

LEGISLATIVE ASSEMBLY



WESTERN AUSTRALIA

1999

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**STANDING ORDERS AND PROCEDURE
COMMITTEE**

**Report on the Modernisation of the
Standing Orders**

Volume 1 - Report

Presented by:
Hon. George Strickland MLA
Speaker

Laid on the Table of the Legislative Assembly
on
13 May 1999

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**Report on the Modernisation of the
Standing Orders**

Volume 1 - Report

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CHAIRMAN'S FOREWORD

Procedural change should come in a measured form and without surprise. Innovation has been gradually introduced in the House over the last five years and on each occasion the House has successfully used sessional orders and trials so that new processes can be properly evaluated. Successful introduction of 90 second statements, brief ministerial statements, sitting hours changes and even the estimates committee system are good examples of trials which have led to understanding and acceptance. More efficient and effective use of the time of the House remains the constant aim of the Standing Orders and Procedure Committee and that theme is evident in this report on modernisation of the standing orders which, if adopted by the House for trial, will become a major landmark in the development of our Parliamentary system.

Your committee reflected in depth on the impact of proposed changes to standing orders from the perspectives of both Government and Opposition and has taken care to ensure that the fairness of current practice is preserved while at the same time presenting procedural reform to enhance the operation of the House.

While we hope that the attention of committee members and staff to the substance and form of the standing orders will be evident from this report, we are assuming that a trial will highlight some areas which may need to be further considered. Modernisation proposals for our standing orders should be embarked upon with caution but without undue reticence. If, as is recommended in this report, a trial runs until the end of 1999, all members will not only have a chance to see those changes in operation, but to evaluate them and to provide essential feedback.

We should ask ourselves what it is that this House of Parliament should be doing and whether it does that effectively. Consequently, aspects of your committee's recommendations flow through to scrutiny of government activity, approval of financial measures presented by executive government, legislative procedures and debating opportunities, as well as issues which relate to the independence of the Chair and the capacity of individual members to contribute to the operations of the House.

I urge members to take advantage of the work of the Standing Orders and Procedure Committee and trial the new standing orders as a package.

After 100 years of procedural development and on the eve of a new century the time is right for the House to move forward.

GEORGE STRICKLAND
Chairman

12 May 1999

STANDING ORDERS AND PROCEDURE COMMITTEE

TERMS OF REFERENCE

Standing Order 403 provides that the Standing Orders and Procedure Committee may examine and report on the procedures of the House and recommend ways in which the standing orders should be altered.

In May 1997 the committee resolved to undertake a comprehensive review of the standing orders with a view to a general modernisation and this report was undertaken without the need for a direct reference from the House.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

Your committee recommends,

That a trial of the proposed Standing Orders as set out in Volume 2 of this report be conducted for the second half of 1999, with the Standing Orders and Procedure Committee conducting a review of their operation and seeking feedback from members. (See paragraph 8)

RECOMMENDATION 2

Your committee recommends,

That prior to the conclusion of the trial and following a further report from the Standing Orders and Procedure Committee, the House decide whether to retain the trial Standing Orders and if they are to be generally retained, what changes will be made. (See paragraph 8)

RECOMMENDATION 3

Your committee recommends,

That if the trial of proposed standing orders is agreed to, the Assembly send a message to the Council seeking its approval for Council committees to be given general leave to communicate on matters of similar interest with committees of the Assembly. (See paragraph 59)

RECOMMENDATION 4

Your committee recommends,

That a debate on the establishment of a standing committee system be initiated by the Leader of the House and take place early in the second half of 1999. (See paragraph 61)

FORMAT OF THE REPORT

For ease of understanding the report is divided into two volumes.

Volume one describes proposed changes to the standing orders and contains three principal chapters, namely -

- Major operational changes
- Other significant changes
- More minor alterations.

Volume two contains the existing standing orders, next to which are shown the proposed new standing orders, with side notes recording changes of substance. If only the general principles of plain english and gender neutral language have been applied, the side note will indicate that there has been no substantial change. This format is intended to allow easy contrast of existing standing orders with the proposed standing orders, both for wording and principle.

INTRODUCTION

1. For over 100 years the Legislative Assembly has operated with a set of standing orders largely drawn from South Australia which in turn were closely based on the standing orders and practices of the House of Commons. Although they have been subject to periodic reviews, there has not been until now a complete re-writing and modernisation of our standing orders in Western Australia. Increased workloads, innovation in procedure and the ability to draw on a wide base of experience from other Parliaments, not just the United Kingdom, has naturally led to alterations in the procedure of the House and its committees and the way in which the work is done. Rulings by Presiding Officers have emerged to keep pace with and enunciate this procedural evolution. The result is that the current standing orders while still serviceable, do not in themselves reflect the procedure of the House and it is necessary more often than should be the case, to refer to a range of rulings and practices in order to understand the rules under which the Assembly operates. Many practices of the past recorded in the standing orders are obsolete, obsolescent, or have been varied so considerably that they bear little resemblance to current procedure.

General Principles

2. Modernisation of the standing orders was undertaken according to the following general principles:

- streamlining of procedure;
- retention of the rights of all members to contribute to the House, and protection of the minority;
- rationalising the priority of business;
- incorporation of current practices into standing orders;
- elimination of obsolete standing orders;
- use of plain English;
- use of gender neutral language.

3. Emerging from the review is a proposed set of standing orders which has been considerably reduced in bulk, numerically reduced by about 25%, and more logically ordered. A basic index has been prepared, and that will be made more comprehensive to accompany the final version agreed to by the House, hopefully at the end of 1999.

4. But the proposals contained in this report from your committee are not just rewording. Processes have been reviewed, drawing on the experience of the committee members when visiting other Parliaments, taking account of the recommendations of other committees, especially the Select Committee on Procedure which completed its work in June 1996, and keeping in mind the thrust of Commission on Government recommendations in 1995 and 1996. In addition, comments from members from each side of the House have been brought to the Committee's attention in the course of considering the draft.

Philosophy behind standing orders

5. Standing orders should not be written for the short-term, and they are rarely written in the same way as legislation is, ie. to try to ensure that they are watertight in all circumstances. Those who approach standing orders in a legalistic sense will come to grief, and the draft has been put forward in the full knowledge that negotiation behind the Chair, and appropriate interpretation from the Presiding Officers from time to time, are not only continuing aspects of any Parliament, but a desirable part of the way in which it works. Within the general rules, flexibility to a degree is important.

6. We recognise that the Presiding Officer is charged with ensuring the orderly conduct of the House's business and that the standing orders are not written to prescribe what the Presiding Officers can do in each and every situation. Put another way, the standing orders do not delimit the Speaker's power, they only limit it in certain areas. It can be easy for a member to fall into the trap of looking to find the source of authority for a Speaker's action on a particular occasion and on finding no explicit words, concluding that the action was unjustified or less than proper. Often there is explicit authority but sometimes there is not and it is the view of the Committee that this continues to be a desirable and in fact an essential part of the smooth operation of a House of Parliament.

