



2000

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

**PROCEDURE AND PRIVILEGES
COMMITTEE**

**First Report on the Implementation of the
Legislative Assembly Standing Committee
System**

Presented by:
Hon. George Strickland MLA
Speaker

Laid on the Table of the Legislative Assembly
on
5 April 2000

ORDERED TO BE PRINTED

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Legislative Assembly Standing Committee
System**

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(Speaker of the Legislative
Assembly)

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(Clerk of the Legislative Assembly)

Mr Doug Carpenter
(Deputy Clerk of the Legislative
Assembly)

Mr John Mandy
(Clerk Assistant and Sergeant-at-
Arms)

FIRST REPORT ON IMPLEMENTATION OF THE LEGISLATIVE ASSEMBLY STANDING COMMITTEE SYSTEM

INTRODUCTION

This report anticipates the House's approval for the establishment of a system of Standing Committees after the next election. It is the first of two reports.

The motion to be considered by the House on 6 April 2000, is as follows –

That this House –

- (a) supports the establishment of three portfolio-based Standing Committees to come into operation after the next election;*
- (b) supports the retention of the Public Accounts Committee in its current form;*
- (c) supports the amalgamation of the Joint Standing Committee on Delegated Legislation and the Standing Committee on Uniform Legislation and Intergovernmental Agreements, in accordance with recommendation 18 of the Final Report of the Select Committee on Procedure and subject to the concurrence of the Legislative Council; and*
- (d) requests the Procedure and Privileges Committee to report by 1 June 2000 on the method of operation and Standing Orders which should apply to portfolio-based Standing Committees.*

This proposal has not come about quickly. The change has been put forward on many occasions, formalised initially through the Final Report of the Select Committee on Procedure in 1996 and again supported by the then Standing Orders and Procedure Committee in 1999.

This short report details your committee's expectations for practical matters relating to the committee system, referring mainly to necessary staffing, accommodation and funding levels to ensure the system is workable and accountable. A further report will review the committees' methods of operation and the portfolio distribution originally canvassed in the Final Report of the Select Committee on Procedure.

STAFFING

Several different staffing methods have been tried for committees in Western Australia and in other Australian Parliaments. Some Legislative Assembly committees have a purely clerical officer assisting a research officer; others involve staff already employed in other capacities in the Assembly attending to the administration arrangements of the committee on a part time basis; some involve employment of a short-term research officer on secondment from a government department; and yet others have been established with full-time personnel. Flexibility in staffing and the variety of approaches reflected the different needs of committees, and in many cases their *ad hoc* nature.

Having reviewed all the approaches, the committee considers the system now established and working well for the Public Accounts Committee is the model which should be followed in relation to other standing committees. In essence, it mirrors the larger picture of the House itself, whereby there is one officer responsible for administration, procedure and research. In the Public Accounts Committee, that person is the senior research officer, who is assisted by two research officers. The advantage of combining responsibility for administrative and substantive work for the committee in one officer is that there is a clear line of authority and responsibility, allowing the one officer to manage the writing, procedural and administrative elements to achieve the desired outcome.

Although work loads will vary over the four year parliamentary cycle, the Public Accounts Committee has found that it needs those three officers in order to complete its work. The Procedure and Privileges Committee does not consider that any of the departmentally-related standing committees will need any more than three officers on a full-time basis, at least in the first two years of operation. Your committee concurs with the advice of the Clerk of the Legislative Assembly that initially it would be wise to establish these committees with a principal officer and one additional research officer, then review the workload once the committees have a settled approach to their work.

It will be necessary to provide reception and attendant facilities for these committees as regrettably they all have to be established away from Parliament House.

