

**STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES**

*Standing Committee on Legislation and Standing Order No 72 - Third Report*

*Committee*

The President (Hon J.A. Cowdell) in the Chair.

Hon KIM CHANCE: I am about to move a motion in two parts. My understanding is that the two parts of the motion can be dealt with and adopted separately, if that is the will of the Committee. On the successful conclusion of consideration of the second part, I will then move another series of motions to deal with the machinery of that part of the original motion. I move without notice -

That -

1. The committee first consider the recommendations made in relation to Standing Order No 72 on the motion that the recommendations made by the Standing Committee on Procedure and Privileges be adopted and agreed to.
2. The recommendations of the Standing Committee on Procedure and Privileges relating to the reconstitution of the Standing Committee on Legislation and the establishment of the Uniform Legislation and General Purposes Committee be adopted and agreed to.

I am aware that this is a somewhat unusual way to deal with the adoption of a report; however, we have been able to reach agreement behind the Chair on the way in which the committee should be constituted. I believe we are in a position to deal with this matter expeditiously and give effect to the agreement that has been made.

The PRESIDENT: I will put the first part of the motion, after which the Leader of the House will speak on the second part.

The first question before us relates to the alteration of Standing Order No 72 and is that the recommendations made by the Standing Committee on Procedure and Privileges be adopted and agreed to.

As Chairman of the Standing Committee on Procedure and Privileges, I will make an introductory comment and draw to the attention of members the points made in paragraphs 2.1 and 2.2 of the committee's report -

- 2.1 To those unfamiliar with the traditional forms of parliamentary procedure, it must appear odd that the debate under SO 72 is on a motion for the adjournment of the House to a day and time on which it is not scheduled and which is never referred to by the speakers who devote themselves to arguing the merits of a matter that has no relationship to the proposition.
- 2.2 The Committee takes the view that the forms of the House should describe their purpose or intent and thus illuminate rather than confuse members and the public alike. It is difficult to try and explain that the motion in its present form is no more than a procedural device that enables the House to consider a matter that might otherwise not receive the House's attention.

This is a "House motion" in that it was Hon Barry House who suggested to the Chamber and the committee on which he serves that these reforms would be sensible. The committee has taken his advice in that regard.

Hon NORMAN MOORE: On behalf of the Opposition, we are happy to support this recommendation. We believe that as you, Mr President, have indicated, urgency motions do not make much sense in their current form. I confess that there have been many occasions when I have hoped that we would pass the motion, particularly when it referred to dates other than 25 December. However, I have thought that a motion referring to 9.00 am on 25 December was a stupid way to do business and hoped that we would never pass one of those. This is a sensible approach, and I congratulate Hon Barry House and the committee for coming forward with this recommendation.

Hon BARRY HOUSE: I appreciate the Standing Committee on Procedure and Privileges taking up this matter and bringing it to the Chamber in its current form. Many members of the public are confused by the urgency debates. We often send them a copy of the debates, and they ask why the Chamber had been discussing adjourning to Christmas Day. That was not what they had intended in asking that a matter be raised. A previous President noted that Pancake Tuesday was the day that always seemed to be singled out for the proposed adjournment. The proposal in its current form is for a better structured standing order. The current standing order is not reader friendly. The new standing orders will make it clear to all members what the motion is to be about, and it will give all members, particularly opposition members, the opportunity for a one-hour debate on a situation of critical importance at the time.

Paragraph No 1 put and passed.

The PRESIDENT: We now proceed to the second part of the motion before us, which is that the recommendations of the Standing Committee on Procedure and Privileges relating to the reconstitution of the Standing Committee on Legislation and the establishment of a uniform legislation and general purposes committee be adopted and agreed to. Once again, I bring to members' attention the third report of the Standing Committee on Procedure and Privileges, paragraph 1.4 of which states -

Last year, the number of bills referred as uniform legislation showed a marked increase. Offshore mining and the referral to the Commonwealth of the State's corporations power required the Committee, in each case, to consider 3 or 4 separate but interrelated bills. At the same time, the House had referred other legislation with reporting dates that imposed severe strain on the Committee members and its officers. The 2 electoral bills left the Committee with no choice but to delay consideration of other bills.