Trial

7. The proposed standing orders are presented with the unanimous agreement of all members of the Committee. It is not intended that the proposal necessarily be the final version of the modernised standing orders adopted by the House, but it will serve well as the basis of a trial for approximately six months as recommended in this report. It is proposed that in the course of that trial your Committee will establish systems for feedback from members, both in a formal way through a survey and by individual "suggestion box" comments as the trial proceeds.

8. The Committee has arranged discussions with a number of members about the general propositions which are brought forward in this report and has taken account of those views in the proposal now presented. It is important that for the proposed trial to work, the proposal be implemented largely as presented as many of the standing orders have inter-connections, ramifications and compensations built into them: in other words, the proposal comes as a 'package'.

RECOMMENDATION 1

Your committee recommends,

That a trial of the proposed Standing Orders as set out in Volume 2 of this report be conducted for the second half of 1999, with the Standing Orders and Procedure Committee conducting a review of their operation and seeking feedback from members.

RECOMMENDATION 2

Your committee recommends,

That prior to the conclusion of the trial and following a further report from the Standing Orders and Procedure Committee, the House decide whether to retain the trial Standing Orders and if they are to be generally retained, what changes will be made.

CHAPTER 1 - MAJOR OPERATIONAL CHANGES

PROCEDURE FOR EXAMINATION OF LEGISLATION

9. Recommendations from the 1996 Final Report of the Select Committee on Procedure have been largely adopted by the Standing Orders and Procedure Committee and flow through into the proposed standing orders. The arguments which that Committee put, on pages 4 to 12 of its report, appear as *Appendix 1* to this report.

10. An outline of the effect of the proposed standing orders on a standard bill appears below and is followed by more detailed explanations.

Bills procedure outline

- The first steps for a standard bill will be as follows -
 - Day 1
 - Give notice of the first reading. (Leave to bring in the bill has been eliminated)
 - Day 2
 - Move first reading *and* present a copy of the bill to the Clerk (First reading can be debated unless the bill comes from the Council)
 - Move second reading if copies of the bill are available to House.
 - Every bill must be accompanied by an explanatory memorandum.
 - Debate adjourned for three weeks, unless the House later agrees to a motion without notice that the bill be considered an urgent bill
 - Later Day
 - Debate on the second reading will resume and the bill will be read a second time.
- Committee of the Whole has been eliminated and replaced by a similar proceeding in the House called 'Consideration in Detail'.
The same speech timing arrangements and general rules will apply as they do now in Committee but there will be no ceremonial change from the House to Committee, Ministers can table papers, standing orders can be suspended at any time, dissents will be dealt with as they are in the House, and debates will be adjourned in the same way as they are in the House. The Chairman of Committees will become the Deputy Speaker, and the Speaker may preside during consideration in detail.
- Pro forma amendments can be made: ie. a reprint of the bill with all the Minister's amendments in it: The procedure incorporates numerous amendments in one question put to the House, and then the bill is reprinted before being considered

clause by clause.

- Third reading arrangements remain the same as they are now.

Consolidation of introductory stages

Eliminate leave to bring in bill
Require copy of bill at first reading
Require explanatory notes
3 week delay before second reading debate is resumed

11. Consolidation of the preliminary procedures leading to the second reading debate on a bill was proposed by the Select Committee on Procedure and the Standing Orders and Procedure Committee agrees with the arguments for the change, and those arguments are reproduced in Appendix 1 to this report. There is no need to elaborate on those arguments.

12. Your committee wishes to make it plain that it will not now be possible to introduce a bill without actually having a copy of the bill available at the first reading stage.

Consideration in detail stage

Replace Committee of the Whole with consideration in detail stage

13. The essence of this proposal is that the fiction of the House turning itself into a committee and then reporting back to itself is eliminated. While the general way in which the bills are considered clause by clause is satisfactory, the unnecessary procedure of moving to and from Committee of the Whole and the attendant procedural quirks which flow from that will be eliminated. Speech time arrangements and the general rules which now apply in Committee of the Whole will apply in consideration in detail stage, but Ministers will be able to table papers which they cannot now do in committee, debates will be adjourned in the same way they are in the House, dissents will be dealt with in the same way at all times and it will be possible to move suspension of standing orders during consideration in detail.

14. For simple bills without proposed amendments it may be convenient for the Speaker or other presiding member to remain in the Speaker's Chair during consideration in detail, although the option will always be available to move to the centre chair at the Clerks' Table, especially where there are amendments or detailed matters to be dealt with. There will be no need to move a motion or put a question for the House to go into Committee, the Mace will remain on the Table, and there will be no 'report' from the Committee to the House, and consequently no motion to adopt the report. In addition, if the stage has not been completed, there will be no need

for the House to give the committee leave to sit again.

15. The designation of Chairman of Committees will be redundant and the incumbent member will simply be known as the Deputy Speaker. There will be no designation of Deputy Chairman of Committees and when these members are in the Chair they will be called Acting Speaker. The consideration in detail procedure operates successfully in the House of Representatives. While the committee appreciates the value of ceremony in some of the House procedures, it does not consider that the procedures involved in moving to and from Committee of the Whole are worthy of retention on a ceremonial basis only. (Proposed Standing Orders Nos.174 to 180)

Proforma amendments

Keep proforma amendment procedure
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16. There are regular instances of bills which are introduced and which are then the subject of considerable debate and discussion with interest groups, leading the Minister or member in charge of the bill to review its provisions and the way in which those proposals are worded. This can result in extensive amendments being placed on the Notice Paper. In order to allow the House to consider that bill as its proponent then wishes it to be following such a review, the House can agree to the reprinting of the bill with all the proponent's amendments in it before the bill is considered clause by clause. This *proforma* amendment of the bill, ie incorporating in one question the proponent's amendments as a matter of form rather than through individual and detailed consideration, can be both time saving and of substantial benefit especially when other members have amendments, as it avoids a contest between private members' amendments and the Minister's amendments. It allows members to see the amended bill as a whole. This procedure has been tried by the Assembly on a number of occasions and been found satisfactory. (Proposed Standing Order No. 182)

17. However, this committee agrees with the Select Committee on Procedure that if a Minister wishes to produce a bill for comment, an appropriate way for that to be done is by a green paper, rather than by introducing a bill into the House, and would not expect proforma amendment to be a frequently used procedure.

