

COMMITTEES OF THE HOUSE

Establishment

HON KIM CHANCE (Agricultural - Leader of the House) [7.58 pm]: I move -

- (1) Clauses 1, 2, 3 and 7 of Schedule 1 to standing orders are repealed and the following substituted -
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- 1. Legislation Committee**
- 1.1 A *Legislation Committee* is established.
- 1.2 The Committee consists of 5 Members.
- 1.3 The functions of the Committee are to consider and report on any Bill referred by the House or under SO 125A.
- 1.4 Unless otherwise ordered -
- (a) the policy of a Bill referred under subclause 1.3 may be considered by the Committee but only to the extent that the Committee is satisfied the provisions of the Bill, as referred, are consistent with that policy and that the legislative intent can be given practical effect;
- (b) any amendment recommended by the Committee must be consistent with the policy of a Bill.
- 1.5 In this order “**policy of a Bill**” is its scope and purpose ascertained from the Bill’s provisions, but reference may be had to any document or statement or other information that may assist in clarifying the intended legislative effect or construing the application or interpretation of any provision.
- 2. Public Administration Committee**
- 2.1 A *Public Administration Committee* is established.
- 2.2 The Committee consists of 5 Members.
- 2.3 The functions of the Committee are to inquire into and report on -
- (a) the structure, efficiency and effectiveness of the system of public administration;
- (b) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making;
- (c) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions;
- (d) any Bill or other matter relating to the foregoing functions referred by the House; and
- (e) to consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, and any person holding an office of a like character.
- 2.4 The Committee is not to make inquiry with respect to -
- (a) the constitution, functions or operations of the Executive Council;
- (b) the Governor’s establishment;
- (c) the constitution and administration of Parliament;
- (d) the judiciary;
- (e) a decision made by a person acting judicially;
- (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or
- (g) the merits of a particular case or grievance that is not received as a petition.
- 3. Environment and Public Affairs Committee**
- 3.1 An *Environment and Public Affairs Committee* is established.

- 3.2 The Committee consists of 5 Members.
- 3.3 The functions of the Committee are to inquire into and report on -
 - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
 - (b) any Bill referred by the House; and
 - (c) petitions.
- 3.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.
- 3.5 The Committee may refer a petition to another committee where the subject matter of the petition is within the competence of that committee.
- 3.6 In this order “**environment**” has the meaning assigned to it under section 3(1), (2) of the *Environmental Protection Act 1986*.

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7. Uniform Legislation and Statutes Review Committee

- 7.1 A *Uniform Legislation and Statutes Review Committee* is established.
- 7.2 The Committee consists of 4 Members.
- 7.3 The functions of the Committee are -
 - (a) to consider and report on Bills referred under SO 230A;
 - (b) of its own motion or on a reference from a Minister, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to SO 230A;
 - (c) to examine the provisions of any instrument that the Commonwealth has acceded to, or proposes to accede to, that imposes an obligation on the Commonwealth to give effect to the provisions of the instrument as part of the municipal law of Australia;
 - (d) to review the form and content of the statute book;
 - (e) to inquire into and report on any proposal to reform existing law that may be referred by the House or a Minister; and
 - (f) to consider and report on any matter referred by the House or under SO 125A.
- 7.4 For a purpose relating to the performance of its functions, the Committee may consult with a like committee of a House of the Parliament of the Commonwealth, a state or a territory, and New Zealand and similarly, may participate in any conference or other meeting.

- (2) Item 8 of Schedule 1 of the Standing Orders is amended by deleting “*Standing Committee on Estimates and Financial Operations*” and substituting “*Estimates and Financial Operations Committee*”.
- (3) Schedule 1 of the Standing Orders, as amended by Parts (1) and (2) of this motion, is to be amended by rearranging the clauses in alphabetical order by committee title and making such consequential cross referencing changes as are necessary.
- (4) The Committees now established under Schedule 1 may inquire into and report on those matters referred to, or initiated by, their predecessor committee and for that purpose may consider evidence and records relating to the same.
- (5) Standing Order 49(1)(c) is amended by deleting the words “under SO 313.1”.
- (6) Standing Order 310 is amended by deleting the words “and to the proceedings of a committee appointed under SO 313.1”.

- (7) Standing Order 230A(3) and (4) is amended by deleting reference to “*Uniform Legislation and General Purposes Committee*” wherever it appears and substituting “*Uniform Legislation and Statutes Review Committee*”.

