

STANDING ORDERS

Amendment

MR BARNETT (Cottesloe - Leader of the House) [4.29 pm]: I move -

- (1) That this House adopt the following Standing Orders -

Appointment and Functions

287. (1) At the commencement of every Parliament the Assembly will appoint three portfolio-related standing committees, namely -

Community Development and Justice;

Education and Health;

Economics and Industry.

- (2) The functions of each committee are to review and report to the Assembly on -

(a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;

(b) annual reports of government departments laid on the Table of the House;

(c) the adequacy of legislation and regulations within its jurisdiction; and

(d) any matters referred to it by the Assembly including a Bill, motion, petition, vote or expenditure, other financial matter, report or paper.

- (3) At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

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

General provisions of standing and select committees to apply

288. The general provisions for standing and select committees will apply to each standing committee.

- (2) That the Chapter of the Standing Orders relating to standing committees be re-ordered to commence with the Public Accounts Committee, followed by portfolio-related standing committees, the Joint Standing Committee on the Anti-Corruption Commission and the Joint Standing Committee on Delegated and Uniform Legislation.

- (3) That the initial portfolio distribution between the portfolio-related standing committees be determined by the Speaker in consultation with the Leader of the House and the Leader of the Opposition or their nominees at the commencement of the next Parliament and tabled in the House in accordance with Standing Order 287 (3).

- (4) That Standing Order 267 be amended by the addition of paragraph (3) as follows -

“(3) If a portfolio-related committee, or the Public Accounts Committee in relation to portfolio-related matters allocated to it, is examining a witness, any member of the Assembly, not being a Minister, may attend and at the discretion of the Chairman, ask questions of the witness. That member is not a member of the committee and may

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not vote, move any motion, be counted for the purpose of a quorum, or be involved in any deliberative part of the committee meeting.”

- (5) That Standing Order 249 be amended by the addition of paragraphs (4) and (5) as follows -

“(4) The Assembly may on motion co-opt any member of the Assembly, not being a Minister, to participate for a specified inquiry, in meetings of a portfolio-related committee or the Public Accounts Committee in relation to portfolio-related matters allocated to it. That member is not a member of the committee and may not vote, move any motion or be counted for the purpose of a quorum, but in relation to that inquiry may ask questions of witnesses and participate in a deliberative meeting.

- (5) When the Assembly is not sitting, the Speaker may appoint a member as a co-opted member until the Assembly can confirm the appointment or otherwise.”

- (6) That Standing Order 259 (1) be deleted and the following substituted -

“(1) A quorum for committees is two to take evidence and three to deliberate and pass resolutions.”

- (7) That Standing Order 260 (1) be deleted and the following substituted -

“**260.** (1) A committee may appoint a subcommittee of two or more of its members to inquire into and report to the committee upon any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.”

These motions relate to changes to the standing orders and therefore the procedures of this House. They reflect a long and extensive period of discussion by members involved in the Procedure and Privileges Committee. I understand that these recommended changes are broadly supported.

The first aspect of this motion relates to the formation of standing committees. This is a lengthy motion and I hope that we can accept it as written in the Notice Paper. It seeks to formalise arrangements for a portfolio-related standing committee system. This was the subject of lengthy debate in this House in April this year. Section (3) of the first part of the motion will provide for the allocation of portfolios under each committee to be determined by the Speaker at the commencement of Parliament next year. This will obviously be necessary, as no doubt portfolio names will change following the next election and there will be a different mix of portfolios.

The establishment of these committees will herald a major change in the way this House will operate from next year. This committee process stems from recommendations made by the Commission on Government, the Select Committee on Procedure and the Procedure and Privileges Committee and will establish major accountability reform that, I trust, will provide for better government within this State.

Members will note that a minor change has been made to the original recommendation, which relates to the titles of the committees. The titles suggested in the motion are shorter and reflect a better, broad group of portfolio areas. The first committee is intended to be the community development and justice committee, and the second will be the education and health committee. Although people might see those as different areas, I make the observation, as the Minister for Education and having observed Health, that there are a lot of similarities in the issues that will come from those two portfolios. The third committee is the economics and industry committee, which broadly reflects the resources, mining, farming and transport areas and the broad economic portfolio.

In terms of a theoretical and ideal career for a member of Parliament in the future, as part of his parliamentary progression he might aspire to be a member of a committee and then a chairman of a standing committee. He might then become a parliamentary secretary and, if he is on the right side of the House at the right time, he might become a minister, if not Premier. I think this will allow members a more logical progression through their parliamentary careers. Hopefully, it will also avoid the formation of select committees on an ad hoc basis and the formation of too many select committees. I recognise that occasionally there will be select committees, but the spirit of this recommendation is that issues that arise and that are referred to committees are dealt with in a standing committee structure.

I also recognise that the chair of these standing committees will become quite prominent in the future. These positions will be quite prominent within this Parliament and the community. Indeed, one of the challenges will be the position of a chair of a particular committee versus the position of the responsible minister. It will take a

bit of trial and balance to get that right. I expect that chairs of committees will become very significant in the functioning of this Parliament and in the process of public discussion and consultation in the wider community. I commend the recommendations to the House.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [4.32 pm]: The Opposition strongly supports the motion moved by the Leader of the House. The establishment of a standing committee system in this Chamber will improve the expertise which has been developed by members of Parliament. It will enhance the scrutiny of the Government by members, and there will be a more rational use of the resources allocated to committee work than currently.

