



PROCEDURE AND PRIVILEGES COMMITTEE

MINOR ADJUSTMENTS TO THE STANDING ORDERS

**Report No. 9
in the 38th Parliament**

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Report No. 9

2010

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Mr Michael Sutherland, MLA
Deputy Speaker of the Legislative Assembly
Laid on the Table of the Legislative Assembly
on 12 August 2010

COMMITTEE MEMBERS

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Deputy Chairman	Hon M. McGowan, MLA Member for Rockingham
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COMMITTEE'S FUNCTIONS AND POWERS

Legislative Assembly Standing Order No. 284 provides the following functions, powers and terms of reference to the Procedure and Privileges Committee –

Procedure and Privileges Committee

284. (1) A Procedure and Privileges Committee will be appointed at the beginning of each Parliament 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) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.

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

(4) 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.

MINOR ADJUSTMENTS TO THE STANDING ORDERS

Background

Providing opportunities for members of Parliament to raise issues of concern regarding their electorates, to discuss contemporary issues, or to question government policy and administration, is central to the democratic process and integral to the Legislative Assembly's roles as a forum of debate and a vehicle for keeping the Executive accountable.

Opportunities for members to express their views and to press for action are accommodated in the Legislative Assembly through annual wide-ranging debates such as the Address in Reply or Premier's Statement and the annual Appropriation Bills, and on a daily sitting basis by means of debates on government Bills and motions and through the allocation of time to private members' business, questions without notice, matter of public interest debates, grievances and members' statements.

As part of your Committee's remit to review the Standing Orders, several minor adjustments have been considered in relation to grievances, members' statements, and questions without notice which your Committee believes will improve opportunities for members to raise issues of interest and concern with minimal impact on the weekly parliamentary timetable.

Grievances (Standing Order 146)

Legislative Assembly Standing Order 146 allows for four members to speak on a grievance for a period of up to seven minutes, with a Minister or member deputed having the right to reply to each grievance for a period of up to seven minutes. Grievances take place at a time determined by the Speaker on each Thursday, customarily between 9.10 am and 10.10 am.

Grievance debates derive 'from the centuries old financial procedures of the House of Commons ... [reflecting the] traditional insistence of the Commons on considering grievances before granting supply to the Crown'.¹ Grievances are particularly useful as a mechanism for members to raise subjects of interest or concern to them or their constituents without the restrictions of a question or the need formally to propose a motion.

Your Committee proposes that the Legislative Assembly abridge the time allocated for individual grievances and replies to enable a greater number of grievances to be made within the one hour per week currently allocated to grievances. Reducing the existing time limit from seven to five minutes for both grievances and responses would enable six grievances to be aired. It is your Committee's view that five minutes provides sufficient time for members to canvass briefly the main issues relating to their topic and similarly provides adequate time for a considered response from the relevant Minister.

¹ I. C. Harris, ed, *House of Representatives Practice*, 5th edn, Department of the House of Representatives, Canberra, 2005, p. 571.

Members' Statements (Standing Order 147)

Legislative Assembly Standing Order 147 allows for up to six members, other than a Minister, to make a statement not exceeding 90 seconds on any topic of interest to them. Members' statements are currently scheduled from 12.50 pm to 1.00 pm on Thursdays.

Members' statements provide an opportunity for discussion of topics not normally accommodated by the rules of debate. The range of topics canvassed in members' statements varies widely, although issues of importance or concern within a member's electorate are frequently to the foreground. Members' statements are an eagerly sought opportunity and in the Legislative Assembly are usually allocated evenly between each side of the House.

To provide more opportunities for members to make such statements, the Committee proposes that the Standing Orders be amended to increase the number of members' statements from six to ten each week. This adjustment would enable an additional 80 members' statements to be made over an average year of 20 sitting weeks. This adjustment would require an additional five minutes per week to be allocated to members' statements, with the session to run from 12.45 pm to 1.00 pm.