Estimates Committees

Formalise Estimates Committees Allow examination of off-budget authorities Change format of estimates presentation

18. Since 1990 the committee stages of the budget bills have been dealt with in estimates

committees and that scheme is retained in the proposed standing orders. There exists a variety of views on the extent to which estimates committees are successful and it is the view of your committee that members themselves have the means to make it more successful through work which will enable them to better understand the portfolio areas in which they have an interest or responsibility. In passing, it is noted that a system of standing committees which has regularly been recommended to the House, will facilitate a greater level of understanding by members and develop a better capacity to use the estimates process more efficiently.

Off-budget authorities - Public Trading Enterprises

19. This Committee agrees with the Select Committee on Procedure that opportunities to scrutinise non-consolidated fund government agencies such as Homeswest, AlintaGas and Western Power ought to exist.

20. Those agencies which are described as public trading enterprises ought to be subject to scrutiny as they are major deliverers of services on behalf of the government and it is not sufficient to reject scrutiny on an argument that those agencies ought only to be examinable to the extent that they receive government funding. Nor is the fact that the day to day operations of public trading enterprises are not subject to direct policy control by the Minister, sufficient reason for the Parliament to abandon scrutiny on behalf of the people of Western Australia. In converting an organisation into a public trading enterprise, the Parliament provides an independence of action by the Board of that enterprise, usually to better respond to market needs and challenges. Having established them for a specific purpose, the Parliament needs to have and to exercise the capacity to examine the way in which those organisations are going about their tasks. A list of the current public trading enterprises appears as *Appendix 2* to this report. That appendix shows that important matters such as power, water and transport infrastructure, are the main business of public trading enterprises but they also include marketing boards and the Lotteries Commission. Consequently, it is important that those enterprises be examinable through the estimates process or a like process.

21. During consideration of a Public Trading Enterprise by an Estimates Committee, it will remain open, as it now is for government departments, for the Minister present to indicate that information being sought is of an unusually sensitive nature and to refuse to produce it. Ultimately of course if a Minister refuses information and the House considers the need for the information to be great, it can obtain it through a summons procedure. A trial of these arrangements will crystallise any problems, if they exist, and adjustments can be made if necessary. (Proposed Standing Order No. 222(3))

22. This Committee is aware that the Public Accounts and Expenditure Review Committee is doing more detailed work in this area and proposes to present a report shortly. As the standing orders proposed by the Standing Orders and Procedure Committee will not come into effect before the 1999 budget process in the House has been completed, changes proposed by the PAERC can be incorporated in the final standing orders. Irrespective of the form of the process, the capacity to inquire should remain.

Format of Estimates

23. The presentation of the agency information in support of the estimates in an alphabetical order as they are in Chapter 3 of the 1998-1999 budget statements does not help consideration of the estimates by the Assembly. The Committee acknowledges that Chapter 2 of the budget statements complies with existing Standing Order 304 (3) but proposes that the agency information be arranged in the same way. The House is the prime user of these estimates and the change will considerably facilitate examination by members. The draft standing orders require the estimates to be presented commencing with those of Parliament followed by the Premier and Ministers with all departments, authorities and sections of government activity administered by the Minister collected together. Where there is a split responsibility among Ministers in relation to an area, that should be clearly defined with the budget responsibility also clearly defined. (Draft Standing Order No. 221)

Private bills

Eliminate obsolete private bill standing orders
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24. Not since 1968 have the joint standing orders in relation to private bills been reprinted in the standing orders. They were adopted by the Legislative Assembly and Legislative Council in February 1891 and approved by the Governor on the 25th of that month. Those joint standing orders are reproduced at the end of the Assembly standing orders in Volume 2 of this report. While the joint standing orders technically could be called into play by the House, they are not used and any bills that could be considered to be private bills are now all dealt with in the House as Public bills. In general, private bills dealt with specific private interests, mainly before the enactment of general legislation dealing with companies law, local government, land law and matrimonial causes. They were used by individuals, companies (including their incorporation) and local authorities and were used in matters which range from divorce prior to that being generally available, to private settlements, to the roads, railways and other works already mentioned. An example which might still come up today is church or university land bills, but those are now always dealt with as public bills. As more legislation came forward providing an overall legal framework, the need for private bills diminished.

25. Terminology might be confusing. Private bills are to be distinguished from private members' bills. Private bills deal with private interests, usually giving a power or benefit to a person or body, whereas a private member's bill is simply one not introduced by a Minister.

Requirements for private bills

26. The private bills standing orders require a petition for leave to bring in the bill to be presented to the House, with significant requirements for publication in newspapers, the *Government Gazette* and to certain affected persons, of detailed information about the bill before lodgement of the petition. In addition, certain plans and duplicates, books of reference, newspaper advertisements and other documentation must be lodged with the Clerk. Members introducing such a bill are required to give a guarantee to the Clerk that that member will be responsible to the Clerk for all expenses incurred in printing and passage of the legislation. Certain fees are

required to be paid at various stages and an account of those fees is considered by the standing orders Committee at the end of each session. There are provisions for mandatory referral to a Select Committee of the House after the first reading, which committee is directed to require proof of several matters. After the committee's report, the bill proceeds as if it is a public bill.

27. Your committee considers that the experience of the last three decades shows that there is no need for a private bill procedure, and endorses the willingness of governments to treat as public bills those few bills which can still potentially be considered private bills. The joint standing orders should be repealed, and as a technical matter, the Assembly needs to forward a message to the Legislative Council, asking that it concur in the repeal. If the Council wished to retain the standing orders, it could concur in the repeal of the joint standing orders and then reconstitute them as Council standing orders.

28. The main effect of deleting these standing orders is to indicate that all bills will be treated as public bills, and thereby eliminate the cost of unnecessary procedure through which the proponent of a private bill is required to pass.

Motions

<p>Eliminate seconding Allow reply to all motions Same time limits for most non-bill motions Relevance remains a prime consideration</p>
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29. At present the House distinguishes between substantive motions and those which are procedural or ancillary. Substantive motions require a seconder, enable the mover to reply, and have generous time limits commencing with 60 minutes for the principal speakers, 30 minutes for other members and 45 minutes for the mover in reply. Procedural or ancillary motions on the other hand, do not require a seconder, do not allow a reply and have a limit of 20 minutes for each member.

Seconding, Reply

30. There is regularly an element of confusion about whether or not certain motions require seconds or whether a reply is available. In the case of a procedural motion moved by the Leader of the House, our standing orders preclude the House getting a formal response to arguments or issues brought up during debate and that response has to be provided by way of interjection, or with the indulgence of the Speaker. In a House the size of the Legislative Assembly and with the sort of political makeup it has had for many decades, there is little value in requiring a seconder to a motion. The main aim was to show that the motion had an element of support and was not simply the whim of one member which will unnecessarily take up the time of the House. In the Assembly where the business of the House is structured, the putting aside of time for Private Members' business, MPI's, Grievances and Private Members' statements means that there are

avenues for members to ventilate smaller interests of their own while retaining the ability to put to the House, by motion, a matter of greater substance. The likelihood of a motion coming forward that does not have the support of at least one other member remains small. If such a motion was proposed, it would be up to the mover to convince a significant number of the other members of the House that the motion was worth discussion before time is likely to be made for it. In addition, procedural devices are available to curtail debate if the majority of the members thought that was necessary. (Draft Standing Orders Nos. 118, 89)

31. This change does not affect the need for notice of a motion which is separate from the distinction between substantive and procedural motions.

