



***PROCEDURE AND PRIVILEGES
COMMITTEE***

**PREMIER'S STATEMENT
STANDING ORDER**

Report No. 2

2005

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**PREMIER'S STATEMENT
STANDING ORDER**

Report No. 2

Presented by:
Mrs Dianne Guise, Deputy Speaker of the Legislative Assembly
Laid on the Table of the Legislative Assembly
On 23 November 2005

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Speaker of the Legislative Assembly

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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.

The Leader of the House during a Brief Ministerial Statement, made in the Legislative Assembly on Wednesday 30 June 2004, in response to the previous PPC's report on *Changes to Prorogation and Extended Parliaments*, advised the House that the Committee's Recommendation No. 1 relating to the Premier's Statement Standing Order would not be supported by the Government and requested the PPC to further explore alternatives and report back to the House.

Accordingly, your Committee agreed to further investigate and report again to the Legislative Assembly on this matter.

RECOMMENDATIONS

Recommendation 1

To insert the following new Standing Order 8A -

“

Premier’s Statement

- 8A.** (1) On the first sitting day of each calendar year, the Premier will make a statement to the Assembly outlining the Government’s legislative and other policy intentions for the next 12 months.
- (2) No Premier’s Statement is to be made when the first sitting day of a year is the first sitting day of a session of Parliament.
- (3) Following the Premier’s Statement a question will be proposed, That the Premier’s Statement be noted.
- (4) No other business that is not of a formal or procedural nature will have priority until after 3 sitting days (including the remainder of the first sitting day) have been dedicated exclusively to the debate on noting the Premier’s Statement.”.

Recommendation 2

To amend SO 101 by inserting after the “**Address in Reply**” entry the following –

“ **and Premier’s Statement** ”; and

By amending the time for “ Any other member” to 20 minutes (plus 10 minutes on request) -

The Standing Order will then read -

“

Address and Reply and Premier’s Statement (SO 8 and 8A)

Premier or one member deputed unspecified
Leader of the Opposition or one member deputed..... unspecified
Any other member *20 minutes
On any amendment, each member 20 minutes

(Note: * If the member so requests during or immediately upon expiry of a speech, the time for the speech will be extended by a further 10 minutes.)

Recommendation 3

To amend SO 101 times for “**Principal appropriation bill**” by deleting “ Any other member 45 minutes” and substituting -

“ Any other member*20 minutes ”.

(Note: * If the member so requests during or immediately upon expiry of a speech, the time for the speech will be extended by a further 10 minutes.)

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.

PART 1 - BACKGROUND

1.1

The previous Procedure and Privileges Committee, when preparing the report on *Changes to Prorogation and Extended Sessions*, considered the ramifications of the removal of yearly sessions of Parliament particularly in relation to the Opening of Parliament, the Governor's Speech and the Address in Reply.

1.1.1 Governor's Speech

The Governor's Speech is recognised as being a primary method used by the Government to announce its legislative program for the forthcoming session of Parliament and for the Opposition and private members to debate Government policy. Until the adoption of single session Parliaments, it was assumed that this would occur on four occasions during a 4 year Parliament (usually in the first half of the year). The Opposition is accustomed to moving amendments to the Address in Reply which are critical of specific Ministers or of Government policy. These form mini debates. If there is only one Opening each Parliament, members will lose one general debating opportunity in each of the following three years after the Opening of Parliament.

The previous Committee considered it important that there be an annual capacity for the Government to provide the legislature, and co-incidentally the public, with an overview of the Western Australian Government's legislative program for the next 12 months. The previous Committee proposed this be retained by ensuring that on the first sitting day in each calendar year after the Opening of a new Session, a Premier's Statement is presented by the Premier to the Legislative Assembly.

1.1.2 Address in Reply

Following the removal of yearly sessions of Parliament, the previous Committee proposed that the Premier present a Premier's Statement to the House in each calendar year after the Opening of a new Session thereby allowing members to continue to have the same general debate opportunity in place of the Address in Reply debate. After it is proposed by the Chair, 'That the Premier's Statement be noted', the debate would have priority for the next 4 sitting days (including the remainder of the first day) over all other business that is not of a formal or procedural nature.