Questions Without Notice (Standing Orders 75, 76, 77, 78, 82)

Legislative Assembly Standing Order 75 empowers members to ask questions, mainly of Ministers; Standing Order 82 directs that questions without notice 'may be asked for a period determined by the Speaker'—in practice, usually 45 minutes per sitting. Standing Order 78 provides that answers to such questions 'must be relevant to the question', but does not prescribe a time limit for responses. The Speaker, however, may encourage Ministers to be succinct, or direct them to conclude their comments or resume their seats if their answers are too long, irrelevant or repetitious. Your Committee considers that, subject always to the discretion of the Speaker, introducing time limits on questions without notice, including supplementary questions, is worth trialling by the Legislative Assembly as it could lead to a more effective question time.

A number of jurisdictions have imposed time limits on both questions and answers, including the Australian Senate which since 1992 permits members up to one minute to ask a question or a supplementary question and enforces a four-minute time limit on the reply to questions and a one-minute limit for answers to a supplementary question.² The Legislative Assembly of the Australian Capital Territory does not time limit questions, but sets four- and two-minute limits respectively for responses to original and supplementary questions.³

Your Committee proposes that, subject always to the discretion of the Speaker, a one-minute time limit should apply to a question without notice and a four-minute time limit should apply to an answer.

² Standing Order 72 (3).

³ Standing Order 118 (c).

Trial Operation

Your Committee considers that the minor adjustments to the Standing Orders it recommends in this report will materially enhance opportunities for members to raise issues of concern to them and their constituents with minimal disruption to the existing parliamentary schedule. Your Committee accordingly submits the following recommendations to the Assembly for its consideration and adoption on a trial basis until the end of the 2010 sitting year, following which it will conduct a review of the trial.

Recommendations

Recommendation 1

Your Committee recommends –

Standing Order 146

That as a trial for the remainder of 2010, SO 146 be amended by deleting ‘Four’ and substituting ‘Six’. The Temporary Standing Order will then read:

Grievances

146. At a time determined by the Speaker on each Thursday when the Address in Reply no longer has priority, the Speaker will call for grievances. Six members may speak on grievances and no member may speak more than once. A Minister of a member deputed will have the right to reply to each of the grievances.

Standing Order 101

That as a trial for the remainder of 2010, SO 101 be amended by deleting ‘7 minutes’ and substituting ‘5 minutes’ after the section ‘Grievance debate (S.O. 146)’. The Temporary Standing Order will then read:

Time limits on speeches

101.

Grievance debate (S.O. 146)

Each member including a Minister or a member deputed to reply.....5 minutes

Recommendation 2

Your Committee recommends –

Standing Order 147

That as a trial for the remainder of 2010, SO 147 be amended by deleting ‘six’ and substituting ‘ten’. The Temporary Standing Order will then read:

Members’ statements

147. Once in each sitting week, at a time decided by the Speaker, the Speaker will call for statements by Members, and up to ten members, other than a Minister, may make a statement not exceeding 90 seconds each.

Recommendation 3

Your Committee recommends –

Standing Order 77

That as a trial for the remainder of 2010, SO 77 be amended by inserting after sub-order (2) the following new sub-order – ‘(3) Subject always to the discretion of the Speaker, a question should not normally exceed one minute’. The Temporary Standing Order will then read:

Rules for questions

77. The following general rules apply to questions —

- (1) Questions should not contain —
 - (a) preambles, opinions, statements of facts or names of persons unless they are necessary to render the question intelligible, extracts from newspapers or books, or quotations; or
 - (b) argument, allegations, inference, imputation, epithets, ironical expressions, or hypothetical matter.
- (2) Questions should not be repetitive, ask for an expression of opinion or seek legal interpretation or opinion.
- (3) Subject always to the discretion of the Speaker, a question should not normally exceed one minute.

Standing Order 78

That SO 78 be amended by inserting before ‘An answer must be relevant to the question’ the sub-order number ‘(1)’ and inserting after this sub-order the following new sub-order – ‘(2) Subject always to the discretion of the Speaker, an answer to a principal question should not normally exceed four minutes and an answer to a supplementary question should not normally exceed one minute’. The Temporary Standing Order will then read:

Answers to be relevant

78. (1) An answer must be relevant to the question.

(2) Subject always to the discretion of the Speaker, an answer to a principal question should not normally exceed four minutes and an answer to a supplementary question should not normally exceed one minute.