The modern Legislative Council committee system has been in operation since 1989. The committee system is continually being reviewed and refined to address particular issues. This motion proposes changes as a result of consideration of matters, raised with the support of the Chairman of Committees, Hon George Cash, MLC, relating to committee reports that were tabled in May 2005. In particular, the motion addresses committee membership and mandate. If this motion is agreed to, committee membership for the new committees will need to be appointed. I wish to address some of the main changes that are proposed by this motion compared with the current standing orders schedule 1 that exists for committees.

The motion does not include the repeal and substitution of those schedule 1 committees which are not being altered. The changes proposed by the motion therefore only affect the current Environment and Public Affairs Committee, Legislation Committee, Public Administration and Finance Committee and the Uniform Legislation and General Purposes Committee.

No changes are proposed to the terms of reference for the Procedure and Privileges Committee, Joint Standing Committee on Delegated Legislation or the Parliamentary Services Committee as they currently exist. As these committees are not being repealed, they are not included in the motion. Similarly, the Estimates and Financial Operations Committee agreed to by the house on 30 June 2005 as part of schedule 1 is not included in the motion.

I make some observations on each committee by reference to the order and numbering in part 1 of the notice of motion. The proposed changes to the terms of reference of the Legislation Committee reinforce the important and primary function of the Legislation Committee in the scrutiny of bills that are referred. For example -

- (1) Proposed term of reference 1.3 refers to the committee considering and reporting on any bill referred by the house or under the provisions of standing order 125A. There is a current ability under standing order 125A for the Business Management Committee to discuss referrals of bills to committees which may result in a recommendation or report to the house and a subsequent motion of referral to a committee.
- (2) Proposed term of reference 1.4 clarifies the committee’s consideration of policy. This is reflective of the committee’s current approach to the consideration of policy when the bill has been referred after the second reading has been agreed, as provided in current term of reference 1.4. If the will of the house is such that a wider examination of the policy of a bill is desired, then the necessary order can be made at the time of referral.

In respect of the Public Administration and Finance Committee, committee membership is reduced from seven to five, reflecting recommendations in the Cash report. The current terms of reference for this committee have been rearranged and terminology refined. For example -

- (1) There is a need to ensure that operationally the new Estimates and Financial Operations Committee and the Public Administration Committee do not unnecessarily duplicate their respective functions. Accordingly, the current reference to “economic management” has been deleted in the proposed terms of reference. The Public Administration Committee could still consider matters of, for example, economic management or costs as part of any inquiry into structure, efficiency and effectiveness.
- (2) Proposed term of reference 2.4 outlines those matters into which the committee may not inquire. The proposal both reinforces the current terms of reference and proposes some refinements to terminology.

In respect of the Environment and Public Affairs Committee, committee membership is reduced from seven to five, also reflecting recommendations in the Cash report. The committee still retains its function of considering petitions.

The Cash report made reference to the establishment of a separate petitions committee. The amendment reflects the intention of current members of the committee to continue looking at petitions within the committee’s existing structure.

In relation to the proposed terms of reference of the Uniform Legislation and Statutes Review Committee -

- (1) Terms of reference 7.3(a) to (c) repeat the committee’s current functions in relation to uniform legislation and proposals for uniform legislation.
- (2) Terms of reference 7.3(d) and (e) are new and reflect recommendation 2 of the Cash report which stated,

It is recommended that consideration be given to providing a committee with a term of reference to address the form and content of the statute book and matters of law reform.

- (3) As with the Legislation Committee there is now a reference to referrals under standing order 125A.

Parts (2) to (7) of this motion provide for -

- (1) Schedule 1 as amended, to be rearranged in alphabetical order so that the new committees and the remaining committees are logically ordered.
- (2) Other consequential amendments required to the standing orders as a result of the new committees. For example, updating references in the standing orders and providing for successor committees to continue inquiries and to have access to records of their relevant predecessor committee.

That is a very important change.

I have an explanatory note that includes more detailed observations on the proposed changes. I seek leave to table and incorporate into *Hansard* the explanatory note which, for purposes of identification I will call document 4.

Leave granted. [See paper 592.]

The following material was incorporated -

(4)

Explanatory Note for Notice of Motion August 16 2005 regarding Schedule 1 committees

The Legislative Council committee system is an asset to the House. It enables the House to more effectively perform one of its roles in providing legislative and executive scrutiny and accountability.

The modern Legislative Council committee system has been in operation since 1989. The committee system is continually being reviewed and refined to address particular issues.

