

40TH PARLIAMENT



Report 53

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Review of the Standing Orders relating to motions on notice

Presented by
Hon Kate Doust (Chair)
November 2018

Standing Committee on Procedure and Privileges

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CHAPTER 1

Referral of the Standing Orders relating to motions on notice

Referral

- 1.1 On Tuesday, 26 June 2018, on the motion of the Leader of the House, the Legislative Council resolved the following motion:
- (1) That the Standing Committee on Procedure and Privileges undertake a review of the Standing Orders relating to Motions on Notice with a view to modernising the procedures of the House.
 - (2) That the Committee is to report to the House no later than Thursday, 20 September 2018.

Extension of reporting time

- 1.2 On Tuesday, 18 September 2018 the Chair of the Procedure and Privileges Committee (**PPC**) presented Report No. 51¹ (**Report 51**) to the Council seeking an extension of time in which to report on the referral.
- 1.3 On Wednesday, 19 September 2018 the House agreed to extend the reporting date from Thursday, 20 September 2018 to Tuesday, 20 November 2018.

Discussion paper

- 1.4 A discussion paper in relation to motions on notice was appended to Report 51. The discussion paper provided all members with an overview of the Standing Orders, history and related procedures dealing with motions on notice, and a statistical analysis of motions on notice in the previous five Parliaments since 1997.
- 1.5 In Report 51, the PPC recommended that members familiarise themselves with the content of the discussion paper and provide any submission to the PPC by close of business on Friday, 12 October 2018.
- 1.6 This report canvasses material in the discussion paper, only to the extent necessary to explain how the PPC has arrived at its findings and the recommended course of action.

Committee procedure

- 1.7 The PPC's initial review of the referral involved a consideration of the concerns expressed by some members that the motions on notice procedure was not functioning effectively. Several factors have contributed to this view and include —
- the increase in number of political parties represented in the Council;
 - the limited number of opportunities each calendar year to progress items of business given the increased party representation;

¹ Western Australia, Legislative Council, Standing Committee on Procedure and Privileges, Report No. 51, *Review of the Standing Orders relating to motions on notice — Request for extension of reporting time and discussion paper*, 18 September 2018.

- the progressively increasing delay between giving notice of a motion and that notice being brought on for debate, resulting in motions not being resolved in a timely manner and in some cases losing relevance;
 - the absence of restraint by some members encouraged by a system that ordinarily gives precedence to notices in the order in which they are given;
 - the absence of an equitable mechanism to allocate precedence to notices of motions; and
 - the absence of prorogations to clear the notice paper of notices that are no longer relevant.
- 1.8 On 28 June 2018 the PPC sent correspondence to the leaders of the parties represented in the House and invited submissions in relation to the referral.
- 1.9 The PPC received five submissions from party leaders. The submissions received presented three consistent views on how the procedure could be improved —
- that speaking times limits be reduced for each member when speaking on the main question from 45 minutes to 20 minutes;
 - that the maximum time limit for each motion be reduced from 240 minutes to 120 minutes; and
 - that only one motion be dealt with and completed during a single 120 minute period.
- 1.10 The submissions are attached at Appendix 3.
- 1.11 Other matters expressed in the submissions proposed mechanisms to deal with amendments to motions and a rotational allocation of motion on notice opportunities amongst the parties.
- 1.12 Given that these other matters were not raised in all the submissions, the PPC produced a discussion paper to inform members of the history, function and purpose of motions on notice, and to provide an analysis of the proportion of motions on notice moved by members of each party during the 35th to 39th Parliaments.
- 1.13 The discussion paper was appended to Report 51 and tabled in the House on 18 September 2018.²
- 1.14 Following the House's agreement to extend the reporting date, the PPC wrote to all party leaders on 21 September 2018 requesting further submissions in relation to the referral.
- 1.15 The PPC received three further submissions which are also attached at Appendix 3. The PPC thanks all members who provided submissions.

² Tabled Paper 1797, Legislative Council, 18 September 2018.

CHAPTER 2

Motions on notice

Motions

- 2.1 A motion is a proposal made for the purpose of eliciting a decision of the House, either a resolution or order.³ Motions are the foundation of parliamentary procedure as they are the primary vehicle that enables the Council to do something and to progress its business.
- 2.2 Motions on Notice is a procedure of greater relevance for private members as the Government traditionally controls the arrangement of the sequence of orders of the day and other business before the Council. Traditionally, a private member is one who is not a Minister of the Crown. The practice of the Legislative Council shown in the data from the previous five Parliaments since 1997 is that the procedure is used predominantly by private members who do not support the Government.
- 2.3 The data also reveals that private members supporting the Government have on average moved approximately 18 per cent of the total number of motions moved during this procedure. This data has informed the PPC in constructing its recommended Temporary Order.

Submissions

- 2.4 Term of reference (1) tasked the PPC to “review the Standing Orders relating to Motions on Notice with a view to modernising the procedures of the House”.
- 2.5 In response to the PPC’s invitation for submissions, the PPC received five initial submissions on the referral, and a further three submissions following the presentation of the discussion paper to the House.
- 2.6 The five initial submissions received, and the three further submissions presented, focused on the following three areas:
- a reduction in speaking time limits on the main question from 45 minutes to 20 minutes per contribution of each member;
 - that the maximum time limit for each motion be reduced from 240 minutes to 120 minutes; and
 - that only one motion be dealt with and completed during a single 120 minute period.
- 2.7 The PPC notes that of the five discussion points raised in Report 51, the two discussion points relating to a simple adjustment to the various time limits applied to the motions on notice procedure was the common point of consensus in all submissions received.
- 2.8 In relation to a roster or rotational mechanism for an allocations of motions on notice ‘opportunities’ for members based on a proportion of party representation, the submissions provided varied responses.
- 2.9 The submissions did not indicate consensus support for discussion points one, four and five in Report 51. However, the issues raised in that report and the substance of the submissions received leaves the PPC with little doubt that members were questioning whether the procedure in its current form adequately fulfils its function.

³ Erskine May, *Parliamentary Practice*, LexisNexis, 2011, p 392.

- 2.10 In its inquiry, the PPC explored what it considered the underlying issues that led to the referral. The PPC has considered whether the events of the 39th Parliament, and the House's desire to avoid a repeat of those events, was a key motivation for the referral.

The events of the 39th Parliament

- 2.11 The events of the 39th Parliament were summarised in the Discussion Paper contained in Report 51 in paragraph 1.28 as follows:

In June 2013 following the change in the Council's membership on 22 May, a practice developed in which the procedure for motions on notice was used as a tool for a series of alternating debates either congratulating or condemning the Government. On 19 June 2013, 14 opposition notices of motion were given that condemned the Government for a variety of reasons. In response to those motions, members supporting the then 'alliance government' lodged a further series of 15 'counter' notices of motions proposing to congratulate the Government. This occurred notwithstanding the capacity of Government members to defeat or amend the opposition motions when debated. In all, the series of motions lodged and the lack of restraint exhibited by members contributed to a backlog of motions on the Council Notice Paper that extended beyond the life of the Parliament.