Time limits

32. MPI's are a special form of motion only insofar as the existing time limits will continue to apply to them. Your committee sees no real danger in allowing the standard time limits to apply to all other motions, notwithstanding that they may be very confined issues. It will remain the responsibility of all members with special emphasis on the Chair to ensure that remarks are relevant. Moving towards uniformity of debate times does not mean that there is any additional licence for speakers to digress from the subject of debate, and especially in the trial stages of the standing orders, your committee encourages the Chair to maintain vigilance regarding relevance of remarks. On suspension of standing orders, for example members now have a time limit of 20 minutes but it is plain to all that it is very difficult for a member to speak for much more than 5 minutes, and certainly no more than 10 minutes while maintaining the patience of the Chair. Consequently there appears to your committee to be no good reason to continue a distinction between substantive and procedural motions. (Draft Standing Order No. 101)

Address in Reply

Limit priority given to Address in Reply

33. Currently priority is given to the Address in Reply debate until that debate is concluded. The only exceptions to this, unless the current standing order is suspended, are to deal with minor housekeeping matters and to enable the second reading of bills to be moved but no more. As a general debating opportunity at the commencement of a session, the Address in Reply is valuable but amendments to the Address have traditionally been used by oppositions as a defacto method of debating general motions related to specific Ministers or perceived departmental inadequacies.

34. Using an amendment to the Address in Reply as a vehicle for scrutinising government activity is not ideal, as an amendment has to be expressed in a slightly unsatisfactory manner and it is not self contained. It has the odd consequence, if agreed to by the House, of being conveyed to the Governor as a formal amendment to the Address in Reply when in almost all cases, that was not really the purpose of the amendment in the first place. The history of amendments to the Address in Reply shows that matters which are not necessarily issues of great significance in the

overall political considerations are adopted as amendments. These issues would be better dealt with as individual stand-alone motions.

35. The expectation that the opposition will continually move amendments to the Address in Reply leads to a range of debates upon which little or no notice is given and on which only one side of the House has a real opportunity to participate. Notice should be given of almost all matters to be debated as this enables a sensible and rational debate to take place but no notice is given of amendments to the Address in Reply. Even that aside, the amount of time devoted to amendments to the Address in Reply is a large and sometimes difficult chunk of time for the various groups in the House to manage and after the initial week the more structured format of a conventional sitting week is preferable.

36. Therefore while your committee considers that there still should be an opportunity for amendments to be put forward as a vehicle for discussion in particular areas of government activity, that should continue for no longer than one week and that after that time the Address in Reply should become a normal part of government business to be brought on essentially for private members to make their contributions. This will enable the House to return to its standard sitting arrangements very shortly after the commencement of the session and enable business to move more smoothly through the House, and reduce pressure exerted in other parts of the Parliamentary year.

37. Consequently, the committee has taken up the recommendation of the Select Committee on Procedure and proposes that the Address in Reply have priority for one week only and in the case of the opening of a new Parliament, that a period of two weeks be available. In order that the Address in Reply debate does not drag on into the session, it is proposed that, unless otherwise ordered, it be brought on from 7.00 p.m. on each Tuesday after the initial priority period. (Draft Standing Order No. 59)

Opportunities for general debates

4 general debates each year

38. In its Final Report, the Select Committee on Procedure noted that earlier presentation of the Budget led to an increase in the number of budget bills. It has produced the unintended effect of multiplying opportunities for general debate on bills, and your committee considers that the general debate opportunities should not be dependent upon the way in which Treasury structures the budget. In the committee's view the provision of four general debate opportunities (including the Address in Reply) over the year, when coupled with the other options available including Grievances and Private Members statements, is an appropriate level to maintain.

39. Consequently, the proposed standing orders include a provision that matters relating to public affairs may be debated at the second reading of three bills, namely -

- the Appropriation Bill which includes recurrent expenditure (currently Appropriation Bill No. 1);
- a bill which appropriates expenditure from the Treasurer's Advance Account in relation to recurrent expenditure or a Supply Bill (currently Appropriation Bill No. 3, but if the Budget came in after June there would be a need for a Supply Bill); and
- a Loan Bill.

40. Provision is also made for a general debate to occur on any other bill where leave of the Assembly is given without a dissentient voice and that will provide some flexibility for a general debate where all members agree. (Draft Standing Order No. 94)

COMMITTEES

41. Rules for operation of Standing and Select Committees have been amalgamated to a large extent with the principal differences being that membership of Standing Committees continues for the term of a Parliament, and that Standing Committees may initiate their own inquiries. Select Committees will continue to operate only for the session in which they are established and require reappointment to continue after that. The domestic committees of the House were called 'Standing Committees' and that confuses them with committees which continue for the life of the Parliament. They have been renamed 'Sessional Committees'.

42. The Standing Orders and Procedure Committee strongly supports the establishment of a Standing Committee system and in doing so, is echoing the long line of reports making that recommendation. The redraft makes that system easy to establish.

43. The proposed standing orders do not make provision for the appointment of additional committees but rather establish the rules which apply to them all. For the period of the trial, it is proposed that the committees which now exist continue but that the rules relating to their operation will be the rules contained in the new standing orders.

Public Accounts and Expenditure Review Committee

44. Wording of the terms of reference for the Public Accounts and Expenditure Review Committee will be changed but no substantive change to the committee's role will result. It is also proposed to change the committee's name to 'Public Accounts Committee'. (Proposed Standing Order No. 299)

Standing Orders and Procedure Committee

45. Renaming the committee as Procedure and Privileges Committee reflects a change in the committee's role which includes the capacity to examine and report on issues of privilege. (Proposed Standing Order No. 282)

Evidence and voting

Evidence is public, and immediately publishable unless otherwise decided by the committee
Chairman to have deliberative vote only

46. Committees will take evidence in public and it can be published and reported in the media unless it is otherwise decided by the committee. This reverses the present arrangement under which committees need to resolve that evidence taken by them shall be available to the public prior to the report and any one member of the committee has the capacity to exclude the public by simply so requesting. Reversing this arrangement to ensure that evidence is taken in public and is available as soon as it is taken, subject to a contrary decision by the committee, is a better and more contemporary approach.

