

## **PROCEDURE AND PRIVILEGES COMMITTEE**

### **REPORT ON —**

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- 1. THE RELATIONSHIP BETWEEN SO'S 164 AND 195;**
- 2. STATEMENTS BY MINISTERS AND PARLIAMENTARY SECRETARIES**

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- 1. Purpose of this report**

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The primary purpose of this report deals with the issues traversed by the President and the Leader of the Opposition that arose from the President's determination that SO 195 precludes the exercise of any discretion by the President as to when the House is to proceed to the orders of the day.

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The Leader of the Opposition, while not disputing the President's determination, argued that a strict application of SO 195 was a departure from the established usages of the House whereby it was customary for the President to inquire if leave was to be granted to continue debate in progress at the expiration of 1 hour from the time that the House commenced sitting.

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This report proposes an alteration of the current rules that appears to the Committee to meet the expectation of members while at the same time ensuring that the House reaches the orders of the day within a reasonable time.

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- 2. The relationship of SO 164 to SO 195**

In strict terms, any delay in taking orders of the day requires a motion, not a grant of leave. Neither SO 164 or 195 makes provision for a grant of leave, but it has become the usage of the House to grant leave rather than vote on a motion.

In 1983<sup>1</sup> President Griffiths stated that he would not initiate seeking leave at the end of the first hour. It would be for a member to rise when proceedings were interrupted and seek the grant of leave.

5 When President Griffiths made his statement in 1983, he alluded to changes in the Council that, *inter alia*, brought the interpretation and application of the 2 rules and their interrelationship under consideration to an extent that had not previously been required. Between 1983 and 2001, the Council has made fundamental changes in the way it deals with its business, partly in response to the increasing amount of business  
10 that its members have generated. In the same period, it has been content to vary the application of the rules to suit its requirements without altering the relevant texts.

It is apparent to the Committee that the rules should now be altered and be an accurate reflection of what the Council intends.

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### 3. What is being proposed

The Committee believes that the “1 hour rule” should remain as the first principle and that any departure should be stated in precise terms. As the Committee understands  
20 what has been said about this matter, members’ expectations would be met were any debate under way after the elapse of the first hour be permitted to continue so that a full 60 minutes is devoted to debate on motions.

The Committee therefore proposes the repeal of SO’s 164 and 195 and the insertion  
25 of a new SO 195 that provides in those cases where the orders of the day have not been reached within the first hour of sitting —

(1) if, at the expiration of the first hour there is no debate on motions in progress, the orders of the day are to be taken and the business then  
30 under consideration would be interrupted;

(2) conversely, where debate is in progress, that debate is not interrupted until the elapse of 1 hour from the time when any debate commenced  
35 at that sitting.

The Committee **recommends** that the House agree to the following motion —

1. *SO’s 164 and 195 are repealed and the following order is substituted —*

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“  
**195. When Council to proceed to orders of the day**

(1) *If not sooner reached the orders of the day are to be called —*

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(a) *at the expiration of 1 hour from the time appointed for the Council to sit on that day if there is no debate in progress at that time; or*

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(b) *at the expiration of 1 hour from the time at which any debate commenced or resumed on motions listed for consideration. or an urgency motion under SO 72.*

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<sup>1</sup> cf[1983] 243 WAPD 1669

(2) *In subclause (1)(b) —*

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(a) *a debate then in progress is interrupted without need to put any question and may be resumed at any subsequent sitting;*

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(b) *the period of 1 hour is cumulative and is to be calculated without regard to the number of questions considered and dealt with during that time.*

2. *Standing order 72 is consequentially amended by deleting from the second paragraph the words “, exclusive of a maximum 5 minute reply, “*

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#### **4. Ministerial statements**

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The Committee notes that ministers and parliamentary secretaries are required to obtain leave to make ministerial statements. Other Houses accord ministers the right to make statements. The Committee believes that ministers should be encouraged to make statements about their Government's policies or administration to the House rather than having them release the statement to the media in the first instance.

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Because the Committee's earlier proposal accords debate on motions a full hour each day regardless of when the sitting commences, it would be reasonable to make provision for ministerial statements at an early stage of the routine of business prescribed by SO 125.

The Committee **recommends** that SO 125 be amended as follows —

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#### ***Routine of business***

*SO 125 is amended by inserting after ¶(a) the following paragraph —*

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“ (aa) *statements by ministers or parliamentary secretaries;* “

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George Cash MLC  
Chairman of Committees  
22/8/2001