- 2.12 The submission from Hon Jacqui Boyde of the Parliamentary National Party of Australia (WA) (**NPA**) briefly comments on those events as follows:⁴

The need for reform of Motions on Notice became evident in the last term of government, when Motions on Notice was flooded with motions that overtime became irrelevant and out-dated.

Quite frankly, this was a mistake by government members at the time, and an abuse of Motions on Notice as it should be a tool used predominantly by non-government members to hold the government to account.

- 2.13 The PPC recognises that the view expressed in this submission was one of the factors contributing to member concerns that the motions on notice procedure was not functioning effectively. The PPC notes that to date, the events of the 39th Parliament have not been repeated in the 40th Parliament.
- 2.14 The distribution by party of motions debated to date during the 40th Parliament is shown in Table 1. This indicates that members who do not support the Government have moved just over 81 percent of motions in the 40th Parliament. This approximates the average achieved in the Legislative Council over the five Parliaments since 1997. It would appear that lessons have been learnt and that a fair and equitable apportionment of time between members can be achieved through mutual agreement.

Table 1. *Motions on notice debated by party (to the end of September 2018) in the 40th Parliament*

Party	Motions on Notice debated	Percentage of Motions
ALP (Government)	3	18.75
Liberal Party	2	12.50
National Party	4	25.00
Greens (WA)	4	25.00

⁴ Submission 4 from the Parliamentary National Party of Australia (WA), 10 August 2018, p 1.

Party	Motions on Notice debated	Percentage of Motions
Pauline Hanson's One Nation	1	6.25
Shooters, Fishers and Farmers Party	1	6.25
Liberal Democrats	1	6.25
Total	16	100

- 2.15 The PPC accepts it may be possible to achieve a fair and equitable apportionment of time for motions on notice by agreement. The success of such a voluntary scheme is dependent upon the exercise of mutual restraint in a chamber consisting of seven separate political groups. The PPC considers that the objectives of achieving an increase in the number of motions considered by the Council and member participation in debate would be supported by certainty about the number of opportunities that are available to members of each political group in each calendar year. This prescription, together with the fact that the recommended scheme for motions on notice is of a temporary nature, provides the House with a chance to see whether the altered arrangements can achieve these desired outcomes.

FINDING 1

The Committee finds that an equitable apportionment of motions on notice opportunities between members is possible under existing arrangements but can only be achieved by mutual agreement between the seven political groups represented in the Legislative Council.

FINDING 2

The Committee finds that the twin objectives of achieving an increase in the number of motions considered by the Council and member participation in debate would be supported by certainty about the number of opportunities that are available to members of each political group in each calendar year.

Proposed Temporary Orders

- 2.16 The PPC produced Report 51 to aid members in their consideration of the procedures and practice related to motions on notice. The PPC has considered the eight submissions received and responds to the submissions in the following paragraphs.

Time limits

- 2.17 The consensus position in the majority of the submissions revolved around the following three points —
- a reduction in speaking time limits on the main question from 45 minutes to 20 minutes per contribution of each member;
 - that the maximum time limit for each motion be reduced from 240 minutes to 120 minutes; and
 - that only one motion be dealt with and completed during a single 120 minute period.

Reduced time limits for motions on notice

- 2.18 The relevant Standing Orders regulating the time limits for motions on notice are SO 15(2) and SO 23(1)(a) as follows —

15. Weekly Business

The following business shall be taken each sitting week:

- (2) Motions on Notice

After the conclusion of formal business each Wednesday, motions on notice shall be taken for a period of 120 minutes.

23. Maximum Time Limits for Certain Business Items

- (1) Unless otherwise ordered, the following maximum total debate time limits shall apply per item of business for the following categories —

- (a) motions on notice (SO 15(2)) 240 minutes

- 2.19 Reducing the maximum total time per motion from 240 minutes to 120 minutes, and requiring each motion to be dealt with in one 120 minute period prescribed in SO 15(2) can be achieved by a temporary order amending SO 23 from 240 minutes to 120 minutes.
- 2.20 A reduction from 240 minutes to 120 minutes, with each motion being dealt with in one period, will permit approximately 20 motions to be disposed of in a calendar year. This will significantly increase the number of opportunities available to all private members to put a proposition before the House for its determination.
- 2.21 The PPC is aware that an increase in the number of opportunities for motions on notice is a desired outcome. However, such a reform may have significant financial and human resource implications for the Department of the Legislative Council if the House agrees, for example, to the establishment of multiple select committees.

Reduced speaking time limits for members

- 2.22 The PPC notes the consensus position in relation to speaking time limits on the main question for members is a reduction from the current 45 minutes per speaker to 20 minutes.
- 2.23 The proposed 20 minutes reduced speaking time does not achieve the aim of increased member participation. Under the current arrangements, if all speakers to a motion utilise their entire allocation of 45 minutes speaking time, a total of 5.3 members are able to participate in the debate. Under the consensus position of 20 minutes speaking time and a 120 minute maximum debate time, if all members utilise their entire allocation a total of 6 members can participate. This outcome does not materially increase the opportunities for member participation in debate.
- 2.24 The PPC therefore proposes a modified version of the Non-Government Business speaking time limits, including a varied reply and amendments speaking times, as follows:

Motions on Notice

Mover	20 minutes
Responsible Minister or Parliamentary Secretary	15 minutes
Other Members	10 minutes
Mover-in-reply	5 minutes

Amendments to Motions on Notice

All Members

5 minutes

- 2.25 This arrangement will result in 10.5 members being able to participate in the debate if all speakers utilise their entire allotment of speaking time. Further to this proposal the PPC intends that the proposed time limits include a mechanism to ensure the mover of a motion has the opportunity to provide a reply to the House. An explanation of this mechanism is included in the Temporary Order: Commentary in Appendix 1.
- 2.26 The PPC is of the view that this proposal better suits the objective of providing an increased capacity for participation in debate sought by members.

Roster/rotational mechanism

- 2.27 The submissions did not provide definitive consensus support for the introduction of a roster or rotational mechanism for the allocations of motions on notice opportunities. The PPC is aware that such a mechanism was discussed amongst the business management meeting of party leaders prior to the referral and was later raised as a potential avenue of inquiry in two of the initial submissions.
- 2.28 The PPC has considered the practical implications for the implementation of such a mechanism and has determined that a quota option based on a political group's membership as a proportion of total private members provides the most practical solution for an equitable allocation of 'turns'.
- 2.29 A roster based upon a quota allocation will not require any change to the manner in which notices are given, or the order in which they will appear on the Notice Paper (SO 18). Standing Order 66 which requires that motions have precedence each day according to the order in which they appear on the Notice Paper will need to be suspended to allow for the fact that any notice appearing under the heading 'Motions on Notice' may be selected for debate. A *pro rata* allocation and roster together with the suspension of SO 66 removes the incentive for members to give early notices for 'fear of missing out' under the existing arrangements.
- 2.30 A roster of quota allocations similar to that produced for Non-Government Business may be varied by an agreement to swap allocated places or to take into account the operation of SO 17, which permits the House under sub-section (5) to order any motion to be made Motion No. 1 for the next sitting. As a result the roster of allocations is a variable 'living roster' that will be published with the Weekly Bulletin on the Friday prior to each sitting week. The final two places on the roster will be allocated to Government private members to ensure that the allocations to private members who do not support the Government are not disturbed by an order to dispense with Motions on Notice in the final sitting weeks of the year to progress Government business.
- 2.31 The Temporary Order requires that the Clerk be notified in writing of the notice that is to be dealt with in the following week by no later than noon of the Friday on which the Weekly Bulletin is published. This will provide the House with a sufficient minimum period of notice (five days) of the intended motion for debate in a manner similar to that currently provided for in Non-Government and Private Members' business. A member may give earlier notice informally if they chose to.
- 2.32 If the House is amenable to such a solution, a detailed explanation of this mechanism is included in the Temporary Order: Commentary in Appendix 1. The proposed Temporary Order will benefit the proper and orderly transaction of business during motions on notice by providing:

