended Standing Orders resolved the procedural uncertainties that arose at that time.

Background to the proposed amendment

- 1.9 The proposed amendment to Standing Order 6(3) is modelled on Standing Orders 55(2)-(5) of the Australian Senate. The Standing Orders of the New South Wales Legislative Council contains a Standing Order in similar terms.
- 1.10 The PPC notes that in both the Senate and NSW Legislative Council the origins of the respective Standing Orders was as an amendment to the special adjournment motion which permitted an absolute majority of members to require the President to reconvene the House at an earlier time than that provided for in the special adjournment motion. Under most standing order regimes, special adjournment motions are required so that a House may adjourn for a week or more. In the absence of such a motion a House would be required to sit on the days of the week for sitting specified in its standing orders, for example, every Tuesday, Wednesday and Thursday.
- 1.11 In both the Senate and the NSW Legislative Council, the amendments to the special adjournment motions were moved by opposition members on the grounds that significant issues may arise which warrant the House being recalled to an earlier date, for example, to supervise the Parliament's delegation of law making power to the Executive in making subsidiary legislation.
- 1.12 The first use of such an amendment was by the Senate in 1967. Having agreed to the amended special adjournment motion the then Senate was recalled a month later to consider and disallow regulations that had been enacted after it had adjourned. In this regard, the concerns that prompting the proposal to introduce a temporary order in the Council are the same as occurred in the Senate in 1967, the difference being that the

¹ Western Australia, Legislative Council, Standing Committee on Procedure and Privileges, Report 41, *Recall of the Legislative Council*, 13 September 2016. See Tabled Paper No. 4479.

changes to Legislative Council Standing Orders in 2011, specifically the adoption of an annual sitting schedule, removed the need for a special adjournment motion. Consequently, there is no opportunity for an amendment to such a motion as had occurred in the Senate and the NSW Legislative Council, which were the precursors to the permanent changes to standing orders in those jurisdictions.

Mining Amendment Regulations 2017

- 1.13 On 28 November 2017 Hon Martin Aldridge gave a notice of a motion² for the purpose of debating a Temporary Order to enable the recall of the Council in the event that the Government re-gazetted the disallowed mining amendment regulations during a recess of the Council.
- 1.14 The *Mining Amendment Regulations (No. 2) 2017* were disallowed by the Council on 12 October 2017. The *Mining Amendment Regulations (No. 3) 2017* were disallowed by the Council on 28 November 2017. These regulations provided for an increase to the gold royalty rate and were part of the Government's budget repair measures.
- 1.15 The purpose of Hon Martin Aldridge's motion for a proposed Temporary Order was to ensure that a mechanism was available to members during the lengthy summer recess to recall the Council to an earlier date to enable it to consider and disallow regulations that would increase the gold royalty rate if such regulations were re-gazetted by the Government.
- 1.16 On Wednesday, 29 November 2017 the Leader of the House provided an undertaking to the Council that the Government would not during the recess period gazette changes to the gold royalty. Consequently, a motion to suspend standing orders in order to deal with the proposed temporary order on that day was, by leave, withdrawn.³

Possible temporary order

- 1.17 Irrespective of the circumstances that led to the referral, the PPC considered whether there was any merit in recommending a trial of the proposed amendment as a temporary order. The PPC notes:
- That similar procedures have operated effectively, though not frequently, in the Australian Senate and the NSW Legislative Council;
 - That a temporary order is a time limited proposal that does not result in a permanent change to the Standing Orders; and
 - That a temporary order would not disturb the existing capacity of the Leader of the House to recall the Council if required.
- 1.18 The PPC considered various scenarios and purposes for which such a temporary order may be used by members to recall the Council. The PPC notes two instances of use of a similar provision by the Senate and the NSW Parliament:
- On 20 June 1967 the Senate was recalled to consider a disallowance of postal and telephone charges regulations; and
 - On 15 December 2005 the NSW Legislative Council was recalled to consider the Law Enforcement Legislation Amendment (Public Safety) Bill 2005 following the Cronulla Riots.

² The notice was amended on 29 November 2017, and again on 11 September 2018.

³ Hon Martin Aldridge, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 29 November 2017, p 6207-14.

