



## PROCEDURE AND PRIVILEGES COMMITTEE

### REPORT ON SO 61A – CONSIDERATION OF COMMITTEE REPORTS

**Report #6.**

#### **1. Explanation**

Standing order 61A and SO 302B were adopted on June 24 1998. The rules are complementary, and each reflects the importance the House has come to attach to a committee system that has become an integral part of the Council's operations.

Standing order 302B requires committees to meet on each Wednesday on which the House itself is to sit. The rule allows committees to plan their inquiries in advance and, generally, order their business with considerable element of certainty.

Having ensured that time is assigned to enable committees to complete their business, the product is a report to the House on the nature of the inquiry, how it was conducted, what the committee has found, and what the committee recommends should occur to satisfy the findings.

A proper resolution to the cycle of committee inquiries is consideration of their reports by the House. That is achieved by SO 61A.

When the House agreed to SO 61A, it was intended that 1 hour would be reserved on a Thursday morning and the rule, as adopted, assumed that the hour would expire at or before 1.00 pm assuming the House met at 11.00 am. Meantime, changes to SO 195 and the time allocation it makes for debating motions, as well as the temporary adoption of an earlier meeting time of 10.00 am have made 1.00 pm expiration less than certain.

The Committee believes that SO 61A should state what the House originally intended and thus avoid impromptu suspensions of standing orders to adjust the business on Thursdays to bring it into line with the rule's intent.

The Committee **recommends** that the following amendments be made to SO 61A which place beyond doubt the original intent of its adoption, viz, to accord precedence for the first hour from the time the orders of the day are first called on a Thursday to debating reports of committees.

## Consideration of committee reports<sup>1</sup>

- 61A. (1) ~~Subject to SO's 153, 155 and paragraph (3) of this order, orders of the day that are, or involve consideration of, reports of committees, including joint committees, have precedence on each Thursday over other orders of the day until 1.00pm.~~
- (1) On any Thursday, orders of the day that are, or which involve, consideration of committee reports, have precedence of other orders of the day for 1 hour from the time at which the House proceeded to orders of the day.
- (2) Any debate in progress at the time prescribed in paragraph (1) is thereupon adjourned without question put and its resumption set down as an order of the day for the next sitting. The House shall then proceed to the orders of the day in a sequence determined by the Leader of the House.
- (3) This order —
- (a) does not apply to a report on a Bill if the next stage of the Bill's passage is an order of the day. (*cf* SO 336 (b));
- (b) is subject to precedence accorded an order of the day by SO 153 or SO 155.

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<sup>1</sup> Inserted by Resolution of the House, June 24 1998.

## PROCEDURE AND PRIVILEGES COMMITTEE

### SO 230 – Order of Reference

*Extract from Minutes October 24 2002 –*

#### **1. Standing Order 230(b) - Referral to Standing Committee on Procedure and Privileges**

Hon Norman Moore, by leave, moved, without notice -

That the Standing Committee on Procedure and Privileges consider and report to the House whether, in light of the Acting President's ruling on the application and effect of SO 230(b) given on Wednesday, October 23 2002, it is desirable to amend the rule so as to ensure that debate on a Bill stands adjourned for a specified period immediately following the speech given by the Minister or Member in charge of the Bill when moving for the second reading.

Debate ensued.

Question - put and passed.

The Deputy Chairman of Committees had ruled the previous day that when the second reading of a bill had been made an order of the day under SO 230(b), debate on the question could continue immediately following the speech of the Minister/Member in charge of the bill and the question resolved at that day's sitting. Under the existing rules, a bill that had not been amended could proceed from 2<sup>nd</sup> to 3<sup>rd</sup> reading and pass the House on the same day.

Having accepted the correctness of the ruling, the Leader of the Opposition moved a reference to this Committee in the terms shown in the extract.

It has been accepted usage for there to be a delay of about 7 days between the 2<sup>nd</sup> reading speech and commencement of the 2<sup>nd</sup> reading debate to allow for the contents of the speech to be considered and members to prepare their remarks. Although not invariable, most bills have been dealt with under SO 230(a). As a consequence, there has been no necessity to express the "7 day interval" usage in the rule.

Although an adjournment of debate after the 2<sup>nd</sup> reading speech on a bill subject to SO 230(b) would have the same effect as the automatic adjournment under ¶(a), there is no assurance that the House would agree to adjourn debate on every occasion. The Leader of the Opposition believes that both provisions should reflect House usage.

A redraft of SO 230 follows showing the amendments that would be necessary. The interval is expressed as "3 sitting days" rather than a number of calendar days. Calculations based on sitting days take account of sitting patterns. Proposed subclause (3) enables the House to dispense with part or all of the interval.

#### **Question for second reading**

**230.** (1) After the first reading motion may be made:<sup>2</sup>

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<sup>2</sup> SO. 230 Amended by deleting paragraphs (c) and (d).

- (a) “*That the Bill be now read a second time*” and the speech of the Minister or Member in charge given, ~~at the conclusion of which the debate stands adjourned~~; or
- (b) that the second reading be made an order of the day for the next sitting or for a specified sitting day,

and in either case, debate stands adjourned at the conclusion of the speech of the Minister or Member in charge of the Bill when moving the second reading.

(3) Unless otherwise ordered,\* debate is not to resume within 3 sitting days of an adjournment under subclause (1)(a) or (b).

- (c) *Repealed by Resolution of the House November 13 2001.*
- (d) *Repealed by Resolution of the House November 13 2001.*

\* Allows the House to dispense with the 3 sitting day provision by ordinary resolution.

## SO 229 – DEBATE ON 1<sup>ST</sup> READING

The provision in SO 229 allowing debate on certain classes of bills has become obsolete. The classes of bills referred to are those included in section 46(2) of the *Constitution Acts Amendment Act 1899* viz, Loan bills, bills imposing a tax, and bills appropriating the Consolidated Fund “for the ordinary annual services of the Government”.

The Senate makes similar provision in its standing orders and state expressly that which is implied in SO 229 – that matters irrelevant to the bill may be raised and debated. The provision has its origins in the now-discontinued practice, last used in the mid 19<sup>th</sup> century, of the House of Lords to raise grievances before giving a 1<sup>st</sup> reading to a bill subject to the financial privileges of the House of Commons. Other forms of the House exist for that type of debate.

### First reading

- 229.**
- (a) After introduction, the question for the first reading of a Bill shall be put and decided without amendment or debate ~~except where the Bill is one which the Council may not amend, in which case the question may be debated.~~
  - (b) Copies of the Bill may be distributed to Members and otherwise published after the first reading.