

STANDING ORDERS NOS 53, 54, 55, 159, 165, 285 AND 138

Amendment and Repeal

HON J.A. COWDELL (South West) [4.39 pm]: I move -

- (1) Chapter VI of Standing Orders is amended -
 - (a) by repealing Standing Orders 53 and 55;
 - (b) in Standing Order 54 by deleting the word “new”.
- (2) Standing Orders 159, 165 and 285 are repealed and, in so doing, this House records that the repeals do not affect those proceedings of a ceremonial nature where it is customary that a motion be seconded.
- (3) Standing Order 138 is amended by adding the following paragraph -
 - (d) If a question on the Notice Paper remains unanswered after 9 sitting days, the Minister or Member to whom the question is directed is to state at the conclusion of the period of oral questions on the next sitting day whether an answer will be provided and when that will occur.

The need for a change to these standing orders is self-evident. In the main, they do not accord with the current practices of this House. In each case the practice and procedure in this House is superior to the written standing order. To continue with the standing orders in their current form would be to mislead not only new members but also old members.

The first proposed amendment is in respect of Standing Orders Nos 53 and 55 pertaining to seating arrangements in this House. Standing Order No 53 states -

Whenever a change of a Minister takes place, the outgoing Minister shall be entitled to take the seat vacated by his successor.

Standing Order No 55 states -

Members shall be entitled to retain the seats occupied by them at the time of taking their seats after their first election.

This is not now the practice of the House. I believe the practice of the House would be better assisted by simply having Standing Order No 54 in an amended form; that is, as I propose, with the deletion of the word “new”. The proposed new Standing Order No 54 would read -

Any question with regard to the seats to be occupied by Members shall be determined by the President.

This would permit the current practice to continue when agreement is reached as to which side of the House members will sit or which seats they will choose to sit on.

Hon Simon O’Brien: We did not choose to sit over here.

Hon J.A. COWDELL: No. The arrangements of this House may proceed and the President can give effect to those informal arrangements. In fact, if any member insisted on continuing to occupy the seat that he or she occupied when they first came into the House, we would be promptly repealing the standing order. It would be better to have only two standing orders covering this; that is, Standing Order No 52, which covers seats reserved for ministers and Standing Order No 54, which allows the President to adjudicate on any outstanding issues. This will allow the current practice to be facilitated. The amendment proposes the repeal of Standing Orders Nos 159, 165 and 285, which relate to seconding. Standing Order No 159 states that “A motion not seconded shall not be further debated”. Standing Order No 165 states that “When a motion has been made and seconded, a question thereupon shall be proposed to the Council by the President”. Once again, seconding is required. Standing Order No 285 states that a motion made in committee need not be seconded; ergo, all other motions must be seconded. It has become the practice of the House to not require seconding. The amendment will repeal the standing orders and states -

Standing Orders 159, 165 and 285 are repealed and, in so doing, this House records that the repeals do not affect those proceedings of a ceremonial nature where it is customary that a motion be seconded.

This will ensure that the opinions of individual members of this House may not be stifled for want of obtaining a seconder to put a proposal to the Chamber.

The first two parts of the motion are essentially a repeal provision and minor amendment so that the standing orders conform to the practice of the Chamber. The third part of the motion will add part (d) to Standing Order No 138, which deals with questions seeking information and, in particular, replies to those questions. This will place a further obligation on ministers. I quote -

If a question on the Notice Paper remains unanswered after 9 sitting days, the Minister or Member to whom the question is directed is to state at the conclusion of the period of oral questions on the next sitting day whether an answer will be provided and when that will occur.

I placed this motion on the Notice Paper during the last Parliament and I am pleased to proceed with it. It should ensure that no question is allowed to fall off the Notice Paper either advertently or inadvertently; that is, advertently in terms of a minister choosing to not reply to a question but to wait until it falls off the Notice Paper, and inadvertently in that a question is lost in the system. Members are aware that that has happened before. This amendment will provide a follow-up procedure so that ministers will be reminded when they do not answer questions. Of course, the standing order will not require ministers to answer questions, but will require them to promptly indicate whether they will answer a question and, if so, when. If they do not intend to answer the question, the backlog of questions can at least be brought up to date.

I commend the proposal to the House and hope that it enjoys the general support of members.

Point of Order

Hon DERRICK TOMLINSON: The honourable member has moved a single motion which deals en bloc with standing orders that are disparate in their content and intent. Will the separate parts of the motion, insofar as each of the standing orders is a separate part, be dealt with in seriatim or in toto?

Hon J.A. COWDELL: I am happy for the President to put the motion in three parts if it will facilitate consideration by the House.

The PRESIDENT: I thank members for being so cooperative so early in the session. However, I had intended to put the motion in three parts - in seriatim - rather than in toto. There is no reason that members cannot discuss the motion as it stands and, in due course, I will put the questions separately.

Debate Resumed

HON J.A. SCOTT (South Metropolitan) [4.47 pm]: The Greens (WA) have studied the changes closely and, on the whole, we support them. The changes to Standing Orders Nos 53, 54 and 55, which deal with seating arrangements, are quite sensible. I have previously suggested that seating in the House should be allocated according to the regions members represent rather than the parties to which they belong. That might be a more open way of looking at it, and it will show that we actually work for our regions. However, I do not expect to see that soon. It is sensible for the President to organise the seating.

The amendment to repeal Standing Order No 159 is also sensible. When I first came into this House I was the only Greens member and I sat beside the only independent member, Hon Reg Davies. Both of us needed someone else to second our motions before they could be debated. Urgency motions were even more difficult because standing orders require that four people rise in their seat. These amendments are a reflection of the changing nature of this House and they will ensure that an Independent is able to move a motion on any issue. It is a fair and democratic change and I congratulate the Government on that.

The other amendment the Greens (WA) are particularly pleased about, one we were going to move to include, was the limit on the time in which a minister must provide an answer to a question. We are pleased that is being put forward by the Government, and we will certainly support those changes to the standing orders.

Debate adjourned, on motion by Hon Muriel Patterson.