- 1.19 In the first instance the Senate recall resulted in the disallowance of regulations that proposed increased charges. In the second instance, the NSW Legislative Council was recalled to pass urgent legislation in response to the public disturbances in Cronulla and other parts of Sydney on 11 and 12 December 2005. In the latter example, the PPC notes that the recall was prompted by both non-Government and Government members and that the recall could have been achieved by the usual request to the President by the Leader of the Government, particularly where there was cross-party support for a recall and its purpose was to consider a Government Bill. Accordingly, should a similar circumstance occur in Western Australia, the existing recall powers in SO 6(3) would be available to recall the Council.
- 1.20 The PPC also examined an occasion in the NSW Legislative Council in which an absolute majority of members forced a recall of that House for the purpose of debating a confidence motion in a Minister.⁴ Although the PPC noted the potential for such a recall provision to be misused, the attendant public and parliamentary scrutiny that would accompany any recall would mitigate the possibility that such a power would be exercised capriciously or without valid and cogent reasons.
- 1.21 However, having carefully considered the precedents established in the Australian Senate, the NSW Legislative Council, and the relatively rare examples of their use of the recall power activated by an absolute majority of members, the PPC is not satisfied that this House should adopt a similar provision at this time.

Conclusion

- 1.22 The PPC notes the circumstances that led to the referral. Its deliberations have involved a consideration of the various arguments raised in support of or in opposition to the proposed amendment. The PPC's consideration of the matter has not resulted in support for the proposed amendment at this time. The PPC therefore makes no recommendation in relation to the proposed amendment.



Hon Kate Doust MLC
Chair

⁴ See: Annotated Standing Orders of the NSW Legislative Council, David Blunt (Ed), Federation Press, 2017, pp 107-9; and New South Wales, Legislative Council, *Parliamentary Debates (Hansard)*, 13 June 1990, p 5557-5565.

APPENDIX 1

STANDING ORDERS AND PROCEDURES IN OTHER JURISDICTIONS

Practice of jurisdictions (AU, UK, NZ, CA) for the recalling of the House

House	Practice	Standing Order
Senate	<p>President’s Power to fix new time to meet When the Senate adjourns for more than a few weeks, for example, at the beginning of the summer and winter adjournments, it adjourns to a specified time ‘or such a time as may be fixed by the President.</p> <p>In exercising this power the President may:</p> <ul style="list-style-type: none"> • Exercise an independent discretion to change the time of meeting for any reason related to the orderly conduct of the Senate; or • By convention, act upon the advice of the executive government. <p>Any request to the President to fix a time of meeting pursuant to an adjournment resolution is overridden by a request by an absolute majority of senators under Standing Order 55(2) to (5).</p> <p>Meeting at request of absolute majority of senators The standing orders require the President to summon the Senate to meet during an adjournment at the request of an absolute majority of senators, represented, in the case of senators who are members of a party, by their party leaders or deputy leaders.</p> <p>This provision began its life as a special order first agreed to in 1967, was regularly incorporated in resolutions specifying the time of the next meeting, was incorporated</p>	<p>55 Times of meetings</p> <ol style="list-style-type: none"> 1) The days and times of meeting of the Senate in each sitting week shall be: Monday 10 am – 6.30 pm, 7.30 pm – 10.30 pm Tuesday midday – adjournment Wednesday 9.30 am – 8 pm Thursday 9.30 am – 8.40 pm. 2) The President, at the request of an absolute majority of the whole number of senators that the Senate meet at a certain time, shall fix a time of meeting in accordance with that request, and the time of meeting shall be notified to each senator. 3) For that purpose a request by the leader or deputy leader of a party in the Senate shall be deemed to be a request by every senator of that party. 4) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President. 5) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Temporary Chairs of Committees, who shall be required to summon the Senate on behalf of the President, in accordance with this standing order.