These notes address some of the main changes that are being proposed by the Motion in comparison with the current Standing Orders Schedule that exists for committees.

Observations are made on each committee by reference to the order and numbering in Part 1 of the Notice of Motion.

The Motion does not include the repeal and substitution of those Schedule 1 committees which are not being altered. The changes proposed by the Motion therefore only affect the current *Environment and Public Affairs Committee*, *Legislation Committee*, *Public Administration and Finance Committee* and the *Uniform Legislation and General Purposes Committee*.

There are no changes proposed to the terms of reference for the *Procedure and Privileges Committee*, *Joint Standing Committee on Delegated Legislation* or the *Parliamentary Services Committee* as they currently exist. As these committees are not being repealed they are not included in the Motion. Similarly, the *Estimates and Financial Operations Committee* agreed to by the House on June 30 2005 as part of Schedule 1 is not included in the Motion.

Legislation Committee

The committee membership remains at 5 Members.

The proposed changes to the terms of reference reinforce the important and primary function of the *Legislation Committee* in the scrutiny of Bills that are referred.

For example, the reference in the current Schedule to the referral to the committee of “*any other matter*” has been deleted from the proposed terms of reference but it is noted that the House has power to refer any matter to any committee in any event.

Proposed term of reference 1.3

This refers to the committee considering and reporting on any Bill referred by the House or under SO 125A. SO 125A provides for the Business Management Committee.

This is a reflection of the current ability for the Business Management Committee to discuss referrals of Bills to committees which may result in a recommendation or report to the House and a subsequent Motion of referral to a committee. There is no present ability for the Business Management Committee to make direct referrals to committees.

Proposed term of reference 1.4 clarifies the committee’s consideration of policy. Unless otherwise ordered, consideration of policy is to occur within the context of the provisions of the Bill and the Bill’s purpose and practical effect. This is reflective of the current approach by the committee to the consideration of policy when the Bill has been referred after the second reading has been agreed, as provided in current term of reference 1.4.

Proposed term of reference 1.4(b) also reinforces this approach to the consideration of policy in relation to any amendments recommended by the committee.

If the will of the House is such that a wider examination of the policy of a Bill is desired then the necessary order can be made at the time of referral.

Proposed term of reference 1.5 defines the “policy of a Bill” in terms of the Bill’s provisions and by reference to other information to assist in clarifying the intended legislative effect or to construe the application or interpretation of any provision.

Public Administration Committee

This committee currently has 7 members. It is proposed to make it a committee of 5 Members. The reduction in membership reflects Recommendation 5 of the report of Hon George Cash MLC.

The words “*and Finance*” have been removed from the committee’s title. This is consequential to and consistent with the scrutiny of financial administration being vested within the new *Estimates and Financial Operations Committee*. The establishment of that new committee reflects the Recommendations in the Cash Report. The expectations of the House as to the role and functions of that new committee are reflected in the debate on its establishment during the last sitting week before the recess.

The current terms of reference for the *Public Administration Committee* have been rearranged. Some terms of reference have been refined.

Proposed term of reference 2.3(a)

This refers to the “*structure, efficiency and effectiveness of the system of public administration*”. The current reference to “economic management” has been deleted in the proposed terms of reference.

There is a need to ensure that operationally the new *Estimates and Financial Operations Committee* and the *Public Administration Committee* do not unnecessarily duplicate their respective functions. The primary committee to maintain regular consultation with the Auditor General is now the new *Estimates and Financial Operations Committee*.

However the absence of an express reference to “economic management” would not preclude the *Public Administration Committee* from considering matters of, for example, economic management or costs as part of any inquiry into structure, efficiency and effectiveness.

Proposed term of reference 2.3(b) - (e) inclusive

These terms of reference largely reflect the current terms of reference. Some drafting refinements have occurred. Term of reference 2.3(b) has been redrafted from the current form. Term of reference 2.3(d) envisages referrals of Bills or other matters “*relating to the [committee’s] functions*”.

Proposed term of reference 2.4

This term of reference outlines those matters into which the committee may not inquire. The proposal both reinforces the current terms of reference and proposes some refinements to terminology.

Proposed term of reference 2.4(d) and (e).

Proposed term of reference 2.4(d) refers to “*the judiciary*”. This is consistent with Parliament not inquiring into the courts.

The current Schedule already includes a restriction on the committee making inquiry into a decision made by a person “*acting judicially*”. This is repeated in proposed term of reference 2.4(e).