47. Persons chairing a committee will have a deliberative vote and no casting vote. Consequently, any question on which there is an equality of votes is lost, but the member chairing will be able to vote on every decision which is not now the case for most committees. (Proposed Standing Orders Nos. 271, 258)

Procedures for formal evidence

Provision for a uniform and fair approach to all witnesses

48. Rules regarding the taking of evidence and other matters will be determined by the Speaker from time to time and in practice the Speaker may consult with relevant committee Chairmen and the Standing Orders and Procedure Committee or both. Your committee has agreed on the proposed rules set out in Appendix 3.

49. In the main, they provide that witnesses will be -

- invited to appear or produce documents, and only summonsed if warranted;
- given reasonable notice of a meeting and given terms of reference, a statement of the matters to be dealt with and information on evidence procedures;
- reasonable access to documents that witness has given to the committee;
- made aware they may apply to have evidence taken *in camera* and, given advice on the consequences if that occurs;
- only asked questions which are relevant to the inquiry;
- allowed to apply to be accompanied by counsel;
- if a government officer, not asked to give opinions on matters of policy;

- given an opportunity to correct errors of transcription in their evidence.
50. The rules also detail steps to be taken -
- if a witness objects to answering a question;
 - where a committee considers that a person may have been improperly influenced in respect of evidence; and
 - if significant adverse comment is made on a body or person in open session.
51. The rules are binding and the Speaker may vary them either permanently or in any particular case. (Proposed Standing Order No. 267)

Quorum for taking evidence

Quorum of 3 in all meetings

52. At the moment, 2 members of a committee can form a quorum for taking formal evidence from a witness. Your committee does not consider this to be sufficient, and no evidence should be taken if the standard quorum of three cannot be formed. A quorum of three is required now for resolutions of the Committee, and should any difficulty arise which requires a committee resolution during evidence taking, that quorum will be present. (Proposed Standing Order No. 259)

Subcommittees

Subcommittees can be formed by any committee

53. Each committee in future will be able to form subcommittees which will have a minimum of three members and for which the quorum will be three. Each subcommittee will be able to take oral evidence if needs be, and must report as soon as practicable to the committee which appointed it. This proposition further provides for a standard set of rules applying to committees. (Proposed Standing Order No. 260)

Pecuniary interest to be declared

Pecuniary interests to be declared before member may participate in committee

54. At present members who have a pecuniary interest in any matter before a committee are

precluded from being a member of the committee. In line with the changes contained elsewhere in the proposed standing orders a committee member must declare an interest to the Assembly but the existence of that interest does not preclude the member from participating in the committee.

55. In the course of committee work an automatic exclusion may deprive the committee of certain expertise amongst the members of the House and it will always remain open, following a declaration of interest by a member, for the House to decide that the interest is of such a nature that it is not practical for that member to be a member of the committee. (Proposed Standing Order No. 254)

Resignation from a committee

**Resignation from committees now allowed
Speaker may appoint interim members to fill vacancy**

56. A member who does not wish to continue as a member of the committee or as a result of other duties cannot be available to continue as a member of the committee, at the moment has to be discharged from a committee by a motion of the House and, with a couple of exceptions, cannot resign. The proposed standing orders provide that a member may resign from a committee and that the Speaker may appoint interim replacement members until the appointment of replacement members can be confirmed by the House. The appointment by the Speaker will follow consultation with the Leader of the House and the Leader of Opposition as the case may require, and in practical terms the Speaker will formalise a request for replacement by the party or group to which the resigning member belonged at the time of appointment. (Proposed Standing Order No. 249)

Minority reports

Minority reports must be shown to committee

57. Minority reports may at present be appended to the committee's report without an opportunity for any other member of the committee to see what is contained in the minority report. This committee considers this to be unsatisfactory and has provided that a minority report may be added to the report if the minority report has been presented to members of the committee at a committee meeting. In order to prevent that requirement from being used to preclude a member from presenting a minority report, the proposed standing Order requires that a reasonable opportunity for presentation of the report will be given by the committee to any member who

indicates before the committee report is formally adopted, a wish to present a minority report.
(Proposed Standing Order 274)

Meeting during meal breaks

Formal meetings allowed during meal breaks

58. Provision has been made for committees to meet during meal breaks of the Assembly, although permission of the House will still be required to sit at the same time as the House is actually sitting. (Proposed Standing Order No. 262)

Conferring with Council committees

Reducing restrictions on committees from different Houses meeting

59. Each Assembly committee will have the power to confer by word of mouth with committees of the Legislative Council. If these standing orders are adopted, a message would be sent to the Council requesting that it similarly free up the communication procedures. If the Council does not concur it will still be necessary for an Assembly committee to arrange for a message to be sent from the Assembly to the Council requesting that leave be given to the Council committee. (Proposed Standing Order No. 281)

RECOMMENDATION 3

Your committee recommends,

That if the trial of proposed Standing Orders is agreed to, the Assembly send a message to the Council seeking its approval for Council Committees to be given general leave to communicate on matters of similar interest with committees of the Assembly.

Response by Ministers

Listing on the notice paper when responses are due

60. At present, Ministers may be required to respond within 3 months to committee recommendations. Compliance by Ministers within the time limit is not universal and to date, the House has not done anything about non-compliance, perhaps because there has been little in the

way of a reminder for Ministers. To keep the committee requests more apparent to the House and Ministers, it is proposed to list on the daily notice paper the dates by which Ministers are required to respond to various committee recommendations and the Speaker will report any non-compliance by Ministers to the Assembly. (Proposed Standing Order No. 277)

Debate needed on Standing Committee system

61. A decision on a Standing Committee system is necessary. Your committee considers it is incumbent on all members of both sides of the House to ensure that a debate takes place and a decision is taken by the House on the establishment of Standing Committees. In this regard it notes the particular responsibility which has traditionally fallen upon governments, usually through the Premier and the Leader of the House, to negotiate such a debate. The recommendations of the Select Committee on Procedure are endorsed and your committee encourages the Leader of the House to put forward a proposition based on those recommendation for the House to consider. That debate ideally, should take place early in the second half of 1999.

RECOMMENDATION 4

Your committee recommends,

That a debate on the establishment of a Standing Committee system be initiated by the Leader of the House and take place early in the second half of 1999.