- an equitable determination of allocations of motions on notice by quota based on each political group's proportion of private members;
- a formula for determining quotas that ensures that the total number of quota allocations cannot exceed sitting weeks;
- a means to ensure a minimum of one allocation for each political group per calendar year;
- a schedule of allocations of motions on notice that may be varied by agreement or order of the House;
- a period of sufficient notice for each motion selected for debate; and
- certainty for members.

Recommendation

2.33 The PPC recommends that the House trial the following Temporary Orders during the 2019 Parliamentary Sittings:

RECOMMENDATION 1

That the following Temporary Orders be adopted by the Council to apply from 1 January 2019 until (and including) 31 December 2019 —

1. Operation

This Temporary Order operates from 1 January 2019 to 31 December 2019.

2. Definitions

For the purposes of this Temporary Order a Private member means a member who is not:

- a Minister;
- a Parliamentary Secretary; or
- the President.

3. Quota

- (1) Subject to (2), the number of opportunities available to members of a political group in each calendar year of sittings shall be a quota calculated as the sum of:

$$\left(\frac{\text{Number of private members of political group}}{\text{Total private members}} \times 100 \right) \times \left(\frac{\text{Number of sitting weeks}}{100} \right)$$

rounded to the nearest whole number.

- (2) Where the sum of quotas exceeds sitting weeks or a political group has a quota of zero, the quota of the political group comprising the greatest number of members supporting the Government shall be reduced so that as the case requires:
 - the sum of quotas equals sitting weeks; and
 - each other political group has a minimum quota of one.
- (3) As each item of business is disposed of, the quota of the relevant political group reduces accordingly.
- (4) No political group shall in any calendar year exceed its quota unless provided for in this Temporary Order or the Council otherwise orders on motion without notice.

4. Annual schedule of allocation

- (1) Standing Order 66 is suspended for the duration of this Temporary Order.
- (2) There shall be an Annual Schedule of Allocation of Motions on Notice for business taken under Standing Order 15(2) which sets out the *pro rata* allocation of dates between political groups in accordance with their respective quota.
- (3) The President shall table the Annual Schedule of Allocation of Motions on Notice:
 - (a) following the tabling of a schedule of dates for sittings of the Council under Standing Order 6, which is to apply for the forthcoming calendar year; or
 - (b) following a general election when members of the Council are declared elected, which is to apply to the calendar year from when those members take their seats.
- (4) The Annual Schedule of Allocation of Motions on Notice tabled under (3), and any subsequent variations to the Schedule under (5) or (6)(b), shall be published in the Weekly Bulletin.
- (5) Subject to (6)(b), the Annual Schedule of Allocation of Motions on Notice shall only be varied:
 - (a) to take into account any change to the Business Program ordered by the Council under Standing Order 17; or
 - (b) by an agreement to exchange allocated dates that is communicated in writing to the Clerk by each of the parties to the exchange by 4.00pm on the Wednesday prior to the earliest allocated date that is the subject of the exchange agreement.
- (6) Each notice of motion listed on the Notice Paper that is proposed to be moved in accordance with the Annual Schedule of Allocation of Motions on Notice, shall be notified in writing to the Clerk by noon on the Friday prior to the allocated date, and:
 - (a) on the receipt of such written notification, the Clerk shall publish the relevant notice of motion in the Weekly Bulletin for the following week; or
 - (b) if no written notification is provided to the Clerk by the specified deadline and unless the Council otherwise orders on motion without notice:
 - (i) business to be taken under Standing Order 15(2) for the following week shall be vacated and the Council is to proceed to other business; and
 - (ii) the political group listed on the Annual Schedule of Allocation of Motions on Notice for the following week shall have its total quota allocation in the Schedule reduced as if the allocated session for Motions on Notice had proceeded.
- (7) The consideration of notices taken under Standing Order 15(2) for the period from the opening day to when members elected at the general election take their seats shall be selected by lot drawn by the President on the adjournment of the opening day.

5. Debate on motions on notice

The total time for debate on each motion on notice and speaking times in Chapter IV are amended as follows:

- (1) SO 21 Time Limits on Speeches is amended by inserting after the time limits under the heading "Bills (Second and Third Reading)", the following:

Motions on Notice (SO 15(2))

Mover	20 minutes
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Responsible Minister or Parliamentary Secretary	15 minutes
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Other Members	10 minutes
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Mover in Reply	5 minutes
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Amendments to Motions on Notice

All Members	5 minutes
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- (2) SO 23 Maximum Time Limits for Certain Business Items is amended by deleting paragraph (a) in clause (1) and inserting instead:

(a) Motions on notice (SO 15(2))	120 minutes
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6. Reply and disposal of business

- (1) When an item is not earlier disposed of, at 5 minutes before the end of the time provided for the consideration of the item, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes. If the mover elects not to make a reply the member interrupted may continue their speech.
- (2) At the close of debate or at the expiry of the maximum time limit, the President is to put every question necessary to dispose of the motion forthwith and successively without further amendment or debate, unless the motion is withdrawn as provided by the Standing Orders.
- (3) When an item is disposed of prior to the expiry of the maximum time limit the period for motions on notice concludes and the Council is to proceed to other business.

- 2.34 For the information of members, the applicable quota allocation resulting from the adoption of the proposed Temporary Order, including a draft roster of allocations coinciding with the 2019 parliamentary sitting calendar, is attached at Appendix 2.

CHAPTER 3

Related matters

Related matters

- 3.1 A number of matters related to the referral arose during the inquiry. While these matters are outside of the scope of this referral, the PPC draws to the attention of members the following related matters for possible future consideration by the Council.

