



***PROCEDURE AND PRIVILEGES
COMMITTEE***

**STANDING AND SELECT
COMMITTEES'
TERMS OF REFERENCE
AND
REPORT DATES**

-

STANDING ORDER 255

Report No. 6

2006

Published by the Legislative Assembly, Parliament of Western Australia, Perth, 2006.



Procedure and Privileges Committee

Title: Standing and Select Committees' Terms of Reference and Report Dates - Standing Order 255

ISBN: 1 920830 92 8

(Series: Western Australia. Parliament. Legislative Assembly. Committees.
Procedure and Privileges Committee. Report No. 6 of 2006)

Copies available from:

State Law Publisher
10 William Street
PERTH WA 6000

Telephone:

(08) 9321 7688

Facsimile:

(08) 9321 7536

Email:

sales@mpc.wa.gov.au

Copies available on-line:

www.parliament.wa.gov.au



***PROCEDURE AND PRIVILEGES
COMMITTEE***

**STANDING AND SELECT
COMMITTEES'
TERMS OF REFERENCE
AND
REPORT DATES**

-

STANDING ORDER 255

Report No. 6

Presented by:
Mrs Dianne Guise, MLA,
Deputy Speaker of the Legislative Assembly
on 23 November 2006

COMMITTEE MEMBERS

Chairman

Hon. Fred Riebeling, MLA
(Speaker of the Legislative Assembly)

Members

Mrs Dianne Guise, MLA
(Deputy Speaker and Member for Wanneroo)

Mr Paul Andrews, MLA
(Member for Southern River)

Mr Rob Johnson, MLA
(Member for Hillarys)

Mr Max Trenorden, MLA
(Member for Avon)

COMMITTEE STAFF

Clerk to the Committee

Mr John D. Mandy
(Deputy Clerk of the Legislative Assembly)

Advisor

Mr Peter J. McHugh
(Clerk of the Legislative Assembly)

COMMITTEE ADDRESS

Procedure and Privileges Committee
Legislative Assembly
Parliament House
Harvest Terrace
PERTH WA 6000

Tel: (08) 9222 7222
Fax: (08) 9222 7818
Email: ppc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au

TABLE OF CONTENTS

Committee Members	ii
Committee Staff	ii
Committee's Functions, Powers And Terms Of Reference	iv
Recommendations	v
Ministerial Response.....	vi
Minor Change To The Standing Orders.....	1
SO 255 - Terms Of Reference And Report Dates	1

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

Standing Order 255

Your Committee recommends –

That Standing Order 255 be deleted and the following Standing Order substituted in its place -

“

Terms of reference and report date

255. (1) Whenever a standing committee receives or determines for itself a fresh or amended terms of reference, the committee will forward them to the Speaker of the Assembly, each standing and select committee of the Assembly and joint committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

(2) If no reporting date is specified in -

- (a) a motion for the establishment of a select committee; or
- (b) terms of reference for a standing committee,

the committee will report to the Assembly within 12 calendar months from the appointment or the date when the terms of reference is reported to the Assembly.

(3) (a) The Assembly may vary that date; and

- (b) in relation to terms of reference set by a standing committee and where the Assembly has not set the report date, the standing committee may vary the report date as an amended terms of reference. ”.

Recommendation 2

Standing Order 287.

Your Committee recommends that suborder (4) of Standing Order 287 be deleted.

MINISTERIAL RESPONSE

In accordance with Standing Order 277, the Committee directs that 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 recommendations of the Committee.

MINOR CHANGE TO THE STANDING ORDERS

As part of the on-going review of Standing Orders, changes are often suggested by either Committee members, members of the House or noted by the Clerks as being necessary to adjust the Standing Orders to reflect the ongoing changes to the Legislative Assembly's practice and procedures. Your Committee has considered the proposed change and accordingly submits the following to the Legislative Assembly for its consideration and adoption -

SO 255 - TERMS OF REFERENCE AND REPORT DATES

The Speaker of the Legislative Assembly, as Chairman of the Committee, brought to the attention of your Committee a recent development where there have been several instances in the last year or so of standing committees, when setting their own terms of reference in accordance with SO 287, either including an unreasonable report date or no report date at all. The most recent example of '2008' set by the Public Accounts Committee provides a potential report date which ranges from anywhere between 14 to 26 months and is effectively of no use to any Assembly member trying to ascertain when the committee will report to the Assembly on its investigation.

Your Committee having considered the matter believes that, while the current standing orders do not specifically require a portfolio standing committee to advise the House of its intended report date, it is not unreasonable to expect a committee created by the House to keep the House informed of the committee's activities and its intended report date. Standing Orders specifically require portfolio standing committees, which includes the Public Accounts Committee, to inform the Speaker of the Legislative Assembly of new terms of reference they have set for themselves: the Speaker is required to announce the new terms of reference to the House and then arrange to have them placed on the Legislative Assembly's notice boards. Similarly the Clerk of the House places the committee's name, investigation topic and report date on the Notice Paper for the information of all members and the general public.

Accordingly your Committee proposes that Standing Order 255 be deleted and a new Standing Order be substituted in its place and Standing Order 287(4) be deleted -

Terms of reference and report date

255. (1) Whenever a standing committee receives or determines for itself a fresh or amended terms of reference, the committee will forward them to the Speaker of the Assembly, each standing and select committee of the Assembly and joint committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

(2) If no reporting date is specified in -

- (a) a motion for the establishment of a select committee; or
- (b) terms of reference for a standing committee,

the committee will report to the Assembly within 12 calendar months from the appointment or the date when the terms of reference is reported to the Assembly.

- (3) (a) The Assembly may vary that date; and
- (b) in relation to terms of reference set by a standing committee and where the Assembly has not set the report date, the standing committee may vary the report date as an amended terms of reference.

Standing Order 287.

Your Committee also proposes that suborder (4) of Standing Order 287 be deleted.

Recommendation 1

Standing Order 255

Your Committee recommends –

That Standing Order 255 be deleted and the following Standing Order substituted in its place -

“

Terms of reference and report date

255. (1) Whenever a standing committee receives or determines for itself a fresh or amended terms of reference, the committee will forward them to the Speaker of the Assembly, each standing and select committee of the Assembly and joint committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

- (2) If no reporting date is specified in -
 - (a) a motion for the establishment of a select committee; or
 - (b) terms of reference for a standing committee,

the committee will report to the Assembly within 12 calendar months from the appointment or the date when the terms of reference is reported to the Assembly.

- (3) (a) The Assembly may vary that date; and
- (b) in relation to terms of reference set by a standing committee and where the Assembly has not set the report date, the standing committee may vary the report date as an amended terms of reference. ”.

Recommendation 2

Standing Order 287.

Your Committee recommends that suborder (4) of Standing Order 287 be deleted.

HON. FRED RIEBELING, MLA
CHAIRMAN TO THE COMMITTEE
16 November 2006