The phrase “*acting judicially*” has been interpreted by the courts to mean anyone who has to observe rules of natural justice - a potentially wide application. For example, a person who is obliged to “*act judicially*” may be exercising administrative not judicial power.

The committee may still consider decisions made by a person acting judicially as part of any case study of systemic issues, so long as it does not inquire into the merits of those decisions.

Proposed term of reference 2.4(g)

This restriction exists in current term of reference 2.3(c). It reinforces the proper role of the committee. That is, the committee is not a government tribunal and has no power to consider the merits of an individual case and determine rights and obligations. Parliamentary committees make recommendations to the Council so as to improve administrative practices and processes where systemic problems have been identified.

In the past the *Public Administration and Finance Committee* has used individual cases as ‘case studies’ of certain administrative *practices*. In doing so the committee did not make conclusions as to the merits of such cases - rather it identified systemic issues and made recommendations so as to improve administrative practices and processes.

The exception to this restriction on looking at the merits of an individual case has always been petitions and this is noted in proposed term of reference 2.4(g). The Standing Orders of the Legislative Council already provide guidance and establish requirements for petitions that ensure, for example, that legal remedies have been exhausted.

The Environment and Public Affairs Committee

This committee currently has 7 members. It is proposed to make it a committee of 5 Members. The reduction in membership reflects Recommendation 5 of the report of Hon George Cash MLC.

No other changes have been made to the committee’s terms of reference apart from a correction that the principle is one of ecologically (not ecological) sustainable development.

Uniform Legislation and Statutes Review Committee

The committee membership remains at 4 Members.

The committee’s current ability to co-opt members has not been included. Co-option was a facility included when the committee was established with only three members - now it has four. As with other committees the standing orders enable participation by other members and substitution between members.

Proposed terms of reference 7.3(a) - (e) repeat the committee’s current functions in relation to uniform legislation and proposals for uniform legislation.

Proposed terms of reference 7.3(d) - (e) are new and reflect Recommendation 2 of the report of Hon George Cash MLC which stated “*It is recommended that consideration be given to providing a committee with a term of reference to address the form and content of the statute book and matters of law reform*”.

As noted in the report of Hon George Cash MLC: “*It was proposed that during any realignment of the current committee system, a committee be given a specific term of reference relating to the statute book. This mandate should include removing obsolete or contradictory provisions, amending unclear language, correcting drafting, technical and typographical errors and omissions, updating and revising legislative references, and making other minor changes.*” and further “*It was noted that any committee with this mandate should maintain consultative links with the State Law Publisher, Parliamentary Counsel’s Office and the Law Reform Commission of Western Australia.*”)

Proposed term of reference 7.3(d) is partly reflective of terms of reference that have appeared in committees of previous Parliaments. For example, the Legislation Committee of the 35th Parliament which had the mandate to look at: spent or obsolete Acts of Parliament that might be repealed; amendments of a technical or drafting nature; form and availability of written laws and their publication.

The committee can, by its own motion, inquire into the form and content of the statute book.

Proposed term of reference 7.3(e) enables the committee to consider proposals to reform existing law if so referred by the House or a Minister.

Proposed terms of reference 7.3(f) now includes reference to SO 125A. This refers to the Committee considering and reporting on any matter referred by the House or under SO 125A. SO 125A provides for the Business Management Committee.

This is a reflection of the current ability for the Business Management Committee to discuss referrals of matters to committees which may result in a recommendation or report to the House and a Motion of referral to a committee.

Part (2) of the Motion updates the title of the *Estimates and Financial Operations Committee* as it was established on June 30 2005 to be consistent with the terminology for other committees.

Part (3) of the Motion enables Schedule 1, as amended, to be rearranged in alphabetical order so that the new committees and the remaining committees are logically ordered. It also enables consequential cross-referencing amendments to be made.

Part (4) of the Motion enables the new committees to continue inquiries and to have access to the records of the relevant predecessor committees.

Parts (5) - (7) of the Motion are amendments required to the Standing Orders consequential on the renaming of committees and the establishment of the *Estimates and Financial Operations Committee*.

Hon KIM CHANCE: I commend the motion to the house.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [8.06 pm]: I could not let this opportunity pass without saying a few words. There are a few people who need to be thanked for the work that has been done in recent times on the committee system. I thank Hon George Cash, the committee members who worked with him and the staff of this house who have put together these proposals for a new committee system.