The Address in Reply procedures in the Standing Orders would then only apply when the Governor formally opens a new Parliament.

Recommendation 1 in the *Changes to Prorogation and Extended Sessions* report read as follows –

To insert the following new Standing Order 8A -

“

Premier’s Statement

- 8A.** (1) On the first sitting day of each calendar year, the Premier will make a statement to the Assembly outlining the Government’s legislative and other policy intentions for the next 12 months.
- (2) No Premier’s Statement is to be made when the first sitting day of a year is the first sitting day of a session of Parliament.
- (3) Following the Premier’s Statement a question will be proposed, That the Premier’s Statement be noted.
- (4) No other business that is not of a formal or procedural nature will have priority until after 4 sitting days (including the remainder of the first sitting day) have been dedicated exclusively to the debate on noting the Premier’s Statement. ”.

1.2 Government’s response to the PPC’s Recommendation for a Premier’s Statement.

On Wednesday, 30 June 2004, the Leader of the House made a Brief Ministerial Statement during which he advised the Legislative Assembly that the Government would not support the previous Procedure and Privileges Committee’s recommendation for a Premier’s Statement. He made the following comments in the response to the recommendation –

“

In lieu of an annual Governor’s speech and Address-in-Reply debate, the PPC has proposed that on the first sitting day in each calendar year after the Opening of a new Parliament, a Premier’s Statement be presented by the Premier in the Legislative Assembly.

Adopting this PPC proposal would have the effect of creating two general debates in the first half of each year – the “Premier’s Statement” general debate – that has priority for the first 4 sitting days but debate could take longer, and the general debate on the Appropriation (budget) Bills – usually 3 sitting days in May each year.

This proposal is not supported because, if adopted, it would create added pressure for the legislative program in the first half of the year where the early sitting weeks in March and April are now used to deal with legislation carried over from the previous year.

Although this PPC recommendation is not supported, there is a general view that there needs to be avenues that would allow for two general debates for private members each year – one in the autumn and one in the spring sittings.

The general debate opportunity during the autumn sittings can normally be accommodated by way of the Appropriation (budget) Bills debate in May each year (usually 3 sitting days). In addition, after a State election the Governor would formally open the new Parliament and the current Address in Reply Standing Orders would apply (SO 6 & 59).

A second general debate during the spring sittings is less certain, although at times can be accommodated by way of Standing Order 94 (2), which states –

94. (2) *Matters relating to public affairs may be debated at the second reading of the following bills –*
- (a) *the principal appropriation bill which includes recurrent expenditure;*
 - (b) (i) *a bill which appropriates expenditure from the Treasurer's Advance Account in relation to recurrent expenditure; or*
(ii) *a Supply Bill*
 - (c) *a Loan Bill;*
 - (d) *any other bill where leave of the Assembly is given without a dissentient voice*

More often than not, however, both the Loan and Treasurer's Advance bills have been progressed through the Legislative Assembly in the first half of the year (usually May/June) and there has been no requirement for a Supply Bill since 2001.

Standing Order 94 allows for a general debate on Appropriation Bill (No. 3), however as this is a retrospective appropriation, the timing of the debate is not fixed and is entirely in the hands of the Government.

In addition, part (2) (d) of Standing Order 94 provides for a general debate on any other bill where leave of the Assembly is given without a dissentient voice. The use of this provision is somewhat artificial and does not give any certainty to members about the availability of providing for a general debate during the spring sittings.

To give certainty to the timing of a general debate, it is open to the PPC to develop a Standing Order that makes provision for a "Public Affairs Debate" during the spring sittings, as outlined below –

Public Affairs Debate

(1) If –

(a) none of the Bills specified in Standing Order 94 (2) have been introduced into the Assembly after 1 July and before 30 September in any one year, or

(b) the debate following the Minister’s speech on the second reading of any of those bills introduced after 1 July has not commenced by 31 October,

then a public affairs debate shall have precedence for the first 3 sitting days after 1 November in that year, or such other 3 days as it is agreed in writing between the Premier and the Leader of the Opposition, and forwarded to the Speaker.