Variation of scheduled sittings of the House

- 3.2 Standing Order 6 requires the Leader of the House to table a schedule of sitting dates for the Council for the forthcoming calendar year. Any variation of that schedule may only be made by motion supported by an absolute majority of members.
- 3.3 In the past, the House has agreed to a recommendation of the *Estimates and Financial Operations Committee (Estimates Committee)* to hold its annual hearings to consider the estimates of revenue and expenditure in the State Budget on a scheduled sitting week. This has required the House to agree to vacate that sitting. No additional sitting week is added to compensate for the vacated week, largely due to the disruption this would cause members arising from having to cancel or reschedule existing commitments. If a sitting week were vacated during the operation of the recommended Temporary Order, it would affect the *pro rata* allocation of opportunities for motions on notice which is based on the number of sitting weeks in the sitting schedule tabled under SO 6. As a consequence, the *pro rata* allocation would need to be recalculated.
- 3.4 The PPC is of the view that the potential for disruption of the recommended procedure for motions on notice would be avoided if:
- The Estimates Committee ensured that it held its annual estimates hearings on a non-sitting week;
 - The House determined when the estimates hearing should occur, as it has done in the past; or
 - The annual estimates week were included in the annual sitting schedule tabled under SO 6.
- 3.5 The PPC notes that the annual sitting schedule already includes the estimates week for the Assembly. Government determines the annual sitting schedule but the House may determine its own sitting days and times by absolute majority resolution irrespective of this schedule. Given the above options, there should be no reason why a scheduled sitting week should be vacated for the estimates hearings. Having the Council estimates hearing week known well in advance would be of considerable benefit to members, ministers and agencies in scheduling their commitments.

Definition of Private Members

- 3.6 The proposed Temporary Order provides a definition for a private member to mean a member who is not a Minister, Parliamentary Secretary or the President. This definition contrasts with the definition of private member in the standing orders as it relates to the procedure for Private Members' Business in SO 112. Under this procedure the definition of a private member is "... a Member who supports the Government but is not a Minister or a Parliamentary Secretary." The latter definition is inconsistent with the traditional definition of a private member as it is understood in most Westminster Parliaments.

- 3.7 If the procedure for Private Members Business is to be retained and in order to avoid confusion with related procedures it may benefit the Council if consideration is given to redefining and renaming private members' business 'Government Members' Business'. This would merely require the heading of SO 112 to be changed to Government Members Business and to define a Government Member as a Member who supports the Government but is not a Minister or a Parliamentary Secretary.
- 3.8 Alternatively, the Council may give consideration to:
- combining the current procedures for Non-Government Business and Private Members' Business into the one procedure and allocating opportunities in the same manner as is proposed for the Temporary Order; or
 - having one period of Private Members Business which incorporates all three current procedures for private members – Motions on Notice; Non-Government Business; and Private Members' Business.

Types of business before the Council

- 3.9 In the Australian Senate there are three distinct types of business:
- Government business: business initiated by ministers and parliamentary secretaries;
 - General business: business introduced by private members; and
 - Business of the Senate: business such as disallowance of subsidiary legislation, consideration of committee reports, motions to refer matters to standing committees and consideration of other matters ordered by the Senate such as reports of its procedure committee.
- 3.10 If the Council were to adopt a similar division of business, it may result in a more efficient use of time in each category of business. A sitting day, for instance Wednesday, could be assigned a day for private members business and business of the Council, leaving Tuesday and Thursday for Government business.

Authority provided to the President to remove 'stale' notices from the notice paper

- 3.11 The Standing Orders of the Legislative Assembly of Western Australia provide a mechanism to clear the Notice Paper in the form of a discretionary power provided to the Speaker. Motions not moved after 30 sitting days (SO 74) may be removed by the Speaker following notice. A similar discretionary power is not currently available to the President in the Standing Orders of the Council.
- 3.12 The PPC does not anticipate that any such authority will be required by the President during the operation of a Temporary Order and notes that this discussion point was not supported in any of the submissions. However, the PPC is of the view that the Council would benefit from a similar mechanism for those times when a Temporary Order is not in operation. Further consideration can be given to this matter when assessing the utility of the Temporary Order later in 2019.



Hon Kate Doust MLC
Chair

APPENDIX 1

TEMPORARY ORDER: COMMENTARY

Order Number	Commentary
1. Operation This Temporary Order operates from 1 January 2019 to 31 December 2019.	The Temporary Order operates for the 2019 sittings. The Order is drafted so that it can adapt to calendar years with different sitting weeks and for sitting years in which a general election is held.
2. Definitions For the purposes of this Temporary Order a <i>Private member</i> means a member who is not: <ul style="list-style-type: none"> a) a Minister; b) a Parliamentary Secretary; or c) the President. 	The motions on notice procedure is an aspect of private members business. The definition specifies who is a private member for the purposes of the Temporary Order and for calculation of the quota in Temporary Order 3. The definition reflects the definition of private member in SO 112(2) but adds the President.
3. Quota 1) Subject to (2), the number of opportunities available to members of a political group in each calendar year of sittings shall be a quota calculated as the sum of: $\left(\frac{\text{Number of private members of political group}}{\text{Total private members}} \times 100 \right) \times \left(\frac{\text{Number of sitting weeks}}{100} \right)$ rounded to the nearest whole number. 2) Where the sum of quotas exceeds sitting weeks or a political group has a quota of zero, the quota of the political group comprising the greatest number of members supporting the Government shall be reduced so that as the case requires:	1) The formula results in each party receiving a proportion of the 23 allocations of motions in 2019 based on the number of their private members as a proportion of total private members (29). Government private members (7) receive 24 percent of the allocated places in 2019 (6 places). The average percentage for Government private members for the previous 5 parliaments (35th -39th) is 18 percent. If this average percentage were applied based on a 23-week sitting calendar, Government private members would receive 4 places. See data in Discussion Paper. There remains some uncertainty regarding when 2019 Council Estimates will occur and any system relying upon a quota would benefit from certainty regarding the minimum number of sitting weeks available for motions on notice. Having a fixed week set as occurs with

Order Number	Commentary
<p>a) the sum of quotas equals sitting weeks; and</p> <p>b) each other political group has a minimum quota of one.</p> <p>3) As each item of business is disposed of, the quota of the relevant political group reduces accordingly.</p> <p>4) No political group shall in any calendar year exceed its quota unless provided for in this Temporary Order or the Council otherwise orders on motion without notice.</p>	<p>Assembly estimates is recommended.</p> <p>2) Ensures that places allocated to political groups does not exceed sitting weeks and that all opposition political groups have a quota of at least one per calendar year. Where the sum of quotas rounded to the nearest whole number exceeds sitting weeks or if rounding results in a opposition political group having a zero quota, private members of the political group in Government have their quota reduced. This will not occur in a 22 or 23 sitting week year where there are seven political groups. Based on the current political composition of the Chamber Government members would lose quota as follows:</p> <ul style="list-style-type: none"> • 13 weeks (2017 sittings – first year of new Parliament) - 1 place • 16 weeks (2013 sittings – first year of new Parliament) - 1 place • 20 weeks (2018 sittings) - 1 place • 21 weeks - 1 place <p>Quota outcomes based on differing annual sitting weeks taking into account the parliamentary cycle and number of political groups are contained in Appendix 1.</p> <p>3) Makes it clear that quotas of each political group diminish as each notice is disposed of.</p> <p>4) Quota for a calendar year for members of each party cannot be exceeded other than in accordance with the Temporary Order or if the House otherwise orders. For example, the House may order an increase in the quota of members of a particular political group if additional sitting weeks are added to the sitting calendar.</p>
<p>4. Annual schedule of allocation</p> <p>1) Standing order 66 is suspended for the duration of this Temporary</p>	<p>1) SO 66 provides that motions are to be taken in the order in which they appear on the Notice Paper. This will not be the case under the</p>

