

**STANDING ORDERS — AMENDMENTS**

*Motion*

**MR J.H.D. DAY (Kalamunda — Leader of the House)** [10.22 am]: I move —

- (1) That standing order 74 be amended by adding the following —
  - (2) If a notice of motion is for disallowance in accordance with section 42 of the *Interpretation Act 1984* or any other Act, it may remain on the Notice Paper for 60 sitting days without being moved. On the final day, the Speaker will announce it will be removed from the Notice Paper on the next sitting day.
- (2) That the standing orders be amended by adding the following standing order —

**Disclosure of the Identity of Journalists' Informants**

**314.** If the Assembly is considering whether to require a journalist to disclose an informant's identity it shall have regard to the public interest of having a free press when it does so.

Mr Speaker, as you would be well aware, being Chair of the Procedure and Privileges Committee, these two amendments have been recommended by the committee and are contained in its reports. The first amendment was recommended in a report dated October 2013, and is self-explanatory. Essentially, it is to ensure that a motion of disallowance cannot remain on the notice paper indefinitely without being dealt with, so there is a time limit put in place within which the disallowance motion needs to either be debated, or after 60 days it will be removed from the notice paper. That is a sensible change, and further explained in the report I just referred to.

The second amendment deals with the issue of protecting the identity of journalists' informants. That issue has been quite extensively debated in Parliament over the last couple of years or so, and there is the view that Parliament, quite rightly I believe, should not be required by the courts to undertake any particular action. Therefore, both houses of Parliament are making changes to the standing orders to put in place a similar degree of protection to that which has been put in place in legislation for journalists in the wider community. The approach being taken by the Legislative Assembly, based on the report of the Procedure and Privileges Committee, is somewhat different from that taken by the Legislative Council; I would describe the recommended change to the protection provided that the government supports as minimalist, and I am sure it will be supported by the opposition. The reason for that recommendation is explained on page 8 of the report that was presented in May this year. For the benefit of those reading *Hansard* in the future, so they do not have to go to the report itself, I will quote briefly from the report. It states —

This Committee also considers that amending the Standing Orders in line with the Legislative Council's new Standing Order may give undue weight to the protection of journalists' interests *vis-à-vis* other competing interests such as the decision-making capacity of the Parliament.

Accordingly, this Committee believes that the preferable approach is to direct Members to take cognisance of the public interest of having a free press when considering whether a witness should be compelled to disclose a source. This approach is consonant with section 7 of the *Parliamentary Privileges Act 1891*, which instructs the Houses to 'excuse' or 'order' the answering of questions or production of documents by unwilling witnesses 'as the circumstances of the case may require'.

That is the rationale for making the change proposed here, and I recommend it to the house.

**MR D.A. TEMPLEMAN (Mandurah)** [10.26 am]: I understand that these matters have come from the Procedure and Privileges Committee and have been agreed to by the opposition's representatives; therefore, the opposition will be supporting them.

Question put and passed.