As paragraph 1.5 points out, there was a situation of overload with respect to the work of the Legislation Committee. The outcome is stated in paragraph 1.6 -

Having considered the functioning of the Legislation Committee over the past 9 months, this Committee recommends the establishment of a new Uniform Legislation and General Purposes Committee that will assume the roles of the Legislation Committee on uniform legislation, consider the implications for the State of international agreements that require the Commonwealth to enact domestic law, and report on various matters that the House refers particularly where the subject does not fit easily within the scope of the other committees.

During the debate before the luncheon suspension, I noted the comments of certain other members, and it may be appropriate in due course to consider whether there are any additional matters that this three-member committee may deal with, or whether it will be necessary to have an additional three-member committee; that is, another five-and-three combination. However, that can be decided as a subsequent issue.

Hon GEORGE CASH: The Opposition in general supports the thrust of the recommendation to amend schedule 1 of the standing orders in the manner outlined in the attachment to report No 3 of the Standing Committee on Procedure and Privileges dated March 2002. I will be brief, because I do not think there needs to be great discussion at this time, although that is at the option of members. The committee system in this House in its present or near present form was adopted in 1990. When it was proposed in 1990, it was believed that it would give the public an opportunity to present to the Parliament its view on various issues that the Parliament was considering. If anything, the aim was to bring the Parliament closer to the people, and certainly the people closer to the Parliament. I was a strong supporter of the proposals that were introduced in 1990. That was about 12 years ago. Since that time, refinements have been made to the committee system. We have established new committees and have changed the number of members on various committees from time to time.

The Legislation Committee as it was formed in 1990 comprised five members. One of those members was Hon Derrick Tomlinson, who represented the then Opposition, and the other members from this side were Hon Peter Foss and Hon Bill Stretch. The Legislation Committee has been one of the hardest working committees in this House. Bills have been referred to the Legislation Committee for consideration, and for many years that committee has done a huge amount of work. We later established the Constitutional Affairs Committee, chaired by Hon Murray Nixon. Hon Ray Halligan and Hon Ken Travers were also members of that committee. That committee had the responsibility of considering uniform legislation, intergovernmental agreements and petitions. As a small committee that committee also did a tremendous amount of very good work over a long time.

Hon Ken Travers: The chair of that committee should be given the credit for that. He was very important to that process.

Hon GEORGE CASH: I agree. The work and leadership that Hon Murray Nixon offered to that committee stimulated it into doing the very good work that it did over a number of years.

On 24 May last year, we reconstituted the committees. The Legislation Committee, for instance, comprised seven members for the first time. The Constitutional Affairs Committee was dropped, and the petitions that are received by the House were referred to the Environment and Public Affairs Committee for its consideration. It was also agreed that the House would let the system that it had agreed to at that time run with a view to continually monitoring its progress and, where necessary, bringing recommendations to the House to make any adjustments that it believed were required.

It just so happens that in the past 12 months the Legislation Committee has been burdened with a huge amount of work. The Legislation Committee is chaired by Hon Jon Ford. It is fair to say that that committee seems to be in session when this House is not in session, because it sits almost continually on working days Monday through to Friday. From time to time, members are substituted on that committee. I remember that during the

committee's consideration of the one vote, one value legislation, I was substituted for Hon Bill Stretch, who has been a member of the Legislation Committee for about 12 years -

Hon Bill Stretch: It feels like more.

Hon GEORGE CASH: I am not surprised, because of the large amount of work that has been done by that committee. The Legislation Committee generally works Monday to Friday when the House is not sitting, but it seemed to me that when the committee was considering the one vote, one value legislation it was also working on the weekends. As I was only a temporary member of that committee, that did not concern me greatly, but it indicates the volume of work that that committee does.

Hon Peter Foss: That is still happening.