It is not the role of the Procedure and Privileges Committee to look at the actual salary levels but it is most important that the principal officer assisting each committee be at a sufficiently senior level to be able to deal comfortably with the most senior people in government and non-government organisations from time to time. That level necessarily involves remuneration which will ensure that the Parliament is able to attract and retain appropriately qualified people across a wide range of disciplines, who will have those analytical, organisational and writing skills essential to provide committees with appropriate backgrounding, investigation and drafting services. Having said that, these other related staffing issues are properly left in the hands of the Clerk of the Legislative Assembly, who must then seek the concurrence of the Speaker.

Your committee notes that in recent times, at least the Chairman of a Committee has had an involvement in the selection process for committee staff. While it is useful for a Member of the relevant committee, preferably the Chairman, to be on the interview panel, administrative responsibility for their staff does not rest with the committee and it is likely to be valuable from time to time, both for committees and the staff involved, to rotate staff between committees or other work in the Assembly or Parliament.

Recommendation

Your committee recommends-

1. Staffing for standing committees follow the model now used for the Public Accounts Committee, with two staff to be appointed initially for each committee, with a view to an additional staff member being added, subject to the outcome of a review after the committees have operated for a period of time.

ACCOMMODATION

It should surprise no one with even a passing familiarity with Parliament House, that accommodation remains a very pressing issue. This committee endorses the need expressed by so many members on so many occasions, for the provision of appropriate parliamentary accommodation, and urges the Government to enable this to occur. As it is impossible for appropriate parliamentary accommodation to materialise overnight, we turn to what must be seen as an interim measure, perhaps over the next 3-5 years. In this respect, your committee has received advice from the Clerk of the Legislative Assembly on the outcome of a staff working group which advised him in relation to accommodation.

Assembly committees currently operate out of 34 Parliament Place and while that accommodation has been adequate though not ideal, particularly given the *ad hoc* nature of committees over the past ten years, it will not be sufficient for the needs of the new standing committee system and appropriate accommodation needs to be found as close to Parliament House as possible.

The Procedure and Privileges Committee does not intend to be prescriptive about accommodation but in brief the following is required-

- each committee to have offices grouped together so that staff can work in an efficient way;
- a group of hearing and meeting rooms, especially given that these committees will tend to be meeting at the same time, or at least have overlapping meeting times. At least one of these rooms should be a large hearing room to accommodate the public, press and witnesses where there is considerable interest in an issue;

- hearing rooms to be equipped with projection facilities, whiteboards, computer connections, appropriate seating for the press and public separate from the committee area
- facilities for closed circuit television monitoring and capacity to link into the broadcasting system should that be necessary in the future;
- common areas for services and equipment are required, including sound recording equipment, confidential waste services, display equipment such as television, video and an overhead projector;
- a sub-office for Hansard operations;
- witness facilities with attention being paid to privacy needs and the likelihood of *in camera* hearings from time to time;
- secure on-site record storage;
- facilities for, or access to appropriate catering arrangements;
- appropriate security for the building while still allowing appropriate public access. After hours access by staff and in appropriate circumstances members, needs to be available.

Recommendation

Your committee recommends-

2. Purpose-built accommodation for committees be part of planning for future parliamentary accommodation.
3. As an interim measure, accommodation close to Parliament House be obtained and fitted out to meet the needs of the committees over the next 5 years, in a manner which recognises the significance of the committees and the Parliament.

FUNDING

The Legislative Assembly has a global budget and the funding for committees is a significant part of this. One of the advantages of the new standing committee system is that it will be easier though still not fully possible to predict potential committee expenditure. The very nature of these committees and the capacity that they need to quickly respond to changing demands means that it is not feasible to predict the exact nature or extent of work in which they will be involved. It is feasible however, to anticipate a certain level of activity and to look at the history of the Public Accounts Committee and like committees to gain an initial estimate of likely expenditure.

It is important not to look at average levels of expenditure and then to assume that if you multiply one committee's average level of expenditure by the number of committees, then that is an appropriate level of funding. There are many factors to be taken into account including those committees' estimates of activity for any year, the stage in the parliamentary cycle, and the need to provide for unexpected activity without having to seek additional financial approval from executive government for the undertaking of parliamentary inquiries.