	<p>into sessional orders in 1985, and finally included in the new standing orders adopted in 1989.</p> <p>Recent practice In March 2016, an amendment to the routine motion for the next meeting of the Senate explicitly provided that the President’s conventional power to fix a new meeting time could not be exercised without the same absolute majority support as is required under standing order 55(2). The Senate was both highlighting its control over its own sittings and explicitly overriding the convention by which the President would act to fix an earlier meeting time on the advice of the executive government.</p>	
House of Reps	<p>When a delay or other change in the time of the next meeting is foreseen, the House alters the hour of meeting by resolution. When the House is not sitting, the Speaker may set an alternative day or hour for the next meeting, and must notify each Member of any change.</p> <p>In earlier Parliaments, the Speaker did not have such power to vary the meeting times unless authorised by special adjournment resolution. In past cases of the House meeting at a time other than that specified pursuant to adjournment, including occasions not authorised by resolution of the House and occasions of changes by the Speaker in accordance with special adjournment resolutions, the Speaker had regard to the wishes of the Government.</p>	<p>30 Changes to meeting times The Speaker or a Minister may initiate a change to the meeting times of the House in the following circumstances:</p> <ul style="list-style-type: none"> a) At any time, a Minister may move without notice a motion to set the next meeting of the House. b) A Minister may move on notice a motion to set a future meeting or meetings of the House. c) When the House is not sitting, the Speaker may set an alternative day or hour for the next meeting, and must notify each Member of any change.
NZ	<p>The New Zealand Standing Orders include express authority for the House to be reassembled during an adjournment before the date to which it has been adjourned. This provision was adopted to cater for a situation that arose at the time of the Gulf War in 1991, when the only</p>	<p>55 Early sitting or postponement of sitting during adjournment</p> <p>(1) Whenever the House is adjourned and it appears to the Prime Minister desirable in the public interest that the House should sit at an earlier time than that to which it is adjourned, the Prime Minister, after consulting with</p>

	<p>way for the House to meet early during a lengthy adjournment was for Parliament to be prorogued and a new session called.</p> <p>Now, if it appears in the public interest that the House should meet at an earlier time than that to which it stands adjourned, the Prime Minister may, after consulting the leaders of all other parties in the House, inform the Speaker of this fact. The Speaker is then obliged to appoint an appropriate date and time for the House to meet, and to advise members accordingly.</p>	<p>the leaders of all other parties, may inform the Speaker that the House should sit at an earlier time.</p> <p>(2) The Speaker, on being informed under paragraph (1), decides on a day that is appropriate for the House to sit and notifies members accordingly. The House sits on the day determined by the Speaker.</p>
NSW LA	<p>Under Standing Order 47, the Government may request (in writing to the Speaker) that the House meet at an earlier time than set down on adjournment.</p> <p>Similarly, a majority of Members may, in writing to the Speaker, request the House meet at an earlier time than that set down at adjournment (SO 48).</p>	<p>47. The Government, in the public interest, may in writing to the Speaker or, in the absence of the Speaker, the Deputy Speaker, request the House meet at an earlier time than set down on adjournment. If satisfied, the Speaker shall:</p> <ol style="list-style-type: none"> (1) Fix a day and time; and (2) Communicate the day and time to all Members. <p>48. An absolute majority of Members may in writing to the Speaker, or in the absence of the Speaker the Deputy Speaker, request the House meet at an earlier time than set down on adjournment. The Speaker shall:</p> <ol style="list-style-type: none"> (1) Fix a day and time within 10 days of the receipt of the request. (2) Communicate the day and time to all Members. (3) Accept an advice from the Leader of a recognised Party as a request on behalf of all its Members.
NSW LC	<p>SO 36 provides a mechanism for the recall of the House by a majority of members, instead of at the prerogative of the President or the Deputy President, who are often members of the government party.</p> <p>On receipt of a request from an absolute majority of members, the President must fix a time of meeting in accordance with that request.</p>	<p>36. Recall of House</p> <ol style="list-style-type: none"> (1) The President, at the request of an absolute majority of members that the House meet at a certain time, must fix a time of meeting in accordance with that request, and the time of meeting must be notified to each member. (2) A request by the leader or the deputy leader of a party in the Council is

	<p>Unlike the procedure under the special adjournment motion, the President has no discretion in relation to the matter.</p> <p>As the Government traditionally lacks a majority in the Council, the procedure can be used by the majority to force a recall against the Government's wishes, although in the only precedent under the current standing orders the request was supported by the Opposition and Government alike (the House was recalled in 2005 to deal with legislation relating to the Cronulla Riots).</p>	<p>deemed to be a request by every member of that party.</p> <p>(3) A request may be made to the President by delivery to the Clerk, who must notify the President as soon as practicable.</p> <p>(4) If the President is unavailable, the Clerk must notify the Deputy President, or, if the Deputy President is unavailable, any one of the Temporary Chairs of Committees, who must summon the Council on behalf of the President, in accordance with this standing order.</p>
VIC LA	The Victorian Legislative Assembly Standing Orders do not explicitly provide for recalling the House.	Not applicable
VIC LC	The Victorian Legislative Council under Standing Order 4.04 provides the President with the power call a special meeting of the House during any period of adjournment.	<p>4.04 Special meeting of the Council</p> <p>(1) If during any adjournment of the Council any emergency arises which in the opinion of the President renders it desirable that the Members of the Council should meet for the consideration of any matter before the time previously fixed for meeting, the President will appoint a day and hour for a special meeting to deal with such matter and to summon Members to such special meeting.</p> <p>(2) The special meeting will not be earlier than two days from the date of summons.</p>
Queensland	The Queensland Assembly Standing Orders do not explicitly provide for recalling the House.	Not applicable
NT	The Northern Territory Assembly, under Standing Order 4 provides the Speaker with the power call a meeting of the House during any period of adjournment.	<p>STANDING ORDER 4</p> <p>Changes to the Scheduled Meetings of the Assembly</p> <p>When the Assembly is meeting, a Minister may move a motion without notice at any time to set the next meeting or a future meeting or meetings of the Assembly and when the Assembly is not meeting, the</p>