Order Number	Commentary
<p>Order.</p> <p>2) There shall be an Annual Schedule of Allocation of Motions on Notice for business taken under standing order 15(2) which sets out the <i>pro rata</i> allocation of dates between political groups in accordance with their respective quota.</p> <p>3) The President shall table the Annual Schedule of Allocation of Motions on Notice:</p> <p style="padding-left: 40px;">(a) Following the tabling of a schedule of dates for sittings of the Council under standing order 6, which is to apply for the forthcoming calendar year; or</p> <p style="padding-left: 40px;">(b) Following a general election when members of the Council are declared elected, which is to apply to the calendar year from when those members take their seats.</p> <p>4) The Annual Schedule of Allocation of Motions on Notice tabled under (3), and any subsequent variations to the Schedule under (5) or (6)(b), shall be published in the Weekly Bulletin.</p> <p>5) Subject to (6)(b), the Annual Schedule of Allocation of Motions on Notice shall only be varied:</p> <p style="padding-left: 40px;">(a) to take into account any change to the Business Program ordered by the Council under standing order 17; or</p> <p style="padding-left: 40px;">(b) by an agreement to exchange allocated dates that is communicated in writing to the Clerk by each of the parties to the exchange by 4.00pm on the Wednesday prior to the earliest allocated date that is the subject of the exchange agreement.</p> <p>6) Each notice of motion listed on the Notice Paper that is proposed to be moved in accordance with the Annual Schedule of Allocation of Motions on Notice, shall be notified in writing to the Clerk by noon on the Friday</p>	<p>Temporary Order. Accordingly, the standing order needs to be suspended for the duration of the Temporary Order.</p> <p>2) Annual Schedule of Allocation of Motions on Notice sets out a pro rata allocation of sessions in accordance with the quota determined in Temporary Order 3.</p> <p>3) President tables Annual Schedule following the tabling of the Annual Sitting Schedule under SO 6. Paragraph (3)(b) indicates how the Annual Schedule would be tabled in the year of a new Parliament.</p> <p>4) Annual Schedule and any variation to it is published in the Weekly Bulletin.</p> <p>5) Annual Schedule can be varied only in limited circumstances, being by advancing or postponing an item under SO 17, or by a written agreement to exchange places in the Schedule.</p> <p>6) Sets out the notification requirements for a notice to be listed on the Weekly Bulletin for debate in the following week. The deadline is noon on Friday prior to the allocated date.</p> <p style="padding-left: 40px;">a) The Clerk lists the notified item on the Weekly Bulletin distributed to all Members.</p> <p style="padding-left: 40px;">b) If no notification is given to the Clerk by the deadline, and unless the Council otherwise orders,</p> <p style="padding-left: 80px;">(i) the session of motions on notice is vacated for the following week and the Council proceeds to other business, which in accordance with SO 15 is Consideration of Committee Reports. The vacation of the session for Motions on Notice would result in a further two hours of orders of the day following Consideration of Committee Reports; and</p>

Order Number	Commentary
<p>prior to the allocated date, and –</p> <ul style="list-style-type: none"> (a) on the receipt of such written notification, the Clerk shall publish the relevant notice of motion in the Weekly Bulletin for the following week; or (b) if no written notification is provided to the Clerk by the specified deadline and unless the Council otherwise orders on motion without notice – <ul style="list-style-type: none"> (i) business to be taken under standing order 15(2) for the following week shall be vacated and the Council is to proceed to other business; and (ii) the political group listed on the Annual Schedule of Allocation of Motions on Notice for the following week shall have its total quota allocation in the Schedule reduced as if the allocated session for Motions on Notice had proceeded. <p>7) The consideration of notices taken under standing order 15(2) for the period from the opening day to when members elected at the general election take their seats shall be selected by lot drawn by the President on the adjournment of the opening day.</p>	<ul style="list-style-type: none"> (ii) the political group allocated that session has its quota allocation reduced as if the debate for its motion had proceeded. <p>7) This takes into account that notices may be given on the opening day of a new Parliament and that depending on when the opening day occurs some periods of Motions on Notice may occur until members of the Council elected at the preceding March election take their seats on 22 May. The President selects notices given on the opening day for debate during this period by the drawing of lots. No quota or allocation based on the quota is affected as none applies during this period.</p> <p>The sitting schedule for 2019, quota calculation and proposed annual Schedule of Allocation of Motions on Notice based on 23 allocations in 2019 is contained in Appendix 2. The allocation lists the final two places in the calendar year to private members of the governing party. This recognises the likelihood that one or both of these sessions will not proceed to allow the Government to progress orders of the day.</p>
<p>5. Debate on motions on notice</p> <p>The total time for debate on each motion on notice and speaking times in Chapter IV are amended as follows:</p> <p>1) SO 21 Time Limits on Speeches is amended by inserting after the time limits under the heading “Bills (Second and Third Reading)”, the following:</p>	<p>1) The Temporary Order provides for the addition in SO 21 of specific time limits for the motions on notice procedure. These reduce the previous speaking times applying to all members from 45 minutes to 20 minutes; for the mover, 15 minutes for the responsible ministers or parliamentary secretary and 10 minutes for all other members. The mover in reply has an option for a 5 minute reply. Amendments are limited to 5 minutes. The Temporary Order does not disturb speaking times that apply to</p>

Order Number	Commentary												
<p>Motions on Notice (SO 15(2))</p> <table> <tr> <td>Mover</td><td>20 minutes</td></tr> <tr> <td>Responsible Minister or Parliamentary Secretary</td><td>15 minutes</td></tr> <tr> <td>Other Members</td><td>10 minutes</td></tr> <tr> <td>Mover in Reply</td><td>5 minutes</td></tr> </table> <p><i>Amendments to Motions on Notice</i></p> <table> <tr> <td>All Members</td><td>5 minutes</td></tr> </table> <p>2) SO 23 Maximum Time Limits for Certain Business Items is amended by deleting paragraph (a) in clause (1) and inserting instead:</p> <table> <tr> <td>a) Motions on notice (SO 15(2))</td><td>120 minutes</td></tr> </table>	Mover	20 minutes	Responsible Minister or Parliamentary Secretary	15 minutes	Other Members	10 minutes	Mover in Reply	5 minutes	All Members	5 minutes	a) Motions on notice (SO 15(2))	120 minutes	<p>other motions. Examples include a motion to suspend standing orders; a motion moved during second reading to refer a Bill to a committee; a motion to agree or disagree to amendments made to a Bill by the Assembly; or other motions that are subject to specified time limits, e.g. Non-Government and Private Members' Business.</p> <p>2) The Temporary Order alters the existing total time for motions on notice provided for in SO 23 to reduce the maximum time limit for Motions on Notice from 240 minutes to 120 minutes. This results in each motion being disposed of at the one sitting Wednesday rather than in two successive Wednesdays.</p>
Mover	20 minutes												
Responsible Minister or Parliamentary Secretary	15 minutes												
Other Members	10 minutes												
Mover in Reply	5 minutes												
All Members	5 minutes												
a) Motions on notice (SO 15(2))	120 minutes												

Order Number	Commentary
<p>6. Reply and disposal of business</p> <ol style="list-style-type: none"> 1) When an item is not earlier disposed of, at 5 minutes before the end of the time provided for the consideration of the item, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes. If the mover elects not to make a reply the member interrupted may continue their speech. 2) At the close of debate or at the expiry of the maximum time limit, the President is to put every question necessary to dispose of the motion forthwith and successively without further amendment or debate, unless the motion is withdrawn as provided by the standing orders. 3) When an item is disposed of prior to the expiry of the maximum time limit the period for motions on notice concludes and the Council is to proceed to other business. 	<ol style="list-style-type: none"> 1) Permits the mover the option of a reply, which closes debate. If a reply is not given the speaker interrupted may continue their speech. 2) Following reply or conclusion of the time limit, the President puts all questions to dispose of the item of business. The temporary order is consistent with the guillotine as in the existing standing order relating to the Motions on Notice procedure. 3) Ensures that only one motion is dealt with in the period set aside for Motions on Notice.