CHAPTER 2 - OTHER SIGNIFICANT CHANGES

Subjudice convention

Convention converted to standing Order

62. Until now, the Assembly standing orders have contained a definition of ‘subjudice’ but the subjudice concept does not appear anywhere else in the standing orders. It is a convention which the House imposes on itself through the medium of the Speaker, and in order for members to have more ready access to the current operation of the convention, it has been converted into a standing order. (Proposed Standing Order No. 91)

Recall of the House

Allow variation of recall date

63. When the House adjourns to a particular date, technically the only way the House can be recalled earlier (or later) is for the Governor to prorogue the Parliament and recall it for the required date, which incidentally involves commencing a new session. However, if the House is adjourned to a date and time to be fixed, existing Standing Order 50 allows the Speaker on request by the Leader of the Government or his deputy, to direct the summoning of the House for a certain date and time. Recently there was a case where the Speaker, in consultation with the Leader of the House and the Leader of the Opposition, recalled the House on a different date to that to which it was adjourned, but it is preferable that the standing order be amended to allow the Speaker to alter what is after all, an order of the House and the draft provides for that. (Proposed Standing Order No. 25)

Suspension of a member

Motion automatically proposed if a member is named

64. Currently, if the Speaker names a member, another member is required to move immediately, ‘That the Member be suspended from the service of the House’. This duty usually falls to the Leader of the House or a Minister acting in his stead, and this unfortunately appears to lend an element of party politics to any such motion. As it is necessary that such a motion be

put to the House, the draft provides that the question, ‘That the member be suspended from the service of the House’, is proposed by the presiding officer immediately after the naming, without the need for another member to move it. The House is still required to vote on the matter. (Proposed Standing Order No. 43)

Motions for disallowance of subordinate legislation

Disallowance motions receive priority after one week

65. Priority will be given to motions for disallowance of delegated legislation one week after notice has been given. The motion will be placed at the front of the notice paper and called on by the Speaker in the order in which it appears.

66. At present, disallowance motions receive no priority in the House, even though in some cases, the giving of a notice can have the effect of creating uncertainty for those who have to work with the affected subordinate legislation and in other cases, the motion has the effect of preventing the subordinate legislation from coming into effect until after the motion has been negated or otherwise disposed of. There is considerable argument that deeming subordinate legislation to be disallowed in certain circumstances is unsatisfactory as that may be an attempt to unilaterally alter the law by adoption of Standing orders which run counter to the disallowance requirements of section 42 of the Interpretation Act 1984. Giving priority to such motions after a short period of time will ensure they are dealt with quickly.

67. While your committee is mindful that members may consider taking advantage of provisions which give certain motions priority, in order to raise matters they would otherwise have difficulty bringing on in the course of the House’s business, there is a mature understanding among members generally that an abuse of such a process is likely to lead to its alteration or elimination. The Standing orders contain many provisions which members could abuse, but that rarely occurs, and the informal processes of negotiation and counselling which operate in and around the House usually take care of such situations. (Proposed Standing Orders Nos. 58, 62)

Notices to lapse after 30 sitting days

Automatic clean-up of notice paper

68. Notices which are placed on the notice paper but are not moved, could at present be removed by the member who gave them, but often, even though the member does not wish to move them or they have become stale for some reason, the member is reluctant to remove them because it may be portrayed as backing away from a position appropriately taken at the time. In

order to keep the notice paper free from unnecessary notices, it is proposed to remove notices once they have remained on the notice paper unmoved for 30 sitting days, which is usually about 6 months. This will not extend to motions for disallowance, even taking into account the provisions for priority for those notices provided elsewhere in this report, as those notices have a statutory basis. If a member wishes the notice to be retained on the notice paper, that can occur if the Clerk is so advised in writing. In practice, members will be asked by the Clerk if they wish the notice to be retained, and if they do, a fresh period of 30 sitting days will commence. Each notice on the Paper will have the date on which it is given placed next to it, and notices which are renewed by the member, will have the date of renewal shown. (Proposed Standing Order No.74)

Business adjourned when other business has priority

Chair to adjourn debate if necessary to enable changeover between government and private members business

69. At times when government business takes priority over private members business or vice versa, if there is not a motion to adjourn the business or a member does not obtain leave to continue remarks at a later stage, the Chair will adjourn the matter with out a question being put. Your Committee expects that there will remain a commonsense degree of flexibility at the changeover times but that if it is not apparent that the changeover will occur within one or two minutes of the time at which priority of business changes, then the Chair will give effect to the order of the House and adjourn the business without a question being put. If a member is in mid-speech, that member will be able to resume the debate on the next occasion with whatever time remained to the member when the business was adjourned. (Proposed Standing Order No. 61)

Time for questions without notice

Questions taken close to 2.00 pm each day

70. Questions without notice will be taken at 2.00 pm each day. On days when the House sits at 2.00 pm, question time will be preceded only by prayers and brief Ministerial statements. The reason for brief Ministerial statements is to allow Ministers to make short statements on significant matters without using up question time with planted 'Dorothy Dix' questions. Calling for statements before question time reduces the temptation to use questions instead, and importantly gives the Speaker more scope to draw a Minister's attention to the alternative procedure. On days when the House sits at 2.00 pm, petitions, papers and notices will come after questions. (Proposed Standing Order No. 58)

Answers to questions to be relevant

Relevance of answers remains important

71. It is now the case that the Speaker may draw a Minister back to the question asked if the Minister strays too far during an answer. The proposed standing order makes it plain that the general rule of relevance applies to questions as well, and is really no change at all. As is now the case, your committee expects the Speaker to exercise commonsense and judgement in relation to answers and expects Ministers will still be given a degree of latitude by the Chair provided the answer does not become too wide ranging. (Proposed Standing Order No. 78)

Additional information after question time

Further factual information outside question time

72. To allow Ministers to add factual information to answers already given to a question with or without notice, the proposed Standing orders provide for an opportunity immediately after question time concludes each day. It will provide a chance at a time when most of the Members are present in the House for a Minister to more fully inform the Assembly, but the provision is strictly limited to factual material and does not provide a debating opportunity. (Proposed Standing Order No. 82)

Questions to party leaders in government and committee chairmen

Questions on policy only in government Questions to committee chairmen on very restricted basis

73. Question time is traditionally and primarily a method by which the House endeavours to hold the executive government to account, but it serves several other purposes. Some questions regarding the administration of a political party have been allowed, by the questioner prefacing the question with words to the effect that the issue goes to confidence in a particular Minister. The committee considers that matters of administration of a political party are not matters of ministerial responsibility and therefore should not be allowed. Although parties are rarely recognised in standing orders, they have been recognised in relation to questions to the leader of a minor party in government for some time.

74. Questions to members chairing committees should continue to be allowed in relation to matters of administration but only on the basis that they are not used as a method of interfering in the committee's work. That restriction is essential and tightly confines the questions which may be asked. It is envisaged that questions will be allowed if they ask whether a committee is likely to meet its reporting deadline or when a committee's report is to be presented, but would not be allowed if asking whether a committee intends to take evidence from certain individuals or if it intends to pursue a particular line of inquiry. (Proposed Standing Order No.75)

Petitions form and presentation

**Petitions to be clearer
Clerk to certify**

75. Petitioners will be encouraged to say not only what they consider to be the problem but also to state what action or remedy they seek. Before presentation of a petition in the House, one of the Clerks at the Table will certify that the petition is in conformity with the rules of the House, and when the petition is presented, the Member need only announce the subject matter of the petition and read the prayer. Petitions will now need the name, address and signature of the petitioner. They will be automatically received and become part of the records of the House unless the Speaker determines otherwise, and the Speaker will no longer need to direct that the petition be brought to the Table of the House. It is not proposed that petitions automatically be forwarded to committees of the House, but a petition may be so referred by motion on notice. Appropriate petition forms will be prepared to facilitate the change, and the language of the petition will be modernised.