(2) During the days on which the Public Affairs debate has precedence, Ministerial Statements may be made, Questions with and without notice may be asked and bills may be introduced and taken to the stage that the motion “That the bill be now read a second time” has been moved, but no other business that is not of a formal or procedural nature will have priority.

The Government response requests that the PPC explore the matter further and report back to the House.

1. 2.1 Government Response

Recommendation 1 is not supported, however the Government recognises that there should be provision made for two general debates for private members each year – one in the autumn and one in the spring sittings.

The general debate opportunity during the autumn sittings can normally be accommodated by way of the Appropriation (budget) Bills debate, usually in May each year. In addition, after a State election the Governor would formally open the new Parliament and the current Address in Reply Standing Orders would apply (SO 6 & 59).

To give certainty to the timing of a general debate during the autumn sitting, the Government requests that the PPC consider developing a Standing Order that makes provision, if necessary, for a “Public Affairs Debate” in the second half of each year –

Public Affairs Debate

(1) If –

(a) none of the Bills specified in Standing Order 94 (2) have been introduced into the Assembly after 1 July and before 30 September in any one year, or

(b) the debate following the Minister’s speech on the second reading of any of those bills introduced after 1 July has not commenced by 31 October,

then a public affairs debate shall have precedence for the first 3 sitting days after 1 November in that year, or such other 3 days as is agreed in writing between the Premier and the Leader of the Opposition, and forwarded to the Speaker.

(2) During the days on which the Public Affairs debate has precedence, Ministerial Statements may be made, Questions with and without notice may be asked and bills may be introduced and taken to the stage that the motion "That the bill be now read a second time" has been moved, but no other business that is not of a formal or procedural nature will have priority.

”

PART 2 – PREMIER’S STATEMENT STANDING ORDER

2.1

Your committee further investigated the proposed Premier’s Statement and possible alternatives. Committee members also on several occasions consulted with members of their respective parliamentary political parties on the proposal.

Feedback received confirmed your committee’s belief that it is highly desirable to continue to have a procedure at the commencement of each calendar year (following the Opening of a new Session) which allows the Government to announce to the legislature its legislative program and planned activity for the forthcoming year. As part of that procedure, the Premier’s Statement should be followed by a general debate which allows amendments to be moved to the question proposed by the Chair, ‘That the Premier’s Statement be noted’. Ideally the Premier’s Statement should be made on the first sitting day of next calendar year after the Opening of a new Session of Parliament.

Your committee does not agree with the Government’s opinion that continuing a practice similar to the Address in Reply will create an additional opportunity for a further general debate in the first half of each year. Prior to extended session Parliaments there have always been two general debate opportunities available to members in the first half of the year in the form of the Address in Reply debate and the Budget debate and on rare occasions a third general debate in the second half of the year. As shown below, statistics for general debates over the last 5 years show that the total time for general debates fell substantially in the years where there hasn’t been an Address in Reply general debate -

Year	No. of debates	Type of debate	Total time
2001	3	Address in Reply, Budget, Supply	61 hrs 50 mins
2002	2	Address in Reply, Budget	43 hrs 35 mins
2003	2	Budget, Loan	31 hrs 44 mins
2004	1	Budget	25 hrs 2 mins
2005	2	Address in Reply, Budget	51 hrs 10 mins

(see ‘Appendix A - General Debates Statistics’ for further detail)

Your committee also believes an additional ‘public affairs’ general debate in the second half of calendar year is more likely to place increased pressure on the legislative program at the very time the Government is endeavouring to complete the passage of its legislation before the long summer recess.

