

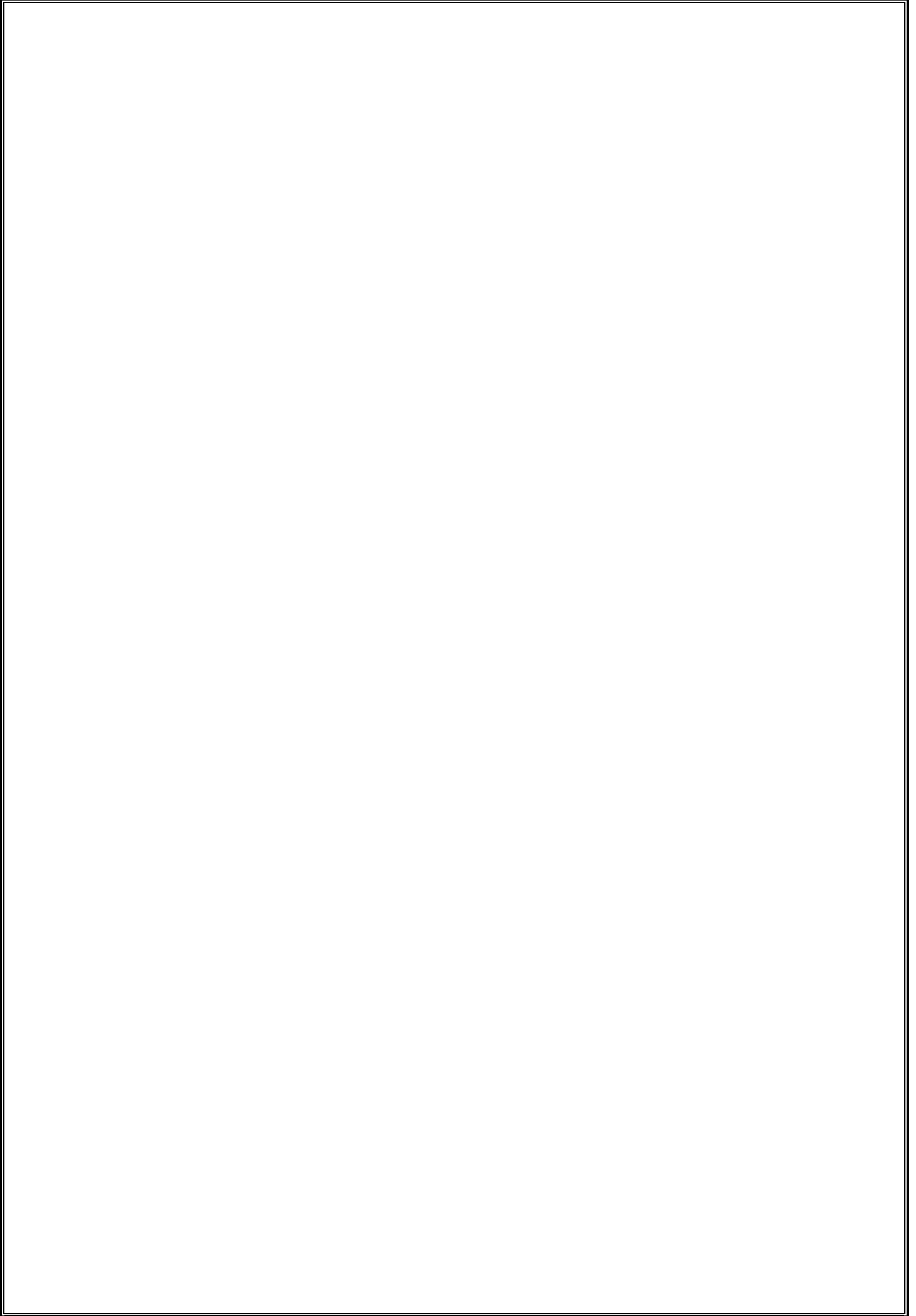


PROCEDURE AND PRIVILEGES COMMITTEE

QUESTIONS ON NOTICE

Report No. 6

2004



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Procedure and Privileges Committee

Questions on Notice Report No. 6

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PROCEDURE AND PRIVILEGES COMMITTEE

QUESTIONS ON NOTICE

Report No. 6

Presented by:
Mrs Dianne Guise, Deputy Speaker of the Legislative Assembly
Laid on the Table of the Legislative Assembly
on 17 June 2004

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Members

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Mrs D.J. Guise, MLA
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COMMITTEE'S FUNCTIONS, POWERS AND TERMS OF REFERENCE

Legislative Assembly Standing Order No. 282 provides the following functions, powers and terms of reference to the Procedure and Privileges Committee -

Procedure and Privileges Committee

282. (1) A Procedure and Privileges Committee will be appointed at the beginning of each session to —

- (a) examine and report on the procedures of the Assembly; and
- (b) examine and report on issues of privilege; and
- (c) wherever necessary, confer with a similar committee of the Council.