76. A standard form of petition appears as *Appendix 4*. (Proposed Standing Orders Nos. 64, 66)

Pecuniary interest declaration

Pecuniary interest declaration to be made prior to voting

77. Pecuniary interests will have to be declared by Members prior to voting on an issue but the provision for disqualification of a member's vote on the ground of pecuniary interest has been deleted. This is a strengthening of the pecuniary interest provisions, and it is also echoed in the proposed standing orders relating to membership of committees. The existing provisions seem more powerful because they seem to preclude a member from voting on any matter in which the member has a pecuniary interest. However, that provision does not apply on any question where

there is an element of public policy, and as virtually every question before the House involves a question of public policy the existing provision is virtually meaningless.

78. The proposed standing order will require members to declare their interest before they vote - it puts the onus on the Member to make the House and the public aware. It is important to note that in a House of 57 members, where numbers are often finely balanced, an exclusion would unnecessarily upset the political balance which the voters achieved at the preceding election and deny some of those voters representation. The pecuniary interest to be declared is not the type held in the broad with members of the public, such as operating a farm or owning certain public company shares. It would, for example, cover such things as owning or having a share in a private company which owned a supermarket in cases when a proposal to extend supermarket hours was before the House. It is not possible to canvass all the potential interests and those will be dealt with as they arise. Your committee recommends to members that if they are in doubt, they should declare an interest. The wording of the proposed standing order requires declaration before a vote is taken and it will be sufficient for the purposes of the standing order if the interest has already been declared in the Register of Member's interests. (Proposed Standing Order No. 128)

Speaker's casting vote

Casting vote to be optional

79. It will be optional for the Speaker to cast a vote when there is an equality of votes. Your committee considers it possible for example that the Speaker may not wish to cast a vote if the numbers were equal on a motion of closure, but would still wish to cast a vote if there were equal numbers on bills or other matters of substance. Given the small number of members in the House, and the frequency of nearly equal numbers on each side of the House after an election, it is impractical to import into the WA Assembly, all the rules which attend the casting vote of the Chair in other, larger, Houses, particularly the House of Commons. The aim of the change is to give the Chair a greater level of independence, particularly in relation to matters of procedure, while retaining the member's capacity to represent his or her constituents. The Chair will be entirely free to either cast a vote or not on any tied vote and it is equally possible from time to time that the Chair may decide that a closure of debate is warranted, and vote accordingly. Of course, the *effect* of not voting is the same as voting 'no' as any question must achieve a *majority* of votes to be passed.

80. Section 24 of the Constitution Acts Amendment Act 1899 provides that all questions which arise in the Legislative Assembly shall be decided by a majority of votes of the members present, other than the Speaker, and when the votes are equal the Speaker shall have the casting vote. That section gives the vote to the Speaker but does not require that it be exercised, and so the vote can be made optional. (Proposed Standing Order No. 141)

Previous question**Eliminate ‘previous question’ procedure**

81. Moving of the ‘previous question’ will be eliminated. Most Members will not know what the previous question is, and it has been used only once in recent times and the outcome on that occasion was as much a result of confusion in the House as deliberate decision making. The question is posed in the form, ‘That the Question be not now put’, which if agreed to results in the House moving to the next business, but if negatived, requires the question to be put immediately without further debate. Your committee sees no value in retaining this arcane procedure which still carries considerable potential to achieve a result by a trick.

Committee of reasons**Eliminate committee of reasons**

82. In days prior to modern communications, instant internal publishing of the proceedings of the Houses, and the development of other communication channels through political parties, there was some value in one House writing down reasons for disagreeing to amendments made by the other House. That is no longer the case, and the procedure unnecessarily delays the House. Your committee has proposed that the Committee of Reasons procedure be eliminated. (Proposed Standing Order No. 207)

‘This day six months’ amendments**Eliminate ‘this day six months’ amendment**

83. ‘This day six (or three) months’ amendments to the second reading of a bill will be eliminated. They are moved in the form, that the word ‘now’ be deleted from the motion ‘That the bill be now read a second time’, and the words ‘this day six months’ be added. If the amendment is carried it is supposed to take the bill past the probable end of the session and therefore it does not reappear on the notice paper. It is always described as tantamount to rejection of the bill. As a procedure it suffers from lack of clarity and your committee is content to see it erased, as more direct means of dealing with the second reading of a bill are preferable.

Divisions

No need for at least two voices on each side

84. Under the proposed standing orders, a division may be called without the requirement that there be at least two voices for the Ayes and the Noes. The Chair will retain the capacity to call the division off if it appears that there is only one member voting on one side. As a practical matter, many divisions are called when it is doubtful that there was more than one voice on each side, and the Chair has tended to call on its legendary deafness in such cases and allow the division to proceed, notwithstanding that standing order. The rationale of the standing order was to preclude individual members from calling for a division when they had no support, but in a House the size of the WA Assembly, that rationale is weak, and the rule has little practical value but serves instead as a trip wire for the new or unwary member.

85. The draft retains the requirement that a member who calls for a division must vote with those who, according to the call from the Chair, were in the minority. Only those who want to vote contrary to the majority, as called by the Speaker, can call for a division. From time to time a member who is on the majority side and calls for a division to make a point, is 'claimed' by the other side of the House and that may still occur. (Proposed Standing Order No. 137)

Time limits

Standardising time limits for most motions

86. Time limits have been altered slightly. Almost all motions (including those previously classified as substantive, ancillary or procedural) will now be subject to the same time limit of 60 minutes for the principal speakers on each side, 20 minutes with an automatic extension of 10 minutes on request for other members and 45 minutes for reply. Experience suggests that with the exception of highly contentious matters, those time limits are not regarded both as maximum and minimum by members, and your committee encourages the continuing sensible use of the time. Time limits for MPI's have been incorporated into the Standing orders. Unspecified periods are retained for the Premier and the Leader of the Opposition on the Address in Reply and the principal Appropriation Bill. The one hour maximum debate and 20 minutes per individual have been retained for Estimates Committee Management reports and the reports from the Estimates Committees themselves. The unlimited 5 minute periods will be retained for the consideration in detail stage which replaces Committee of the Whole House. (Proposed Standing Order No. 101)

Attendance at committee meetings**Members expected to attend meetings**

87. The existing standing order requiring members to attend the meetings of the House has been extended to cover committee meetings. The change does little more than signal to members that Committees of the House are as much a part of its work as the proceedings in the Chamber itself. (Proposed Standing Order No. 33)

What is *not* contained in the draft - time management**Guillotine yet to be decided - a matter for the House**

88. Your committee has not included a proposed standing order in relation to Time Management or as it is more colloquially known, the guillotine. At the moment, if the House wishes to continue with this procedure, an appropriate sessional order will be required. Members are aware of philosophical differences which exist on this matter and as a consequence your Committee has not included it in this proposal.