I listened with interest to the leader’s comments about the committee system and the fact that it started in 1989. In fact, the very first committee of this house started in 1982 on the motion of Hon Bob Pike - God rest his soul - who I imagine is currently organising a branch meeting in heaven.

Hon Kim Chance: He would be organising the numbers.

Hon NORMAN MOORE: That is exactly right. He organised a committee that looked into government agencies. It was the first committee of this house of that nature and still exists in a different form these days.

In view of the amount of work that has been done by the committee, chaired by the Chairman of Committees, and the members of staff and others involved, we now have a number of amendments to the committee system that will improve the way in which committees operate. I very much look forward to this motion being passed tonight and the committees being appointed as soon as possible so that, under their new terms of reference, committee members can proceed to do their work.

As members know, it is absolutely vital for upper houses to have committee systems that are effective, efficient and capable of doing a good job. Fundamentally our role in this chamber is to scrutinise the government’s legislation and its performance and the committees of the chamber are very effective vehicles for providing that scrutiny and assessment that is often difficult to achieve in the context of matters being debated in the chamber.

The concern I express tonight is that a committee system can function only if it is properly funded. Since 1982 there have been many occasions when the committees of this chamber have been significantly constrained by lack of funding. That may or may not be the case in recent times. I have not been directly involved as a member of a committee for some time, apart from a short involvement in a water inquiry. It seemed to me that that committee was well resourced by comparison with the funding provided to committees when I first became involved back in 1982, when we did not have any staff. That was the scenario in those days. In the early days we were then provided with one staff member who was subsequently taken away by the Leader of the House, in those days Hon Joe Berinson, who thought the Legislative Council should not be given money to spend on things like committees. Over time there has been a significant increase in funding provided to committees.

It is my understanding that the budget of the Legislative Council has not been given the necessary consideration by government and that possibly goes back prior to this government. I am aware that there are serious concerns about the lack of funds made available to this chamber. My main concern with that is the effect it has on the functioning of committees. When we look at what other Parliaments are able to provide for their members, we

are very, very severely short-changed in this Parliament. I am aware of federal members being able to utilise the resources of the Parliamentary Library in Canberra. A significant body of research and a significant number of researchers are available in the Parliamentary Library in Canberra to assist members in the work they do on legislation and a whole range of issues. That service is simply not available in the Western Australian Parliament, and it should be. If it is not going to be, clearly our committees need to have the level of research capacity that is appropriate for committees of a chamber such as this.

Members all know that we have a number of roles as members of the Legislative Council. In the same way as Legislative Assembly members are engaged, we have electorates and are required to do work in and be aware of the concerns and problems that relate to our electorates, and that takes a lot of time; however, we also have an obligation to be a house of review. To do that, a significant amount of time must be given to addressing the issues of a review nature. We need assistance. The Minister for Education and Training informed me by way of interjection a sitting week or two ago that she did all her own research, and I thought that was very admirable, but the facts of the matter are that Parliaments cannot expect members to do all the research that is necessary, given the multiplicity of issues that come before us on a daily basis. If this chamber is to function effectively and do its job properly, it is absolutely vital that the committee system be properly resourced. I say that in the context that the whole house needs to be properly resourced, but I am particularly referring to the committee system. I say to the Leader of the House that as, I hope, the advocate of this chamber in cabinet, as I believe I was when I was in his seat, it is his responsibility to argue the case that this chamber needs to be properly resourced. I can understand governments not wanting an active house of review. I can understand governments wanting us to go and have a big sleep for the duration of their terms in office, but that is not what Parliament is about, and it is not in the interests of government to have Parliament simply ignoring what it does. Governments in fact benefit when Parliaments scrutinise properly what they are doing. That is because we find out that things are going wrong that often governments and ministers do not even know about, and when things are brought to their attention they can be fixed. We have an obligation and a responsibility to make sure that we effectively oversee the functions and activities of government. It is my opinion that the Leader of the House has an obligation to argue the case that this chamber has been underfunded in the past, that it needs a significant increase in its revenue and that it must have at least enough money to make sure the committee system can function properly, which means the engagement of the required number of researchers that is necessary to provide the support that committees need.

I draw the leader's attention to the budget paid out of the revenues to the Legislative Assembly, which have grown significantly greater, and at a greater rate, than those in the Legislative Council. It is my view, not shared by all my colleagues, that the Legislative Assembly could get rid of its committee system and send its resources to us. That would be a far better outcome. I do not think the Legislative Assembly standing committees are worth having, quite frankly, but that is a personal opinion. The review committee function of Parliament rests with this chamber, and we should at least get some sort of parity with the Assembly when it comes to funding for the work of the committee system.