Executive government of whatever political colour tends to be affected by two factors that militate against appropriate funding for parliamentary committees. The first is that there is a natural desire to spend scarce resources on furthering the requirements of society as the executive government sees it, and funding parliamentary committees may conflict with executive government priorities.

The second is a general reluctance to fund activities which will put any Government under a closer level of scrutiny than would otherwise be the case, especially where the committees may from time to time take a firmly contrary view to that of the Government. While this committee is not suggesting the Assembly committees have in recent times been restricted from their inquiries directly by executive government, the potential for that is ever present. As a result of all these factors it is important that the Legislative Assembly budgeting for committees be realistic, as it has been to date, and that the Treasurer does not unduly restrict that budgeting. We anticipate that each committee will be required to provide a budget for at least two out years as well as the coming financial year.

It is a mark of a well-evolved and mature representative democracy that Parliament is able to undertake its role without hindrance, financial or otherwise.

ACCOUNTABILITY

The present system provides for committees to seek approval to undertake significant items of expenditure which involve major advertising or travel for example, but that day to day operational matters be automatically provided for. The approval system requires that the Speaker approves the policy issues involved in expenditure and that the Clerk of the Legislative Assembly takes responsibility for administration and financial probity of the funding. This system maintains an important accountability measure and should remain in place. This committee does not intend to recommend a specific funding level, but notes that expenditure in the order of \$50,000 per annum, excluding staff costs, has been typical for committees where little or no investigative travel is involved. Funding for travel where required will vary dramatically depending upon committee's needs.

There should be no expectation by committees that they will undertake any particular level of travel in a year or a parliamentary term. This must continue to be based upon needs as justified to the Speaker, but where the Speaker is satisfied that appropriate justification exists, funding should continue to be provided.

On occasions, funding will not be sufficient to meet the needs of committees in a particular year. Provided the Speaker is satisfied that the additional expenditure over original estimates is warranted, then the funding should be provided, without executive government trying to second guess the Parliament's needs or attempting to squeeze other areas of the budget of the Assembly. The cost of operating parliamentary committees is minuscule compared to the government departments they will be monitoring. Your committee is aware that various proposals for achieving greater financial independence for the Assembly, particularly in relation to committees, have been discussed with the Treasury and Treasurer over some years and supports that general thrust for increased independence.

Recommendation

Your committee recommends-

4. Appropriate levels of funding be provided to meet committee requirements.
5. Existing requirements for each committee to justify its expenditure requirements to the Speaker be retained.
6. When the Speaker determines that additional funding is required for committees, which would make the Assembly exceed its appropriation, and the Speaker so advises the Treasurer, then that funding be provided by the Treasurer.
7. The Speaker continue to pursue increased financial independence for the Assembly, particularly in relation to funding of its committee system.

REMUNERATION

Until now, members of committees have not been paid any additional remuneration for their work, the view being taken that committee work forms part and parcel of their duties as a member. That was a powerful argument where committee activity was *ad hoc*, with select committees being appointed only occasionally, and the expectation that a member might be involved on a committee of substance once or twice in his or her career. However, when moving to a system which requires a much greater expenditure of time by members in addition to their already significant workload, that matter warrants review. Much more work falls upon the member chairing the committee than other members and at the very least the work performed by the Chairman should be recognised.

Legislation is now before the House which will enable the Salaries and Allowances Tribunal to consider whether, and if so what remuneration ought to be made available to members of standing committees as part of their work.

The Speaker is well placed to make an appropriate submission and should do so when the Tribunal has been empowered to consider the matter.

Recommendation

Your committee recommends-

8. The Speaker make a submission to the Salaries and Allowances Tribunal which details the work undertaken by Chairmen and other members of standing committees, and ask the Tribunal to properly consider the extent to which that work warrants additional remuneration.