Hon GEORGE CASH: Hon Peter Foss can tell us about that in a moment. There is unquestionably an imbalance in the workload that is currently thrust upon the Legislation Committee. In that regard a recommendation has been discussed by the Procedure and Privileges Committee that the number of members on the Legislation Committee be reduced from seven to five, and that the area of uniform laws and intergovernmental agreements be removed from the terms of reference of that committee and come within the purview of a new committee that is to be called the Uniform Legislation and General Purposes Committee. The Opposition has had the opportunity of considering the recommendations from the Procedure and Privileges Committee, and we agree with those recommendations. As I understand it, and as the Leader of the House has indicated, the membership of the new Legislation Committee and the new Uniform Legislation and General Purposes Committee has been agreed, so the committees will not have to stop work. I understand also that a transitional arrangement will be made available to the House so that the work now being done by the Legislation Committee and that in future will be done by the Uniform Legislation and General Purposes Committee will be continued from the point that it had reached in the Legislation Committee.

There is no need for me to go through the changes that are required to schedule 1, but I will make a comment - it is a matter that you have already remarked on, Mr President - about the question of petitions. Petitions are currently within the terms of reference of the Environment and Public Affairs Committee. There has been a fair amount of discussion among members, not in the House but outside the House, about the need to review whether petitions should also go to the new Uniform Legislation and General Purposes Committee. As you indicated, Mr President, that requires some sort of response from the committee that handles petitions; and should a response come forward, that matter can then be taken up by the Procedure and Privileges Committee and we can come back with a recommendation in due course. In the interests of brevity, the Opposition supports the current proposal, with the rider that we want to consider further the question of petitions. However, that is perhaps a matter for another day.

Hon NORMAN MOORE: As Hon George Cash said, the Opposition supports this proposal. However, we support the proposal on the basis that the Leader of the House and I have been able to reach agreement on the membership of the two new committees and our support is subject to that agreement. I have an assurance from the Leader of the House on that matter. From now on there will be a significant reduction in the workload of some members of the Standing Committee on Legislation and a better spread of the requirements of the committee system among members of the House.

Hon PETER FOSS: I thank the House and the Committee for dealing promptly with the problem raised by the Standing Committee on Legislation. There is no doubt that it has always had a very heavy workload, particularly this year, due to the extra work passed to it that it did not really need.

I raise another matter for consideration of the Committee. I am not moving a motion at this stage but I suggest that the Committee consider the following as a standing order -

No time shall be set by the House as to the date by which the Standing Committee on Legislation must report on a Bill and in the event that a time is set, the time set shall be automatically extended to the time requested by the committee should it report that extra time is required.

I know that the Leader of the House and the Leader of the Opposition will shudder at that suggestion.

Hon Norman Moore: We are shuddering in unison.

Hon PETER FOSS: I know; I can see it. I raise it because, from my experience of being on both the inaugural and current committees, I am amazed at how much time is wasted by virtue of unrealistic timetables given to the committee. In the past two years the committee has dealt with extremely difficult political issues with the greatest of goodwill and with considerable expedition, but it was a large workload. Hon George Cash referred to the electoral reform Bills on which we worked all day on the committee. We then went back to my office, worked late into the night, sent an e-mail to the committee clerks for the next day, went back to the committee the next day and worked all weekend to try to meet the deadline. Given the workload of the House, members

can appreciate that if we had to work that hard, the staff were also under enormous pressure. Our ability to deal with the matter properly was continually compromised.

I sincerely ask the Committee to consider the suggestion I have made. More importantly, I ask members of the House, particularly the Leader of the House and the Leader of the Opposition, to consider the point I have made because I believe the timetables given to the committee and the staff are a bit rough. We try to meet those deadlines, and I think we do a very manageable job. However, sometimes they result in our spending more time on a matter because it frequently takes longer to do something when it is done in haste than if it is done in an orderly fashion. It is a nice thought for members and I hope the Committee will consider it seriously. I hope the leaders will consider it because it is a point sincerely made. I again thank the House for its support of the rearrangements.

Paragraph 2 put and passed.