I will not mention anything about the research assistance being provided to us as members, bearing in mind the way in which the government has discriminated against Legislative Council members in its recent decision about support for members of Parliament. I have no doubt that the Leader of the House will also be prosecuting our case in cabinet on that matter, and I trust that an early decision will be forthcoming. We simply cannot have discrimination of this sort in a Parliament such as ours. More important than that is making sure that this chamber is properly funded. That is my number one priority for funding. I say to the Leader of the House that, with the motion he has moved today, we have some amendments to our committee system that I think will improve it. We have the capacity to do a good job as a house of review and we have good members and staff who will work hard; however, they are under significant constraints because of the financial situation of this chamber. It is very important that the leader do whatever he can to ensure that the Treasurer recognises our concerns and does something about our budget - not in the next budget but now, because the problem exists right now. The leader is as aware of that as I am, so I ask him publicly today to do something about that, and I indicate my support for the motion.

HON GEORGE CASH (North Metropolitan) [8.15 pm]: I will be brief in my comments because I recognise that the house wants to deal with other legislation tonight. However, as I have had some involvement in the refinement of the existing committee system, I firstly thank the Leader of the House and the Leader of the Opposition for the comments that they made about my involvement. Secondly, I place on record the fact that the report that I tabled in May this year was a compilation and a culmination of comments that were made to me by the various chairmen and deputy chairmen of the various committees of the Legislative Council of the last Parliament. They were a reflection of members' views on just how we could improve the committee system. As the Leader of the House has commented, the committee system in the Legislative Council is a dynamic system. It is a system that should constantly be under review and, where necessary, should be refined from time to time. Concerning the assistance that was provided to me in preparing that report and listening to the views of the

chairmen and deputy chairmen of the various committees, I especially thank Mia Betjeman, the Clerk Assistant (Committees), for her very significant involvement in the discussions with the chairmen and deputy chairmen and in the preparation of the final report. I also want to recognise the staff of the Legislative Council Committee Office. It was also important that the staff be given an opportunity to comment and present their views on the running and operation of our committee system, because on a daily basis they are required to work within our committee structure. I appreciate the very positive comments that they made, and many of those comments were incorporated in the report because they coincided with the comments of the chairmen and the deputy chairmen.

I said I will be brief, and I will, but I indicate my strong support for the comments made by the Leader of the Opposition about the need for adequate funding of the committee system within the Legislative Council. There is no doubt that the committee system of this house is its greatest asset. A considerable amount of work is done within the committee system of the Legislative Council. One has only to go to the Parliament's web site to see some of the reports that have been produced over a period of years, and there is no doubt that they are of an international standard; more than that, I am sure they are used internationally. Both the Leader of the Opposition and I have had the opportunity of speaking to the leader of the government about just some of the reports that relate to the various portfolios that the Leader of the House has in his charge. We all agree on the very high quality of those reports and the fact that they would be used by interested parties, not only in Australia but also around the world. It is absolutely critical that the government consider its position on the funding of the Legislative Council. When I was the President, I made representations on behalf of the Council. I had limited success. I say "limited success" because the then Liberal-National Party government did not give the regard to the Legislative Council that I believe it should have done. That was equally the case in the last Parliament, when President Hon John Cowdell spent a considerable amount of time trying to get additional resources for the Parliament. There is no doubt that during the last Parliament the government provided the Parliament with significant funds to upgrade the capital works side of the budget, having regard to the fact that during that period we celebrated the centenary year of this house. However, the bottom line is that the funding now required for the Legislative Council is recurrent funding.

One need only go to the committee office and see the pressure that our committee officers are under to recognise that they will not be able to keep up with the rate and quality of work that we have come to expect of them. In that regard, I strongly support the comments of the Leader of the Opposition. There is no question that when we compare the funding that has been provided to the Legislative Assembly over the past 10 years with that provided to the Legislative Council, we have been slipping behind significantly. Documents are available - they can be tabled in due course if necessary - that allow all members to fully understand the rather dire financial position of the Legislative Council. I know that the Leader of the House is aware of this, because the Leader of the Opposition, Hon Giz Watson, Hon Murray Criddle and I have attended meetings with him in which we have discussed it. It is fair to say that there is a common understanding among the membership of the Legislative Council about the financial position of the house. However, it is now our job to ensure that the government, and in particular the Under Treasurer, understand just what is required to maintain the high standard of output that is expected of the Legislative Council. It is not good for the government, no matter what colour it is, to try to squeeze the upper house in order to prevent it from doing its job. That is not good for the government and it is certainly not good for the democratic system as we know it in Western Australia. I again repeat that if we look at the work that is produced by the Legislative Council committee system, there is no question that we have received top value for the dollars that have been expended since the modern committee system came into being in 1989.