APPENDIX 2

QUOTA CALCULATION AND PROPOSED ROSTER OF ALLOCATIONS

Quota calculation

Allocation of Motions on Notice in 2019
based on 23 sitting weeks and 7 political groups

No. Political Groups	Political Group	Quota
1	LIB	7
2	ALP	6
3	NAT	3
4	GWA	3
5	PHON	2
6	SFF	1
7	LDP	1
Total		23

Proposed roster of allocations

Allocation of Motions on Notice in 2019
based on 23 sitting weeks and 7 political groups

Week	Indicative Date	Party	Quota Remaining
1	13-Feb-19	LIB	6
2	20-Feb-19	ALP	5
3	13-Mar-19	NAT	2
4	20-Mar-19	LIB	5
5	03-Apr-19	GWA	2
6	10-Apr-19	PHON	1
7	08-May-19	LIB	4
8	15-May-19	ALP	4
9	05-Jun-19	SF	0
10	12-Jun-19	LDP	0
11	26-Jun-19	LIB	3
12	07-Aug-19	ALP	3
13	14-Aug-19	NAT	1
14	21-Aug-19	LIB	2
15	04-Sep-19	GWA	1
16	18-Sep-19	PHON	0
17	25-Sep-19	LIB	1
18	16-Oct-19	ALP	2
19	23-Oct-19	NAT	0
20	30-Oct-19	LIB	0
21	20-Nov-19	GWA	0
22	27-Nov-19	ALP	1
23	04-Dec-19	ALP	0

**Schedule assumes LC Estimates week 17 - 21 June 2019*

PARLIAMENT OF WESTERN AUSTRALIA CALENDAR FOR 2019

JANUARY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

MARCH						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21*	22*	23*	24	25
26	27	28	29	30	31	

JUNE						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Key :



School Holidays



Public Holidays



Both Houses sitting



Assembly Estimates



Assembly only sitting



Council only sitting

APPENDIX 3

SUBMISSIONS RECEIVED

Number	From
1	Hon Alison Xamon MLC, on behalf of the Greens (WA)
2	Hon Peter Collier MLC, Leader of the Opposition in the Legislative Council, on behalf of the Liberal Party
3	Hon Sue Ellery MLC, Leader of the House in the Legislative Council, on behalf of the Australian Labor Party
4	Hon Jacqui BoydeLL MLC, on behalf of The Nationals WA
5	Hon Colin Tincknell MLC, on behalf of Pauline Hanson's One Nation
6	Hon Peter Collier MLC, Leader of the Opposition in the Legislative Council, on behalf of the Liberal Party
7	Hon Sue Ellery MLC, Leader of the House in the Legislative Council, on behalf of the Australian Labor Party
8	Hon Jacqui BoydeLL MLC, on behalf of The Nationals WA

Office of Hon Alison Xamon MLC
MEMBER FOR NORTH METROPOLITAN REGION



The Chair and Members
Procedure and Privileges Committee
By email: ghitchcock@parliament.wa.gov.au

Dear Madam President and Committee members,

Inquiry – Review of the Standing Orders relating to Motions on Notice

I refer to the current review of the Standing Orders relating to motions on notice and make the following submissions on behalf of the Greens WA:

1. That **debate duration be halved to a maximum of two hours**. We respectfully submit that this is sufficient time for debate.
2. That **speaking time limits should be reduced accordingly**. We submit therefore that the 45 minute speaking time limit should be reduced by approximately half to 20 minutes. The 15 minute speaking time limit for the reply should be reduced to 10 minutes; this is a third reduction rather than half, but we submit that less than 10 minutes would be insufficient time for reply.
3. That the **current process for amendment, and speaking on amendments, should be amended**. We submit that the following process should be adopted instead:
 - a. Any proposed amendment to the motion be circulated before the debate (similarly to proposed amendments to Bills)
 - b. All speakers during their 20 minute speaking time have the opportunity to address both the substantive motion and the proposed amendment
 - c. The mover in reply similarly have the opportunity to address both the substantive motion and the proposed amendment during his/her 10 minute speaking time
 - d. All voting occur at the end of the debate or the end of the two hours, whichever occurs first.We submit that the advantages of such an approach are:
 - e. Increased efficiency
 - f. Better “flow” of the debate
 - g. Those MLCs who have already spoken in relation to the motion do not get a further opportunity to dominate the debate by then making a second speech in relation to the proposed amendment
 - h. Arising from (g), decreased chance that an MLC who wants to speak will miss out on the opportunity to do so within the debate time limit (this is a problem that occurs under the current arrangement)

- i. Better quality debate – the elimination of surprises through providing advance notice of proposed amendments means all speakers will have the opportunity to make a considered contribution to the debate including any proposed amendment.
4. That **if debate on a motion on notice is completed before the end of two hours Orders of the Day be resumed instead of the House moving on to debating the next motion.** This increases certainty as to when a motion will be coming on, and therefore increases efficiency by assisting to ensure that all speakers are ready for the debate. Having a set time for debate also increases transparency by making it easier for stakeholders and interested members of the public who wish to watch the debate to do so
5. That **opportunities to put motions on notice be allocated pro rata between all current parties.** We further submit that these should **proceed in order over the course of the current Parliament, rather than being scheduled for a particular date/session.** This avoids the difficulty that has arisen with non-government business scheduling, where the session can be lost due to the timing of the annual budget estimates hearings (as happened most recently with the non-government business session of 21 June 2018 allocated to the Nationals, and as has happened previously to other opposition parties including the Greens), or vacation of either the relevant session or the entire sitting week due to the demands of business before the House.

I look forward to receiving the Committee's recommendations in due course.

Yours sincerely,



Hon Alison Xamon MLC
Member for North Metropolitan

06 August 2018



Hon Peter Collier MLC

Member for North Metropolitan Region
Shadow Minister for Disability Services; Housing
Leader of the Opposition in the Legislative Council



8 August 2018

Mr Grant Hitchcock
Usher of the Black Rod
Legislative Council of Western Australia
Parliament House
4 Harvest terrace
West Perth WA 6005

Dear Grant

Review of the Standing Orders relating to Motions on Notice

The Liberal Party is supportive of consideration being given to changes to the current format of Motions on Notice. In particular, the Liberal Party would be supportive of:

- A reduction from the current 45 minutes to 20 minutes for each member contribution
- Confining each Motion on Notice to two hours
- Resolving each Motion on Notice at the conclusion of the two hour debate

Discussion amongst all parties has also revolved around the possibility of a roster system by party for Motions on Notice, similar to that applied to Non-Government Business. While the Liberal Party is receptive to this proposal, we would be interested to have an indication of the weighting of Motions on Notice per party over recent parliaments (37th, 38th and 39th). It would be appreciated if this information were to be made available to the Standing Committee on Procedure and Privileges and to all parties for their consideration.

