



FIRST SESSION OF THE THIRTY SEVENTH PARLIAMENT

REPORT 13
STANDING COMMITTEE ON PROCEDURE AND
PRIVILEGES
ABSENCE OF A MEMBER:
HON MARGARET ROWE MLC

Presented by Hon Nick Griffiths MLC (Chairman)

June 2007

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Date first appointed: 24 May 2001

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“6. Procedure and Privileges Committee

- 6.1 A *Procedure and Privileges Committee* is established.
- 6.2 The Committee consists of the President and the Chairman of Committees, the Deputy Chairmen of Committees (*all ex officio*), and any members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chairman, and the Chairman of Committees is the Deputy Chairman, of the Committee.
- 6.3 With any necessary modifications, SO 326A applies to a co-opted member.
- 6.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the House and its committees, and recommend to the House such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the House or its committees.
- 6.5 Unless otherwise ordered any rule or order under which a matter of privilege stands referred, or is referred, to a committee (however described) for inquiry and report is a reference to the Committee.”

Members as at the time of this inquiry:

Hon Nick Griffiths MLC (Chairman)	Hon Louise Pratt MLC
Hon George Cash MLC (Deputy Chairman)	Hon Ken Travers MLC
Hon Graham Giffard MLC	Hon Giz Watson MLC (co-opted Member)
Hon Ray Halligan MLC	Hon Murray Criddle MLC (co-opted Member)
Hon Simon O'Brien MLC	

Staff as at the time of this inquiry:

Mia Betjeman, Clerk of the Legislative Council	Malcolm Peacock, Deputy Clerk
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**REPORT OF THE STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES
IN RELATION TO THE ABSENCE OF A MEMBER:
HON MARGARET ROWE MLC**

1 REFERRAL TO THE COMMITTEE

1.1 On 20 June 2007 the President made the following statement:

Honourable Members:

I am required to report to the House that the Minutes of Proceedings and the Members' attendance book of the Legislative Council indicate that Hon Margaret Rowe has been absent from the House for more than six sitting days. The last attendance of Hon Margaret Rowe in this House was on Thursday, 10 May 2007. Pursuant to Standing Order 57 the Member is deemed guilty of contempt.

1.2 Standing Orders provide -

Standing Order 57 -

A member who is absent for more than 6 consecutive sitting of the Council without leave duly granted shall be deemed guilty of contempt, and may be dealt with under SO 122.

...

Standing Order 122 -

If any Member shall wilfully disobey any order of the Council, or is guilty of contempt by infringing the terms of SO 57, he may be ordered to attend in his place, or, if he is under suspension, at the Bar, to answer for his conduct; and unless his explanation be deemed satisfactory the Council may direct the Usher of the Black Rod to take such Member into custody.

1.3 Instead of dealing with the matter pursuant to Standing Order 122, on 20 June 2007 the House resolved:

That the President having called the attention of the House to a question of privilege regarding the absence of the Hon Margaret Rowe for a period longer than six sitting days provided for under Standing Order 57 -

(1) The matter be referred to the Standing Committee on Procedure and Privileges for inquiry and report.

- (2) *The Legislative Council orders the attendance of Hon Margaret Rowe to be examined by the Standing Committee on Procedure and Privileges at a time and place nominated by the President.*

2 ORDER AND CORRESPONDENCE

- 2.1 On 21 June 2007 Hon Margaret Rowe (**Member**) was served with an *Order to Attend before the Procedure and Privileges Committee* at 1.00pm on Tuesday, 26 June 2007 at the Office of the President (**Order**). The Order was accompanied by a letter from the Clerk of the Legislative Council. Copies of the Order and Clerk's letter are attached as Appendix 1.
- 2.2 On 21 June 2007 the President received a facsimile letter from the Member dated 21 June 2007 apologising for her absence (Appendix 2).
- 2.3 On 22 June 2007 the President received a facsimile letter from the Member dated 22 June 2007 resigning as a member of the Legislative Council (Appendix 3).

3 COMMITTEE CONSIDERATION

- 3.1 Pursuant to the Order, the Member was required to appear before the Committee at 1.00pm on Tuesday, 26 June 2007. In light of the Member's apology and resignation due to ill health the Member did not appear before the Committee.
- 3.2 Although the Member is non-compliant with the Order, the Committee considers, in view of all the circumstances, that no further action should be taken in relation to the contempt of the Member pursuant to Standing Order 57.

4 RECOMMENDATION

Recommendation 1: The Committee recommends that, no further action be taken in relation to the contempt of Hon Margaret Rowe MLC pursuant to Standing Order 57.



Hon Nick Griffiths MLC
Chairman

Date: 26 June 2007

APPENDIX 1
CLERK'S LETTER AND ORDER TO ATTEND



20 June 2007

Ms Margaret Rowe MLC
10B Onedin Court
GERALDTON WA 6530

Dear Ms Rowe

ABSENCE FROM LEGISLATIVE COUNCIL - ORDER TO APPEAR

I refer to the attached Order to Appear. The Order relates to your contempt of the Legislative Council for being absent for more than 6 sitting days without leave. The Minutes of Proceedings and the Members' attendance book of the Legislative Council indicate that your last attendance was on Thursday, 10 May 2007. The relevant Legislative Council Standing Orders are:

Standing Order 57 -

A member who is absent for more than 6 consecutive sitting of the Council without leave duly granted shall be deemed guilty of contempt, and may be dealt with under SO 122.