I finish by saying that all members should feel free to speak to me as Chairman of Committees if they believe that further refinement of the committee system is required. I would never suggest that we have a perfect system. I think that the amendments proposed by the Leader of the House will make the committee system better than the one that we had during the last Parliament. There is always room for improvement. I would be pleased to receive any positive or constructive comments from members if they believe that we can improve the system even further. That is our goal, and it should always be the objective of all members to reach for continual improvement of the system. With those comments, I support the motion moved by the Leader of the House.

HON MURRAY CRIDDLE (Agricultural) [8.23 pm]: I want to make a few comments because I have been involved in this matter, as Hon George Cash said. First, I recognise the work of the Chairman of Committees and of all members of the committees. I have been a member of a number of committees, as members of this chamber know. I recognise the work that has been done. The work that has been done by the staff and members has been recognised across the board. Reports that spring to mind include those on DNA, genetically modified organisms and land tenure. I was recently telephoned about one of those reports and asked to forward it because of the importance and accuracy of the work done by members and staff. The reports are recognised across the country and in some cases globally. That recognition needs to translate to support.

We have spoken about funding. I do not want anybody to think that I am a member who does not think that the upper house needs funding to carry out its work in an appropriate manner. We are not asking for excessive funding but for an appropriate appropriation, so that we can get on and do the job that is necessary, first, on the legislation that is proposed and, second, on the reports that are put forward. I am well and truly aware that much of the legislation that has been introduced to the Parliament in recent times has needed extensive amendment. That job has fallen to the committees in some cases. They have done an admirable job in some very difficult and contentious areas in order to allow the Parliament to put on the statutes some reasonable legislation. It is absolutely vital that we get that funding. I recognise the work done by the Chairman of Committees and the committee staff in bringing forward changes to our committee system. Certainly from my point of view, the changes will be a welcome addition to the way in which the house functions.

HON GIZ WATSON (North Metropolitan) [8.25 pm]: I also support the motion and acknowledge that the work that has gone into reviewing the operation of committees, under the guidance of the Chairman of Committees, has been very useful. I certainly have appreciated the opportunity to provide input to the review, including on the adjustment of various membership numbers and the establishment of a new standing committee. I do not want to speak at length, but I concur that the work done within committees is some of the most constructive and satisfying work that members engage in, because we are generally looking for positive outcomes rather than at the politics of particular issues. It is very much the backbone of why the Legislative Council is a good house of review. We continue to look at improving our efficiency and effectiveness in reviewing legislation for the good of the state. Even over the eight years that I have been a member of this place, the committee process has been greatly enhanced and refined.

I also lend my support to the comment that it is essential that the committee system be adequately resourced. That is ideally a process that should, as much as possible, be independent of the government of the day. I think I have made that point before. I do not know how that can be resolved. It is unfortunate that the funding is not independently assessed, because I am sure that if it were, the enormous amount of work done by Legislative Council members, particularly in the committee process, and the committee staff would be recognised. I know that the committee staff work extraordinarily hard and that resources are sometimes stretched very thin. If we are to continue to provide an effective and important review of legislation for the good of the state, we need to be recognised and resourced. I support the motion.

Question put and passed.

Membership

HON KIM CHANCE (Agricultural - Leader of the House) [8.28 pm]: I will shortly move a motion to set up the membership of the committees that have been agreed to as a result of the motion that has just been carried. I crave your indulgence for just a moment, Madam Deputy President (Hon Louise Pratt). Now that the motion has passed, I am prepared to thank some people. I always think that it is best to wait for a motion to be passed before thanking people for their support. Clearly, I am extremely grateful, as I believe we all are, to Hon George Cash for his leadership in this matter. I acknowledge, as he has, that there are a large number of players in getting reform such as this discussed, agreed and formulated, and that primarily the people who have played such an important role in that and in support of the Chairman of Committees have been people such as the chairs, the deputy chairs and members of our standing committees, Mia Betjeman and the staff of the Legislative Council Committee Office and a number of members who have made a contribution in their own way by providing a vision of how the committee system in this place works. I also express my appreciation to others. Getting us to the point at which we had agreement about detail, like numbers and which members were to be members of the committee and how they were going to interact with each other required a very significant amount of work by the Leader of the Opposition and his people and also by those on the government side. People such as Hon Louise Pratt, Hon Graham Giffard and Hon Ken Travers all played a very significant role in making sure that this proposal went forward as smoothly as it ultimately did, because it is a significant change that we are undertaking.