Thank you for providing the Liberal Party with the opportunity to make a submission into the review of Motions on Notice.

Kind regards

A handwritten signature in black ink, appearing to read 'P. Collier'.

Honourable Peter Collier MLC
Leader of the Opposition, Legislative Council

Shop 23A Warwick Grove, Cnr Beach & Erindale Roads, Warwick WA 6024
PO Box 2606 Warwick WA 6024
Telephone: (08) 9203 9588 • Facsimile: (08) 9203 8785
Email: peter.collier@mp.wa.gov.au



**Hon Sue Ellery MLC
Minister for Education and Training
Leader of the Legislative Council**

Our Ref: 61-12044

Hon Kate Doust MLC
Chair, Procedure and Privileges Committee
President of the Legislative Council


Dear Ms Doust

Thank you for your letter dated 28 June 2018 inviting me to make a submission to the Procedure and Privileges Committee's (PCC) review of the Standing Orders relating to Motions on Notice.

It is our view that this should include reducing the time in which a motion is dealt with from four to two hours, and reducing speaking times. Accordingly, this would allow for a motion to be dealt with in its entirety on a single day.

It is our submission that this would allow for motions to be dealt with in a more efficient manner. I understand from my conversations with other Party Leaders that there is broad consensus for change.

I thank you for the opportunity to make a submission and look forward to the PCC's findings.

Yours sincerely


SUE ELLERY MLC
LEADER OF THE LEGISLATIVE COUNCIL

13th Floor, Dumas House, 2 Havelock Street, West Perth, Western Australia 6005
Telephone: +61 8 6552 5700 Facsimile: +61 8 6552 5701 Email: Minister.Ellery@dpc.wa.gov.au



Parliamentary National Party of Australia (WA)

Our ref: 180806/AW

10 August, 2018

Hon Kate Doust MLC
Chair, Procedure and Privileges Committee
President of the Legislative Council
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Via: ghitchcock@parliament.wa.gov.au

Dear Chair

REVIEW OF MOTIONS ON NOTICE

The Parliamentary National Party thank you for the opportunity to make a submission on this matter and gives their appreciation to the Clerks of the Legislative Council for presenting alternative options for parliamentary parties to consider.

The need for reform of Motions on Notice became evident in the last term of government, when Motions on Notice was flooded with motions that overtime became irrelevant and out-dated.

Quite frankly, this was a mistake by government members at the time, and an abuse of Motions on Notice as it should be a tool used predominately by non-government members to hold the government to account.

It is important to acknowledge the role that Motions on Notice has as distinct from Private Members Business and Non-Government Business. Motions on Notice provides an opportunity for individual members, mostly, non-government members, rather than political parties, to bring issues of relevance before the Legislative Council. This allows matters that are considered significant by the community to be dealt with by the Parliament.

Motions on Notice is unique in that it provides Parliament with a resolution determined by a vote and under Standing Order 17(5), gives capacity for members to re-order the motions to debate relevant and urgent matters.

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During the height of the State Government's education cuts for example, the Parliamentary National Party was able to seek agreement from all relevant parties to advance the education cuts motion to be listed first on the notice paper when Parliament resumed. This allowed the issue to be dealt with expeditiously as a matter of public interest.

Members should have the opportunity to debate matters of importance on behalf of the community. However, if a roster gives government members 39 per cent of the opportunity, then Motions on Notice fails to deliver the required level of critique, which the House of Review is supposed to deliver on behalf of the community.

This is one of the key reasons why the Parliamentary National Party does not support the implementation of any of the three roster formats that were presented by the Clerk of the Legislative Council. Rosters impose limits on the opportunity and responsiveness of Motions on Notice, and severely restrict the ability of non-government members to hold the government to account.

Even if Standing Order 17(5) was maintained to permit flexibility within the roster, the Parliamentary National Party could not support a roster format that would impose severe limits on the opportunity for our members to use Motions on Notice.

For example, in versions 1 and 2, the Parliamentary National Party would only have one opportunity this year to raise a matter of importance for our regional constituency. Similarly, with option 3, we would only have one opportunity over a course of 12 months to use Motions on Notice to raise an important matter.

We hold the view that any roster system based on party representation is not a fair and equitable distribution and therefore fails to uphold the tradition of Motions on Notice. The Parliamentary National Party are therefore fundamentally opposed to the introduction of a roster format.

MECHANISMS FOR REFORM

The Parliamentary National Party are supportive of mechanisms that make Motions on Notice more efficient and effective, thereby allowing more non-government members greater opportunity to hold the government to account, which is the fundamental failing of any of the suggested roster formats.

One avenue of reform for Motions on Notice could be through the introduction of speaker time limits in conjunction with the requirement that debates are completed within the 120 minute total time allocation, which would allow for more motions to be debated.

For example, if the Motions on Notice assumed the following format, this would give most parties the opportunity to have a lead speaker on a matter.

Mover – 20 minutes

Subsequent speakers – 15 minutes each

Mover-in-reply – 10 minutes

Total time – 120 minutes on one sitting Wednesday

By limiting the debate to 120 minutes instead of 240 minutes, this would also allow for double the number of motions to be debated within the year. For example, with 20 sitting weeks scheduled for 2018, members would have the opportunity to debate 20 motions, instead of the current allocation of 10. This would provide non-government members with greater opportunity to move more motions of importance, which may appease some of the criticisms of the current arrangement.

While there seems to be an implicit understanding between the leaders of respective parliamentary parties in the 40th Parliament that we would not add unnecessary motions to the notice paper, it may be prudent to impose limits on the number of motions that can be listed on the notice paper at any one time. For example, by stipulating that each parliamentary party can only have two motions listed at any one time would eliminate the dominance of Motions on Notice by any one particular parliamentary party as witnessed in the last term of government.

The Parliamentary National Party is supportive of reform that improves the responsiveness and opportunities of non-government members to debate matters of importance during Motions on Notice.

In our role as the House of Review, it is incumbent on non-government members to hold the government to account on behalf of the community. This was the traditional role of Motions on Notice, and any new structure needs to reflect these fundamental principles. We therefore will only support a new format that maintains flexibility and responsiveness to significant issues of the day/week and increases the opportunity for non-government members to raise matters of importance on behalf of the community.

If you have any other questions, please do not hesitate to contact me.

Yours sincerely



Hon Jacqui Boyde MLC
LEADER IN THE LEGISLATIVE COUNCIL

Submission No. 5



Wed 12/09/2018 3:36 PM

Tincknell, Colin <Colin.Tincknell@mp.wa.gov.au>

Submission on Motions on Notice.

to  Hitchcock, Grant

Hi Grant

I would like to make it clear, that One Nation supports "Motions on Notice" that provides an equal opportunity to members of the crossbench and opposition that clearly reflects the numbers of members in the chamber.