(2) The Procedure and Privileges Committee will have the powers of a select committee.

(3) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.

(4) Standing Order 278 will apply except that where possible any report of the committee will be presented by the Deputy Speaker.

(5) When consideration of a report from the committee is set down as an order of the day it will be considered using the consideration in detail procedure.

RECOMMENDATIONS

Recommendation 1

Your Committee recommends,

That Standing Order 80 be amended as follows -

- (a) To delete from 80 (1) “handed to the Clerk in writing” and substitute the following -

“ transmitted to the Clerk who will distribute them. Answers received during a recess of the Assembly which is greater than two weeks will be published on the first working day of each month over which the Assembly is adjourned

”; and

- (b) To delete from 80 (2) “ three calendar months ” and substitute the following -

“ one calendar month ”.

The Standing Order will now read –

Answers to questions on notice

80. The procedure for answering questions is as follows —

- (1) Answers to questions will be ~~handed to the Clerk in writing~~ transmitted to the Clerk who will distribute them. Answers received during a recess of the Assembly which is greater than two weeks will be published on the first working day of each month over which the Assembly is adjourned.
- (2) If no answer to a question on notice has been received ~~three calendar months~~ one calendar month after the question was asked, the member who asked the question may rise at the end of the time for questions without notice and ask the Minister why no answer has been received, and may similarly ask again after each succeeding month during which the question remains unanswered.

MINISTERIAL RESPONSE

In accordance with Standing Order 277, the Procedure and Privileges Committee directs the Leader of the House to report to the Legislative Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendation of the Committee.

PROCEDURE AND PRIVILEGES COMMITTEE

INTRODUCTION

1.1. Answers to Questions on Notice

Now that sessions of Parliament might extend up to four years, members' unanswered Questions on Notice will no longer be either answered or removed on an annual basis. The annual prorogation acted in part as a spur to Ministers to ensure that all questions were answered. Theoretically, questions could now remain on the Notice Paper for up to four years.

Your Committee notes that Legislative Council Standing Order 138 requires the Minister to state after nine sitting days whether an answer will be provided and when that will occur. The effect of this is to place pressure on Ministers in the Legislative Council to produce answers to questions more rapidly than their counterparts in the Legislative Assembly. Indeed anecdotal evidence is that this has already been recognised by some Legislative Assembly Opposition members who regularly request their Legislative Council colleagues to ask questions because of the quicker response time. Consequently it is proposed to reduce the period in the Legislative Assembly from three to one calendar month within which an answer to a question on notice can be reasonably expected to be provided by a Minister.

1.2. Distribution of answers to questions on notice during recess periods

Your Committee has received a submission requesting that answers to questions received during a parliamentary recess be distributed immediately to the members who lodged the questions. The Clerk of the House advised the Committee that there was no administrative reason preventing this from happening other than receiving the authority of the Legislative Assembly.

Receipt of answers to questions on notice is part of each sitting day's procedure: they are received in the office of the Clerk, printed in *Hansard*, and constitute 'proceedings in Parliament' for the purpose of Article 9 of the *Bill of Rights 1688* and consequently protected by parliamentary privilege.

Legislative Assembly members should have answers to their questions on notice at least as quickly as their Legislative Council colleagues. There is a clear advantage in providing an answer as soon as it is available, but it must be remembered that the answer is being given not just to that member but also to the House as a whole. If an answer is to be made available to that member, then it must also be made available to members generally and, incidentally, to the public. It is necessary that it be formally answered at the time of its distribution to the

member, and be formally published and authorised. At the moment, answers to questions on notice are published in the daily *Hansard* and are available to Members through the questions computer database. The numbers of the questions answered are recorded in the Votes and Proceedings.

A simple and easily understood scheme for receipt of answers outside sitting days is important in order to avoid confusion for Ministers and private members.

Your Committee considers that if the Legislative Assembly is adjourned for any period in excess of 2 weeks or if the adjournment period is indeterminate, then on the first working day of each month over which the Legislative Assembly is adjourned, answers to questions on notice should be published in a *Hansard* produced for that purpose. The Votes and Proceedings of the House at the next sitting day would then record that those questions were answered on those days when the answers were published. When the Parliament is prorogued or the Legislative Assembly is dissolved, there should be a publication of the answers received by that date.

Your Committee therefore proposes that SO 80 be amended to allow members to ask at the end of question time why an answer has not been received one month after the question was asked. It will also allow answers transmitted to the Clerk of the House during a recess of the Legislative Assembly which is greater than two weeks, to be published and distributed to members on the first working day of each month during the adjournment of the Legislative Assembly.

Recommendation 1

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