Standing Order 122 -

If any Member shall wilfully disobey any order of the Council, or is guilty of contempt by infringing the terms of SO 57, he may be ordered to attend in his place, or, if he is under suspension, at the Bar, to answer for his conduct; and unless his explanation be deemed satisfactory the Council may direct the Usher of the Black Rod to take such Member into custody.

On 20 June 2007 the Legislative Council resolved that the Procedure and Privileges Committee inquire into the matter and ordered that you attend before that committee.

Pursuant to the Order to Appear you must appear before the Procedure and Privileges Committee on 1.00pm on Tuesday, 26 June 2007 at The Office of the President, Legislative Council of Western Australia, Parliament House, Harvest Terrace, Perth, Western Australia.

Please contact me on 9222 7214 if you wish to discuss procedural matters relating to this process. I also urge you to contact your parliamentary colleagues.

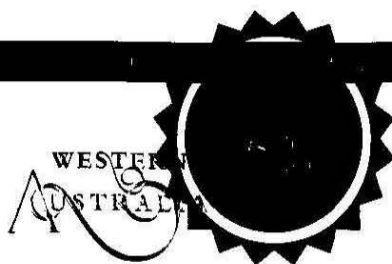
Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Betjeman', is written below the text 'Yours sincerely'.

Mia Betjeman
Clerk of the Legislative Council

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**ORDER TO APPEAR BEFORE THE STANDING COMMITTEE
ON PROCEDURE AND PRIVILEGES**

Parliamentary Privileges Act 1891, s 6

TO -

Hon Margaret-Anne Rowe MLC
of 10B Onedin Court, Geraldton in the State of Western Australia

TAKE NOTICE that on 20 June 2007 the Legislative Council of Western Australia resolved:

That the President having called the attention of the House to a question of privilege regarding the absence of the Hon Margaret Rowe for a period longer than six sitting days, provided for under Standing Order 57 -

- (1) The matter be referred to the Standing Committee on Procedure and Privileges for inquiry and report.*
- (2) The Legislative Council orders the attendance of Hon Margaret Rowe to be examined by the Standing Committee on Procedure and Privileges at a time and place nominated by the President.*

YOU ARE NOW REQUIRED -

- (a) to give your attendance at **1.00pm on Tuesday, 26 June 2007** at:

The Office of the President
Legislative Council of Western Australia
Parliament House
Harvest Terrace
Perth, Western Australia;

and

- (b) continue in attendance on the Standing Committee on Procedure and Privileges until released by further order.

Issued by Hon Nick Griffiths MLC, President of the Legislative Council, pursuant to the order of the Legislative Council dated 20 June 2007 and section 6 of the *Parliamentary Privileges Act 1891* on 20 June 2007.

Hon Nick Griffiths MLC

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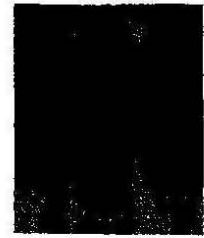
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APPENDIX 2
LETTER OF APOLOGY



HON MARGARET ROWE
HON MARGARET ROWE

Hon Margaret Rowe, MLC
Member for the Agricultural Region



21 June 2007

Hon Nick Griffiths
President of the Legislative Council

Mr President

I have received from the Deputy Clerk an order to attend to answer a question of why I have been absent for more than six sitting days. I wish to formally apologise to the house for my lack of attendance.

Yours faithfully

Hon Margaret Rowe MLC
Member for the Agricultural Region

Electorate Office: Suite 4, The Pavilion, 19 Chapman Road, Geraldton WA 6530

PO Box 231, Geraldton WA 6531. Tel: 9923 9211 Fax: 9923 9222 Email: mrowe@mp.wa.gov.au

The Agricultural Region covers 68 Local Government areas: City of Geraldton, Town of Narrogin, Town of Northam, Shire of Beverley, Boddington, Boyup Brook, Bridgetown - Greenbushes (part of), Brookton, Broomehill, Bruce Rock, Carnamah, Chapman Valley, Chittering, Coorow, Corrigin, Cuballing, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Dumbleyung, Esperance, Gingin, Gnowangerup, Goomalling, Greenough, Irwin, Jerramungup, Katanning, Kellerberrin, Kent, Kojonup, Kondinin, Koorda, Kulin, Lake Grace, Merredin, Mingenew, Moora, Morawa, Mt Marshall, Mukinbudin, Mullewa, Narembeen, Narrogin, Northam, Northampton, Nungarin, Perenjori, Pingelly, Quairading, Ravensthorpe, Tambellup, Tammin, Three Springs, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, West Arthur, Westonia, Wickepin, Williams, Wongah-Ballidu, Woodanilling, Wyalkatchem, York.

APPENDIX 3
LETTER OF RESIGNATION



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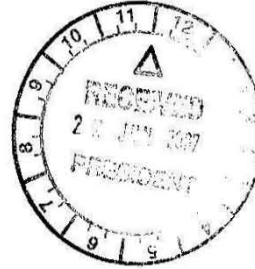
Jun. 22 2007 11:40AM P1



Hon Margaret Rowe, MLC
Member for the Agricultural Region



22 June 2007



Hon Nick Griffiths
President of the Legislative Council

Mr President

Due to ill health I have decided to resign as a member of the Legislative Council as of today.

Yours faithfully

Hon Margaret Rowe MLC
Member for the Agricultural Region

Electorate Office: Suite 4, The Pavilion, 18 Chapman Road, Geraldton WA 6530

PO Box 231, Geraldton WA 6531. Tel: 9923 9211 Fax: 9923 9222 Email: mrowe@mp.wa.gov.au

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