CHAPTER 3 - MORE MINOR ALTERATIONS

Raising privilege issues

89. Raising privilege issues in the House may now formally lead to the Speaker giving priority to a motion without notice on the matter. While this has been the practice on some occasions in the past, it has not had a clear expression in the standing orders. (Proposed Standing Order No. 109)

Adjourn matter under point of order

90. A proposed standing order formalises existing practice that the Chair may adjourn a matter until a point of order has been decided (Proposed Standing Order No. 110)

Source of procedure

91. The standing order relating to the places from which our practice and precedent may be drawn has been amended to reflect the current situation. The Speaker determines procedural points and in the course of doing so, may refer to the rules, forms and practices of Westminster-style Parliaments. (Proposed Standing Order No. 1)

Longest-serving member to preside over election of Speaker

92. At present, the Clerk of the House chairs the Assembly after an election until the Speaker is elected. The Clerk has no effective authority in this situation and is totally dependent upon the good will of the members. Should difficulties occur in the election of Speaker, as can be the case, it would be better to have a member in the Chair. Both for reasons of experience and as an acknowledgement of long service, it is proposed to have the member with the longest continuous service chair the Assembly at its first meeting after a general election, until the Speaker is elected. (Proposed Standing Order No. 4)

Address in reply presentation

93. The existing limitation on the members who may be at the presentation of the Address in Reply has been lifted. It may be that in future the Address in Reply can be presented and followed by a function of some description to which all members could be invited. (Proposed Standing Order No. 8)

Adjournment for lack of quorum at commencement

94. The Speaker will not be required to adjourn the Assembly if 15 minutes after the commencement of proceedings it appears a quorum is not present. The Speaker however, would need to be satisfied that a quorum can be formed. The way in which the Speaker could be satisfied on that point is not prescribed: it could be advice from the Whips or if thought necessary the Speaker could have the quorum bells rung. (Proposed Standing Order No. 20)

Council members behind the chair

95. As a practical matter, Council members may not wish to remain behind the Chair during a division of the Assembly if the Council is sitting as if the Council division bells are rung, they cannot go through the door which is behind the Speaker's Chair. However, the standing order makes it clear that they may remain during a division if they so wish. (Proposed Standing Order No. 40)

Commencement times in standing orders

96. Commencement times have previously been established by sessional order but given that the standing orders are now changed only by motion of the House without requiring the consent of the Governor, it is convenient to place the commencement times in the standing orders themselves. Trials would still be undertaken by sessional orders, the advantage of those being that they only operate for a limited period of time and expire at the end of that time without need for a further motion. (Proposed Standing Order No. 19)

Certification of bills and clerical amendments

97. Certification that bills are correct, following reprinting at the conclusion of the consideration in detail stage will now be done by the Clerk. As a practical matter it is the Clerk's responsibility to ensure that amendments are properly incorporated in the bill and while up until now Chairmen of committees have signed the bill as correct, they rely entirely upon the Clerk for confirmation of the correctness of the bill. The new standing orders also confirm the practice of the Clerk correcting clerical and typographical errors and making formal amendments in the bill. There remains a requirement for the Speaker to initial substantive amendments made in the bill during the consideration in detail stage. (Proposed Standing Order No. 195)

Notice of amendments for reconsideration

98. It remains possible for a bill to be reconsidered in detail even if the third reading of the bill is listed as an Order of the Day, but the requirement for any amendments to be on notice at that stage has been eliminated. If the House decides to reconsider in detail, the same procedure for amendments would apply as it applies on the first occasion the bill passes through the consideration in detail stage. (Proposed Standing Order No. 197)

Estimates committees

99. The rules relating to estimates committees will work in the same way as they do now. The reference to independent members participating in proceedings of the committee has been removed as unnecessary, as all non-committee members will be given an opportunity by the Chairman to participate, but after initial priority is given to members of the committee.

100. To provide for a more regular determination of procedural issues, the Speaker may make a final determination on a point of order in an estimates committee rather than leave that to the membership of the committee as it happens to be constituted at any particular time. (Proposed Standing Orders Nos. 229, 232)

Managers at a conference

101. Current practice under which Assembly Managers to a conference can either be bound by instructions from the House or not, as the Assembly directs, has been incorporated. (Proposed Standing Order No. 246)

Council bills or amendments relating to fees and penalties

102. Existing Standing Order 306 sets out certain instances when “the House will not insist on its privileges” in relation to penalties, forfeitures and fees. Section 46 (1) of the Constitution Acts Amendment Act 1899 provides -

(1) Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council; but a bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licences, or fees for registration or other services under the bill.

103. Your committee considers that this provision needs no embellishment in the standing orders and Standing Order 306 should therefore be deleted.

Deletion of scale of fees on arrest

104. Existing Standing Order 81 provides that certain fees will be paid on the arrest, commitment and detention of a person by order of the Speaker or the Assembly. There is no reason to continue such a system which does not exist for other arrests in the State, and consequently it is proposed to delete the standing order.

Arrests to be reported

105. The Speaker will be required in future to report to the House if the Speaker directs that any person has to be taken into custody for misconduct in the Chamber or galleries. (Proposed Standing Order No. 53)

ACKNOWLEDGEMENTS

Your committee wishes to record its thanks for the work of several members of the Legislative Assembly staff who have been involved in the production of this report, and especially the draft of the modernised Standing Orders.

The Clerk, Mr Peter McHugh, the Deputy Clerk, Mr Doug Carpenter and the Clerk Assistant, Mr John Mandy have been deeply involved in the drafting and have been responsible for many of the suggestions which the committee has incorporated in the proposed Standing Orders. They have been assisted by members of the staff, mainly Ms Tamara Fischer, who was responsible for the initial rewording and some research. Mr Keith Kendrick also was involved in some of the work. Much effort has been directed to presenting the information as clearly as possible and that has led to long and detailed work, especially by Ms Corinne Briant, in converting ideas for presentation into a well formatted and easily read report.

Much of this work, particularly in the later stages, has been produced at a time when this office had a number of competing priorities and your committee wishes to thank them on behalf of the House and is grateful for their assistance.