The retiring member for Perth spoke about the Earl of Shaftesbury's campaign on the regulation of the exploitation of children as chimneysweeps and the fact that it had taken 102 years for that reform to be achieved. The reform of establishing standing committees has not taken 102 years, but sometimes it feels as though it has. There has been a large number of reports and recommendations of a variety of committees. At last we have reached a consensus, and whichever party is elected to government after the next election will find that this Chamber will have a system of standing committees to hold it accountable.

In that very long process, the Speaker has played a very significant role. He was chair of the Select Committee on Procedure, which developed recommendations on these matters and other reforms of the standing orders. He has been the chair of the Procedure and Privileges Committee and has played other important roles as Speaker. In his capacity as chair of those committees, he has played a very important part in the modernisation of our standing orders. He has chaired the committees in an impartial way, which enabled members from both sides of the House to develop a consensus on the reforms. The committees have taken account of the needs of both the Government and the Opposition. It is fitting that, on the last sitting day on which the Speaker will preside over this House, we should round off his program of reform by endorsing this motion. He can retire from this place well satisfied with the leading role he has taken in achieving parliamentary reform.

MR COWAN (Merredin - Deputy Premier) [4.35 pm]: I do not want to sound a discordant note about the proposals to bring about some changes to the function of this Parliament. In principle they are quite good. However, I have reservations about a number of issues, and I draw the attention of the House to two of them. Under section (4) of the matter entitled "Appointment and Functions", I note that a committee will be given the power to change its terms of reference without anything other than the House being advised of the change. At some time or another that issue will become a matter of contention. At some stage the House as a whole might find itself in contention with either the committee or the Speaker, who will bring that particular change in the terms of reference to the attention of the House.

I also draw attention to another point associated with the general provisions of the standing and select committees, which might apply under Standing Order No 288. Section 4(3) of that provision will give a greater focus of attention, which will probably complement the work done by the Public Accounts Committee, on public servants who are required to come before a number of committees to give evidence. I think we will find a clear area of conflict with that particular public servant in relation to the requirement to respond to the Parliament and the requirement to act under the Public Sector Management Act. I do not have any difficulty with the House seeking to implement reforms of this nature, but I predict there will be some contention about those usual separations of the authority of ministers of the Crown, of the public sector and the management of the public sector and where the Parliament sits in that issue. There is potential for the Parliament to assume a degree of authority that will cloud those separations of powers. That will become an issue for conflict and will need to be resolved at some time in the future.

MR GRAHAM (Pilbara) [4.38 pm]: I was not going to speak in the debate, but since the Deputy Premier has spoken and has said the things he did, I feel they cannot be allowed to stand unchallenged. I know I stand between people and the knock-off bells, so I will not be long. When one talks about the separation of powers - I will not go into a great constitutional argument - there is no separation of powers between bureaucrats and their political masters.

Mr House: Yes there is.

Mr GRAHAM: There is not.

Mr House: We had this debate in here last week.

Mr GRAHAM: The legislature, the judiciary and the Parliament are -

Mr House: Read the legislation. You do not know what you are talking about.

Mr GRAHAM: The minister is their representative in Parliament and is here to answer for them. It is that simple.

The defence and counterargument to the argument put by the Deputy Premier is that bureaucrats can come before the standing committees to tell the truth - no more, no less. It is open at any time for any minister -

Mr Cowan: It is not a question of telling the truth, it is a question of authority.

Mr GRAHAM: Yes, and the Deputy Premier is the person -

Mr Cowan: How would a public servant respond? Does he respond to the standing committee? Does he respond to Parliament?

Mr GRAHAM: A public servant is answerable, through his minister, to Parliament.

Mr Cowan: What you are saying is that public servants are responsible to a committee.

Mr GRAHAM: No. Public servants are not responsible to a committee, but will be overseen by a committee. There is a deep and fundamental difference.

Mr Cowan: No, there is not.

Mr GRAHAM: There is. The Deputy Premier is currently overseen by a parliamentary committee. Since 1972 the Public Accounts Committee has been able to scrutinise the Deputy Premier's department in the way that these standing committees will scrutinise departments. There is no dispute about that. No-one has been concerned, for nearly 30 years, about the problems raised by the Deputy Premier. It is always open to the Deputy Premier, or to any other minister, should he so choose, to go before the committee himself. It does not exclude bureaucrats. Ministers can go before the committees and give the evidence that they choose.

Mr Cowan: Don't think so narrowly, think more broadly.

Mr GRAHAM: We are back at that again. The Deputy Premier should tell me how I should be thinking.

Mr Cowan: Broadly.

Mr GRAHAM: The problem is?

Mr Cowan: The problem is that it is not a question of a public servant telling the truth. It is not a question of a minister appearing before a committee. It is a question of the authority of the public servant to respond to some of those things that occur. Does he respond to the minister or to his chief executive officer? If he is the CEO, must he be mindful of the Public Sector Management Act 1994? If it is a public servant or a minister of the Crown, where is the interaction between the parliamentary committee or Parliament and the minister? It is going to be an issue. I am looking forward to seeing what happens.

Mr GRAHAM: I am too. I do not think that the Deputy Premier is right. The impact of these dramatic changes and what they will mean in Parliament has not yet sunk in. It provides a serious role for people in Parliament - not a partisan political role - to examine the system of government. The problems raised by the Deputy Premier are handled simply. They are no different from how public servants now deal with the Public Accounts Committee. In effect, four public accounts committees will be created, which will be restricted to the portfolios to which they relate. Those problems have not arisen. I do not envisage that they will be a major problem.

Question put and passed.