It is for these reasons your committee does not support the “Public Affairs Debate” as proposed by the Leader of the House and continues to propose that a Premier’s Statement procedure be adopted with priority given to the debate for the first 3 days (which includes the remainder of the first sitting day). As part of the overall package and for consistency, your committee also proposes that the ‘Any other member’ debate times listed under Standing Order 101 for the Address in Reply and the proposed Premier’s Statement be changed to 20 minutes plus 10 minutes on request of a member (total time of 30 minutes remains unchanged). Your committee also proposes as part of the same package, that the ‘Any other member’ debate times for the budget debate (Principal appropriation bill) be reduced from 45 minutes to 30 minutes (20 minutes plus 10 minutes on request of a member). This would then make all ‘Any other members’ debate times consistent for second reading debates and motions. However, your

committee notes that, if for some reason a member requires additional time during the budget debate, then subject to the agreement of the Assembly an extension of time not exceeding 15 minutes under Standing Order 102 continues to be available to members (ie. shadow ministers).

2.2 Recommendations

Accordingly, your committee proposes that the following recommendations be adopted –

Recommendation 1

To insert the following new Standing Order 8A -

“

Premier’s Statement

- 8A.** (1) On the first sitting day of each calendar year, the Premier will make a statement to the Assembly outlining the Government’s legislative and other policy intentions for the next 12 months.
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Address and Reply and Premier’s Statement (SO 8 and 8A)

Premier or one member deputed	unspecified
Leader of the Opposition or one member deputed.....	unspecified
Any other member	*20 minutes
On any amendment, each member.....	20 minutes

(Note: * If the member so requests during or immediately upon expiry of a speech, the time for the speech will be extended by a further 10 minutes.)

Recommendation 3

To amend SO 101 times for “**Principal appropriation bill**” by deleting “ Any other member 45 minutes” and substituting -

“ Any other member*20 minutes ”.

(Note: * If the member so requests during or immediately upon expiry of a speech, the time for the speech will be extended by a further 10 minutes.)

APPENDIX A - GENERAL DEBATES STATISTICS

Address in Reply

2005:

Moved: 29 March 2005
Adopted: 26 May 2005
Debate Time: 24 hours, 4 minutes

2002:

Moved: 13 August 2002
Adopted: 4 December 2002
Debate Time: 19 hours, 4 minutes

2001:

Moved: 1 May 2001
Adopted: 29 May 2001
Debate Time: 28 hours, 23 minutes

Appropriation Bills (No. 1 and No. 2)

2005:

Introduced: 26 May 2005
2nd reading agreed: 2 June 2005
Debate Time: 22 hours, 21 minutes
Estimates Reports: 21 June 2005
3rd reading agreed: 21 June 2005
Debate Time: 4 hours, 45 minutes

2004:

Introduced: 6 May 2004
2nd reading agreed: 13 May 2004
Debate Time: 21 hours, 7 minutes
Estimates Reports: 18 May 2004
3rd reading agreed: 16 June 2004
Debate Time: 3 hours, 55 minutes

2003:

Introduced: 8 May 2003
2nd reading agreed: 15 May 2003
Debate Time: 18 hours, 15 minutes
Estimates Reports: 20 May 2003
3rd reading agreed: 11 June 2003
Debate Time: 2 hours, 44 minutes

2002:

Introduced: 16 May 2002
2nd reading agreed: 23 May 2002
Debate Time: 19 hours, 28 minutes
Estimates Reports: 18 June 2002
3rd reading agreed: 19 June 2002
Debate Time: 5 hours, 3 minutes

2001:

Introduced: 13 September 2001
2nd reading agreed: 20 September 2001
Debate Time: 19 hours, 37 minutes
Estimates Reports: 16 October 2001
3rd reading agreed: 18 October 2001
Debate Time: 7 hours, 7 minutes

Supply Bill

2005: N/a
2004: N/a
2003: N/a
2002: N/a

2001:

Introduced: 3 May 2001
2nd reading agreed: 14 June 2001
Debate Time: 6 hours, 35 minutes

Loan Bill**2003:**

Introduced: 4 June 2003
2nd reading agreed: 4 December 2003
Debate Time: 10 hours, 45 minutes