



WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

**PROCEDURE AND PRIVILEGES
COMMITTEE**

**Report
on
minor adjustments
to the
Standing Orders**

Presented by:
Mrs Dianne Guise, MLA
Deputy Speaker

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COMMITTEE MEMBERS

Chairman

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

Members

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

Ms Katie Hodson-Thomas, MLA
(Member for Carine)

Mr Norm Marlborough, MLA
(Member for Peel)

Mr Dan Sullivan, MLA
(Deputy Leader of the Opposition and Member for Mitchell)

STAFF

Clerk to the Committee

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

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

Mr Doug Carpenter
(Deputy Clerk (Committees) of the Legislative Assembly)

MINOR ADJUSTMENTS TO THE STANDING ORDERS

1. As part of the on-going review of Standing Orders, several changes have been suggested to your Committee by members or noted by the Clerks as being necessary to tidy up small drafting inconsistencies some of which occurred during the major rewrite and modernisation of the Standing Orders more than two years ago. Your Committee has considered the proposed changes and accordingly submits the following recommendations to the Assembly for its consideration and adoption -

SO 82 Correction of factual information provided as answers to Questions with or without notice

2. Your Committee recommends the text, which relates to the correction of factual information provided as answers to questions, be extracted from existing SO 82 and then new SO 82A created.

Recommendation 1

Your Committee recommends –

SO 82

Page 52, lines 12 to 15 – To delete “Immediately after question time, Ministers may give further brief, factual information in relation to a question already answered in the Assembly, either on notice or without notice, but will not debate the matter.” as follows -

“ **Questions without notice**

82. Questions without notice may be asked for a period determined by the Speaker. ~~Immediately after question time, Ministers may give further brief, factual information in relation to a question already answered in the Assembly, either on notice or without notice, but will not debate the matter.~~ ”.

Page 52, after line 15 – To insert new SO 82A.

“ **Further information provided in answer to questions**

82A. Immediately after question time, Ministers may give further brief, factual information in relation to a question already answered in the Assembly, either with notice or without notice, but will not debate the matter. ”.

SO 100 Matters not open to debate or amendment

3. A listing relating to the Procedures and Privileges Committee needs to be deleted from the list in SO 100 of those matters that cannot be debated. SO 282 (4) states that SO 278 will apply when a Procedure and Privileges Committee report is presented to the Assembly. SO 279 permits Committee members to speak to a report when it is presented under SO 278. Your Committee recommends the conflict between Standing Orders 100 and 282 be removed by deleting the reference in SO 100.

Recommendation 2

Your Committee recommends –

SO 100

Page 60, lines 6 and 7 – To delete the line as follows –

“ ~~282 – Presentation of Report of Procedure and Privileges Committee~~ ”.

SO 101 Presentation of Standing and Select Committee Reports (SO 279)

4. Your Committee recommends one of the time limit titles in the standing order be clarified by adding the words “**Presentation of**” before the title “**Standing or Select Committee Reports (SO 279)**”.

Recommendation 3

Your Committee recommends –

SO 101

Page 61, line 21 – To add the words “**Presentation of**” before “**Standing**” as follows -

“ **Presentation of** **Standing or Select Committee Reports (SO 279)** ”.

SO 101 Third reading times for Principal Appropriation Bill and Other Bills

5. Your Committee, for consistency and to avoid confusion for members, recommends SO 101 be clarified by adding the words ‘Mover and’ to the Third reading times in SO 101. This change will not alter the operation of the standing order.

Recommendation 4

Your Committee recommends -

SO 101

Page 62, line 16 and Page 63, line 6 – To amend the lines by adding the words “Mover and” before “Each member” as follows -

“Principal Appropriation bill

Third reading –

<u>Mover and</u> each member	15 minutes
Mover in reply	15 minutes

Other bills

Third reading –

<u>Mover and</u> each member	30 minutes
Mover in reply	30 minutes ”.

SO 104 Member adjourning debate entitled to be heard first

6. There was some suggestion that the current wording of SO 104 could be used to preclude a member, who has adjourned a debate or sought leave to continue his/her remarks, from speaking again during any other stage of the debate, ie. 2nd reading stage, consideration in detail stage or 3rd reading stage. Your Committee recommends that SO 104 be amended to ensure the only stage a member can be prevented from speaking again, if he/she does not speak immediately upon resumption of debate, is the actual stage when the member adjourned the debate or was granted leave to continue his/her remarks.

Recommendation 5

Your Committee recommends –

SO 104

Page 64, line 3 – To delete “at any subsequent stage of the” and substitute “during that” as follows -

“ Member adjourning debate entitled to be heard first

The member upon whose motion any debate is adjourned will be entitled to be heard first on the resumption of debate. A member who is granted leave to continue remarks and who does not continue immediately on resumption of the debate cannot speak again ~~at any subsequent stage of the~~ during that debate. ”.

SO 132(a) No amendment will be proposed to words already agreed to

7. In paragraph (a) of SO 132 some members have claimed the words “or is proposed to be amended” are ambiguous because they could be interpreted as referring to proposed amendments appearing on the Notice Paper. While the wording in the standing order refers to amendments that have been moved on the floor of the Assembly and not amendments

appearing on the Notice Paper, your Committee agrees the wording in SO 132(a) should be modified to remove any ambiguity in its meaning.

Recommendation 6

Your Committee recommends -

SO 132

Page 76, line 16 – To insert after “later part” the word “either”; and

Page 76, line 17 – To delete “or is proposed to be amended” and substitute “, or has had an amendment moved to it” as follows –

132. No amendment will be proposed -

“ (a) in any part of a question if a later part either has been amended ~~or is proposed to be amended,~~ or has had an amendment moved to it, unless the proposed amendment has been withdrawn by leave of the Assembly without a dissentient voice; or ”.