If this is not clear, then I look forward to the opportunity to put our submission directly to the committee etc.

Kind Regards

Colin Tincknell MLC
PHON WA Party Leader

Sent from my iPhone



Hon Peter Collier MLC

Member for North Metropolitan Region
Shadow Minister for Disability Services; Housing
Leader of the Opposition in the Legislative Council



11th October 2018

Mr Grant Hitchcock
Usher of the Black Rod
Legislative Council of Western Australia
Parliament House
4 Harvest Terrace
West Perth WA 6005

Dear Grant

Review of the Standing Orders relating to Motions on Notice

Thank you for the opportunity to offer a further submission in relation to the format of Motions on Notice. I would like to confirm that the Liberal Party remains supportive of:

- A reduction from the current 45 minutes to 20 minutes contribution for each member
- Confining each Motion on Notice to two hours
- Resolving each Motion on Notice at the conclusion of the two hour debate

I would like to thank the Standing Committee on Procedure and Privileges for providing the comprehensive information in Report 51 on the weighting of Motions on Notice of previous parliaments in relation to each political party.

It is quite apparent from this information that motions have been predominantly moved by private members who do not support the Government. With this in mind, the Liberal Party would like this precedent to be retained in any consideration of a 'roster system' being established for Motions on Notice.

Should you require further clarification of any of the points that I have raised please don't hesitate to contact me.

Kind regards

Honourable Peter Collier MLC
Leader of the Opposition, Legislative Council

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Telephone: (08) 9203 9588 • Facsimile: (08) 9203 8785
Email: peter.collier@mp.wa.gov.au



**Hon Sue Ellery MLC
Minister for Education and Training
Leader of the Legislative Council**

Our ref: 61-12905

Hon Kate Doust MLC
Chair Procedure and Privileges Committee
President of the Legislative Council

Email: ghitchcock@parliament.wa.gov.au

Dear Madam President

Thank you for inviting WA Labor Members to make a further submission in response to the discussion paper developed by the Procedure and Privileges Committee's (PPC) review of the Standing Orders relating to Motions on Notice. Our Members appreciate the work done already by the PPC in the discussion paper.

It is our view that any outcome should enable the House to move through the list of Motions on Notice more quickly and therefore more Motions on Notice being debated. It is our submission that the most effective way to achieve that is to reduce the time in which a motion is dealt with from four to two hours and to consequently reduce speaking times to ensure a reasonable number of Members can speak during that time.

I provide the following feedback in regard to each of the five discussion points.

Regarding discussion point one, we do not support this proposition. Firstly as this option retains the four-hour total debate time and the current 45 minute speaking times for all members, it will not achieve the outcome outlined above. It is possible to ensure that we don't repeat the problem we had in a previous parliament where the same party gave notice of numerous consecutive Motions on Notice by the Standing Order which provides no Member can give Notice of more than one Motion on any given day. Consideration could be given to further restrict that to no more than one party on any day if that is helpful.

Regarding discussion point two and three, we are in favour of reducing total debate time from 240 to 120 minutes and of a temporary order that would allow the Council to proceed to other business should debate on the motion finish early. Equally, we are in favour of the proposition that speaking times are reduced to accommodate the reduction in total debate time.

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In regard to discussion point four; we do not see this as necessary if consideration is given to the suggestion in our response to discussion point one.

In regard to discussion point five, we are of the view this would not be necessary if we adopt the provisions in discussion points two and three. However, it would be worthwhile to see how the combination of reducing the total debate time from 240 to 120 minutes with reduced speaking times actually works in practice and then revisiting this option if necessary.

Thank you for the opportunity to make a submission and I look forward to the PPC's further findings.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sue Ellery', is positioned above the printed name.

SUE ELLERY MLC
MINISTER FOR EDUCATION AND TRAINING

12 OCT 2018



Parliamentary National Party of Australia (WA)

Our ref: 181017/AW

17 October, 2018

Hon Kate Doust MLC
Chair, Procedure and Privileges Committee
President of the Legislative Council
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Via: ghitchcock@parliament.wa.gov.au

Dear Chair

REVIEW OF MOTIONS ON NOTICE

The Parliamentary National Party thank the Committee for the second opportunity to make a submission.

The Parliamentary National Party are only supportive of mechanisms that make Motions on Notice more efficient and effective, thereby allowing more non-government members greater opportunity to hold the government to account and raise matters of importance.

In our submission, each discussion point is addressed in turn.

Discussion Point 1: Rotational system

For the reasons outlined on page 14 of Report 51, the Parliamentary National Party continue to be fundamentally opposed to a rotational allocation based on party representation. This format fails to provide a fair and equitable distribution and therefore undermines the integrity and purpose of Motions on Notice.

Discussion Point 2: Reduced debate time

The Parliamentary National Party support the reduction in debate time to 120 minutes for Motions on Notice. This allows greater opportunity for non-government members to raise matters of importance.

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Discussion Point 3: Reduced speaking times

The Parliamentary National Party support the reduction of speaking times for Motions on Notice. We consider it important that the mover is given the opportunity of reply, and therefore, support the following speaker format.

Mover – 15 minutes

Responsible Minister/Parliamentary Secretary - 10 minutes

Other Members – 10 minutes

Mover-in-reply – 10 minutes

Total time – 120 minutes on one sitting Wednesday

Discussion Point 4: Establishing precedence

The Parliamentary National Party is opposed to determining allocation of turns by a draw of member names who have given notices. We believe this draw would undermine the integrity of Motions on Notice, and would naturally give parties with more representation more opportunity to have their issues addressed. As such, we support the current “first in” format.

We do however acknowledge that the success of this “first in” format relies on the implicit understanding between parliamentary parties that members, particularly government members, do not flood Motions on Notice as witnessed in the 39th Parliament.

Discussion Point 5: President given authority to remove ‘stale’ notices

The Parliamentary National Party does not support the interference of the President in Motions of Notice. There are a number of reasons why Motions of Notice are not addressed in a timely manner, and this is often the result of decisions of the government of the day.

If an issue sits on the notice paper for more than 30 sitting days, this does not mean that the issue is of any less importance to that member or the constituents. A more preferable option would be to allow members to remove and replace notices at their own accord.

In summary, the Parliamentary National Party are only supportive of mechanisms that ensures flexibility and responsiveness to significant issues of the day/week and increases the opportunity for non-government members to raise matters of importance on behalf of the community. It is fundamentally important that any reform measures are in keeping with the traditional role of Motions on Notice, and we consider some of the proposed measures would undermine this pursuit.

Our members believe that Motions on Notice would be made more efficient and effective if the time allocation is reduced to 120 minutes and the speaking times are also reduced. This will make a significant difference to the number of motions being addressed.

We remain fundamentally opposed to roster based systems or determination of motions based on a draw as these mechanism naturally given precedence to parties with larger representation. All non-government members should be given an equitable opportunity to raise matters of importance.

If you have any other questions, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jacqui Boyde', is positioned above the printed name.

Hon Jacqui Boyde MLC
LEADER IN THE LEGISLATIVE COUNCIL

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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