While I have your indulgence, Madam Deputy President (Hon Louise Pratt), the Leader of the Opposition, Hon George Cash and Hon Murray Criddle all made reference to matters which have been understood in the Legislative Council budget for some time now but which were discussed in detail at a meeting during the winter break of the House Management Committee. I have taken the opportunity of raising within government those issues that were raised with me directly. I will not detail those issues here, other than to say that those matters have been taken before government. I am looking forward to discussing some of the detail of those matters with the President on his return and with the Chairman of Committees. I think that is the appropriate way to take that forward. However, I think I can say here that the points of view which I put on behalf of the Legislative Council, but which were reflective of the views of the House Management Committee, were heard sympathetically in the circles in which I put them. I also underline my views about the value of our committee system and my own personal commitment to the role that the committee system plays in this house and express

that I am supportive of some of the comments that have been made. In my own portfolio area, Hon Murray Criddle referred to at least two recent reports that have become signal documents: the genetically modified organisms report and the land tenure report. The GMO report is used nationally as the reference document for genetically modified organisms and the way in which they are dealt with. As for the land tenure report, I do not think I have seen anything from any Parliament in Australia that dealt with the question of land tenure in the rigorous and intellectually capable way that one of our committees dealt with the land tenure issue. Interestingly, that report more or less temporarily coincided with the report from the laughingly termed Productivity Commission on the same issue. I do not think that I have ever read a shonkier report in my life. It is the worst report I have ever seen come out of the Australian government, and that is really stretching the imagination. The Productivity Commission's report is the shonkiest document I have ever seen carry the authority of the Australian government. The contrast between the intellectually rigorous way in which our committee dealt with the issue and the quality of the Productivity Commission report bears reflecting on. I am not trying to detract from the argument here, but it is not always the amount of money that is thrown at an inquiry that reflects the quality of that inquiry. I think we all understand that.

I have one more item to impose on your goodwill, Mr Deputy President (Hon Simon O'Brien). I know that you will bear with me on this because it contains some helpful advice to members who feel constrained by a lack of resources. I can reveal now for the record something I have never revealed before. I found a unique way of resolving the shortage of resources that a backbencher suffers from. When I was a backbencher I found that I could obtain the quite remarkable services of the New South Wales Parliamentary Library simply by ringing the librarians and asking them to send me information. I got away with it for two years before the New South Wales Parliamentary Librarian said to me one fateful day, "Mr Chance, you are not actually one of our members, are you?" I had to admit that I was not. She asked if I knew what gave me away. I said I did not. She said that she had wondered why one of their members was ringing from Perth all the time. However, it was a very good service. I recommend that members try it, because I do not think that I can get away with it again. It is an excellent service.

Hon Norman Moore: I do hope that is not your solution to our problems.

Hon KIM CHANCE: Regarding the membership of the committees that have been amended and the membership of the Parliamentary Services Committee that has not yet been appointed, I move without notice -

That the following members be appointed to the following committees -

- (1) Environment and Public Affairs Committee: Hon Louise Pratt, Hon Kate Doust, Hon Paul Llewellyn, Hon Bruce Donaldson and Hon Robyn McSweeney.
- (2) Legislation Committee: Hon Graham Giffard, Hon Sally Talbot, Hon Giz Watson, Hon Peter Collier and Hon Ken Baston.
- (3) Public Administration Committee: Hon Barry House, Hon Vincent Catania, Hon Ed Dermer, Hon Matthew Benson-Lidholm and Hon Helen Morton.
- (4) Uniform Legislation and Statutes Review Committee: Hon Simon O'Brien, Hon Donna Taylor, Hon Sheila Mills and Hon Matthew Benson-Lidholm.
- (5) Parliamentary Services Committee: Hon George Cash, Hon Robyn McSweeney, Hon Sue Ellery, Hon Sheila Mills and Hon Sally Talbot.

Question put and passed.