		Speaker may set an alternative time for the next meeting and will advise all Members of the change.
SA LA	Standing Orders provide the executive with the option to request the Speaker to give notice that the House will meet. The Speaker, if satisfied that the public interest requires it, may recall the House.	<p>SO 57 Earlier meeting of House in certain circumstances</p> <p>When the House stands adjourned and a Minister informs the Speaker that the public interest requires that the House meet at an earlier time than that originally fixed,</p> <ol style="list-style-type: none"> 1. the Speaker, if satisfied that the public interest requires it, may give notice that the House will meet at an earlier time; 2. the House meets at the time stated in the notice; 3. the business to be transacted when the House meets at the earlier time includes the business set down on the Notice Paper for the day to which the House had originally adjourned; 4. the dates set down for the remainder of the business on the Notice Paper may be altered by motion moved without notice on the day on which the House resumes after the adjournment.
SA LC	The South Australian Legislative Council Standing Orders do not explicitly provide for recalling the House.	Not applicable
TAS LA	The Tasmanian Legislative Assembly Standing Orders do not explicitly provide for recalling the House.	Not applicable
TAS LC	The Tasmanian Legislative Council Standing Orders do not explicitly provide for recalling the House.	Not applicable
ACT	Although not explicitly provided for in the Standing Orders, it has been the practice, once the Assembly has determined its sitting pattern, to delegate to the Speaker the power to call the Assembly together if requested to do so by an absolute majority of Members.	<p>SO 36 Motion to fix next meeting</p> <p>A motion for the purpose of fixing the next meeting of the Assembly may be moved by a Minister at any time without notice.</p>

	<p>Standing order 36 provides that a motion for the purpose of fixing the next meeting of the Assembly may be moved by a Minister at any time without notice.</p> <p>It is not uncommon for the Assembly to amend the sitting pattern by way of order. Also, in the past, following the election of Chief Ministers, the practice has been for the Assembly to agree to adjourn to a date to be fixed by the Speaker either at the request of the Chief Minister or on receipt of a request in writing of an absolute majority of Members (and requiring the Speaker to notify Members in writing of the date and time of meeting).</p> <p>It is usual practice that these orders of the Assembly contain a provision that:</p> <ul style="list-style-type: none"> • the Speaker (or in his or her absence, the Deputy Speaker) can fix an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members; or • the Assembly can otherwise order different sitting dates. 	
WA LA	<p>Standing Orders provide the Leader of the Government with the option to request the Speaker to vary day and time at which the Assembly will next meet.</p>	<p>Adjournment date may be varied by the Speaker</p> <p>25. When the Assembly is adjourned, the Speaker may, on request from the Leader of the Government and after consultation with the Leader of the Opposition vary the day and time at which the Assembly will next meet.</p>
House of Lords	<p>The Lord Speaker can recall the House of Lords, after consultation with the Government in certain circumstances:</p> <p>Lord Speaker, or, in his absence, the Senior Deputy Speaker, may, after consultation with the government, recall the House whenever it stands adjourned, if satisfied that the public interest requires it or in pursuance of</p>	<p>17.—(1) If, during any adjournment of the House, the Lord Speaker, after consultation with Her Majesty's Government, is satisfied that the public interest requires that the House should meet at a time earlier than that appointed, he may signify that he is so satisfied and notice shall be given and thereupon the House shall meet at the time stated in the notice, as if it had been duly</p>