SO 145(3) Order of Business – MPIs

8. Your Committee recommends that SO 145 be modified to ensure the order of business set out in SO 58 for MPIs on a Tuesday prevails, that is –

Prayers;
Brief ministerial statements;
Questions without notice;
Petitions;
Papers;
Giving notices of motion;
Matter of public interest;
Etc.

Recommendation 7

Your Committee recommends –

SO 145

Page 80, lines 23 and 24 – To delete “after the period for questions without notice has concluded” as follows -

“(3) If the Speaker determines it is in order, the Speaker will read it to the Assembly ~~after the period for questions without notice has concluded.~~ The proposed discussion must be supported by at least five members, including the proposer, rising in their places. The Speaker will then call upon the member proposing the matter to speak.”.

SO 157 Quoting from official documents

9. Your Committee considered the issue of quoting from official documents and agreed, that as the Speaker has made a statement regarding this matter, no further action would be taken at this stage. However, your Committee would further consider the matter if directed to do so by the Assembly.

SOs 171 and 173 Referral of a bill to a committee and restriction

10. Your Committee recommends Standing Orders 171 and 173 be combined into one standing order and the wording clarified to remove what appears to be a slight conflict in regards to when a motion can be moved to refer a bill to a committee. The practice of allowing a motion to be moved at any time after the second reading of a bill and prior to a motion being moved for the third reading of a bill is retained.

Recommendation 8

Your Committee recommends –

SO 171

Page 89, line 7 – To add the words “has been moved” after the word “stage” as follows -

“

Referral to committee

171. (1) At any time after the second reading and before the third reading stage has been moved, a motion without notice “That this bill be referred to a standing (or select) committee” may be moved or the bill may be referred without notice to a legislation committee. ”.

Page 89, after line 9, To add new suborder (2) as follows -

“

(2) No motion referring a bill to a committee may be moved after a motion for the third reading of a bill has been moved. ”.

SO 173

Page 90, lines 6 to 8 – To delete the lines as follows –

“

~~Restriction on reference to committee~~

~~173. No motion for referring a bill to a committee may be moved after consideration in detail of a bill has been completed.~~ ”.

SO 196 (2) Reprinting of bills amended by the Assembly

11. Currently SO 196 could be interpreted to require the Clerk to reprint Council bills amended by the Assembly. However practice follows the procedure outlined in SO 212 which requires Assembly amendments to Council bills to be annexed as a schedule to the

Council bill when it is returned to that House. Your Committee recommends that SO 196 be amended to ensure the standing order conforms with SO 212 and reflects the actual practice of the House.

Recommendation 9

Your Committee recommends –

SO 196

Page 97, line 22 – To delete “the bill” and substitute “a bill originating in the Assembly”; and

Page 97, line 24 – To insert after “during” the word “the” as follows -

“ (2) If ~~the bill~~ a bill originating in the Assembly has been amended it will be reprinted before the Clerk certifies that the bill is in accordance with the bill as amended during the consideration in detail stage. ” .

SO 237 Messages from the Council

12. Various standing orders outline the procedures to be followed when Council messages forward Council bills for concurrence or contain Council amendments to an Assembly bill. However, the standing orders do not provide a procedure for considering Council messages that contain resolutions. Your Committee recommends SO 237 be amended by adding a procedure for consideration of resolutions received by Council message.

Recommendation 10

Your Committee recommends –

SO 237

Page 110, after line 14 – To insert new suborder (2) as follows -

“ **Messages from the Council**

237. (1) Every message from the Council to the Assembly will be received without delay at the Bar, and if the Assembly is not sitting by the Clerk, and be reported by the Speaker as early as is convenient.

(2) A message containing a resolution from the Council will be read, and a future day will be fixed for its consideration unless leave is given without a dissentient voice to consider the message on the day it is received. ”

SO 289 Clerical correction

13. Your Committee recommends a small typographical error be corrected in the standing order.

Recommendation 11

Your Committee recommends –

SO 289

Page 127, line 20 – To insert after the word “Assembly” the word “and” as follows -

“ **Appointment**

289. At the commencement of every Parliament, a Joint Standing Committee on the Anti-Corruption Commission will be appointed by resolution of the Assembly and forwarded to the Council for its concurrence. ”.

SOs 296 to 303 Joint Standing Committee on Delegated and Uniform Legislation

14. Your Committee recommends SOs 296 to 303 be deleted and new SOs 296 and 297 be substituted in their place to reflect the decision of the Parliament to retain the Joint Standing Committee on Delegated Legislation.

Recommendation 12

Your Committee recommends –

SOs 296 to 303

Page 130, line 14 to page 134, line 22 – To delete the lines and substitute the following -

“JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Appointment

296. At the commencement of every Parliament, a Standing Committee on Delegated Legislation will be appointed by the Assembly on receipt of a message from the Council for the appointment of a Joint Standing Committee.

Certain Standing Orders of the Assembly and Council to apply

297. Except to the extent that they impinge upon the functioning of the Committee, standing orders applicable to Committees of the Legislative Council will apply to the Committee’s proceedings. Assembly Standing Orders 249, 252, 254, 262, 263 and 264 will also apply to the Assembly members of the Joint Standing Committee. ”.

Government response to recommendations

15. The Committee, in accordance with SO 277, directs the Leader of the House to report, within not more than three months or at the earliest opportunity after that time if the Legislative Assembly is adjourned or in recess, as to what action, if any, is proposed to be taken by the Government with respect to the recommendations of the Committee.

HON. FRED RIEBELING, MLA
CHAIRMAN TO THE COMMITTEE