	<p>section 28(3) of the <i>Civil Contingencies Act 2004</i>.</p>	<p>adjourned to that time. Recall of the House.</p> <p>(2) If the Lord Speaker is unable to act for the purposes of this Standing Order, the Chairman of Committees, after consultation with Her Majesty's Government, may act in his stead.</p> <p>(3) Notwithstanding any adjournment of the House, the House may meet for judicial business at a time earlier than that appointed if the senior Lord of Appeal in Ordinary is satisfied that it should do so and has signified that he is so satisfied and has given notice to such Lords as he thinks fit.</p>
<p>House of Commons (UK)</p>	<p>Under Standing Orders, the Speaker decides whether Parliament should be recalled, but only once Ministers have made representations to him that the public interest requires this. The Speaker then considers whether the public interest does require this, and if he is satisfied that it does, appoints a time for the House to meet.</p>	<p>13. —(1) Whenever the House stands adjourned and it is represented to the Speaker by Her Majesty's Ministers that the public interest requires that the House should meet at a time earlier than that to which the House stands adjourned, the Speaker, if he is satisfied that the public interest does so require, may give notice that, being so satisfied, he appoints a time for the House to meet, and the House shall accordingly meet at the time stated in such notice.</p> <p>(2) The government business to be transacted on the day on which the House shall so meet shall, subject to the publication of notice thereof in the order paper to be circulated on the day on which the House shall so meet, be such as the government may appoint, but subject as aforesaid the House shall transact its business as if it had been duly adjourned to the day on which it shall so meet, and any government order of the day and government notices of motions that may stand on the order book for any day shall be appointed for the day on which the House shall so meet.</p> <p>(3) In the event of the Speaker being unable to act owing to illness or other cause, the Chairman of Ways and Means, or either Deputy Chairman, shall act in his stead for the purposes of this order.</p>

Canada – Senate	<p>During a period of adjournment, the Speaker, if satisfied that it is in the public interest, may recall the Senate earlier than the date fixed at the time of adjournment. Conversely, if satisfied that the public interest does not require the Senate to meet on the date identified at adjournment, the Speaker may consult with the leaders of the government, the opposition and any other recognised parties, and set a later date for the next sitting. In the absence of the Speaker or when that office is vacant, the Clerk of the Senate can exercise this responsibility.</p>	<p>Recall of Senate during adjournment 3-6. (1) Whenever the Senate stands adjourned, the Speaker may, if satisfied that the public interest so requires, recall it to meet earlier than the date and time stipulated in the adjournment order.</p> <p>Adjournment extended 3-6. (2) Whenever the Senate stands adjourned, if the Speaker is satisfied that the public interest does not require the Senate to meet at the date and time stipulated in the adjournment order, the Speaker shall, after consulting the Leader of the Government, the Leader of the Opposition, and the leader or facilitator of any other recognized party or recognized parliamentary group, or their designates, determine an appropriate later date or time for the next sitting.</p> <p>Notification of recall or extension 3-6. (3) When the Senate is recalled or an adjournment period is extended, the Speaker shall cause each Senator to be notified by the most effective means available of the date and time of the next sitting and, in the case of a recall, the reason.</p> <p>Non-receipt of notification 3-6. (4) The non-receipt by any Senator of notification of the revised date and time of the next sitting does not affect its validity.</p> <p>Recall or extension if Speaker absent 3-6. (5) In the absence of the Speaker, or when the office of Speaker is vacant, the Clerk may act for the purposes of this rule.</p>
Canada – House of Commons	<p>When the House stands adjourned over a weekend or during a longer adjournment period, it may be recalled by the Speaker, in consultation with the Government, prior to the date originally specified. The Standing Orders (28(3)) require that the recall be “in the public interest”. A request to recall the House may be made at any time.</p> <p>When the Speaker agrees to recall the House, he or she advises the Clerk, who manages the logistical</p>	<p>28. Recall of House.</p> <p>(3) Whenever the House stands adjourned, if the Speaker is satisfied, after consultation with the government, that the public interest requires that the House should meet at an earlier time, the Speaker may give notice that being so satisfied the House shall meet, and thereupon the House shall meet to transact its business as if it had been duly adjourned to that time. In the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker, the Assistant Deputy</p>

	<p>aspects of the recall, including informing the Members.</p> <p>The House can also be recalled during a prorogation by a proclamation of the Governor General on the advice of the Prime Minister. The proclamation would result not in a recall as such but in an opening of the new session at an earlier date than that given in the original prorogation proclamation.</p>	<p>Speaker and Deputy Chair of Committees of the Whole or the Assistant Deputy Speaker and Assistant Deputy Chair of Committees of the Whole shall act in the Speaker's stead for all the purposes of this section.</p>
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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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