

STANDING COMMITTEES

Schedule 1 to Standing Orders - Motion

Committee

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

Hon KIM CHANCE: I move -

That Schedule 1 to Standing Orders is repealed and the following substituted -

SCHEDULE 1

1. Legislation Committee

- 1.1 *A Legislation Committee* is established.
- 1.2 The Committee consists of 7 members.
- 1.3 The functions of the Committee are -
 - (a) to consider and report on any bill referred by the House;
 - (b) to review the form and content of the statute book;
 - (c) to inquire into and report on any proposal to reform an existing law;
 - (d) to consider and report on a bill referred under SO 230 (c).
- 1.4 Unless otherwise ordered, the policy of a bill referred under subclause 1.3(a) is excluded from the Committee's consideration.

2. Public Administration and Finance Committee

- 2.1 *A Public Administration and Finance Committee* is established.
- 2.2 The Committee consists of 7 members.
- 2.3 The functions of the Committee are -
 - (a) to inquire into and report on the structure, efficiency, effectiveness, and economic management of the system of public administration;
 - (b) to consider and report on any bill or other matter referred by the House;
 - (c) to inquire into and report on practice or procedure applicable or relating to administrative acts or decisions (either generally or in a particular case without inquiring into or reporting on the merits of the case);
 - (d) to inquire into and report on the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions;
 - (e) to consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Auditor General, the Public Sector Standards Commissioner, the Information Commissioner, and any person holding an office of a like character.
- 2.4 Subject to subclause 2.3 (b), the following are excluded from inquiry by the Committee -
 - (a) the Governor's establishment;
 - (b) the constitution and administration of Parliament;
 - (c) the operations of the Executive Council;
 - (d) a decision made by a person acting judicially;
 - (e) a decision made by a person to exercise, or not exercise, a power of arrest or detention.

3. Environment and Public Affairs Committee

- 3.1 *An Environment and Public Affairs Committee* is established.
- 3.2 The Committee consists of 7 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) bills that stand referred under SO 230 (ca), and any bill referred by the House;
 - (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 ecological 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*.
- 4. Parliamentary Services Committee**
- 4.1 *A Parliamentary Services Committee* is established.
- 4.2 The Committee consists of 5 members.
- 4.3 It is the function of the Committee to advise the President on any matter under the joint control of the President and the Speaker and on any other matter referred to the Committee for its consideration by the President.
- 4.4 The Committee has power to confer with a committee of the Legislative Assembly having similar functions.
- 4.5 The Committee is not to exercise a power under section 4 or section 5 of the *Parliamentary Privileges Act 1891* without prior order of the House on each occasion.
- 5. Procedure and Privileges Committee**
- 5.1 *A Procedure and Privileges Committee* is established.
- 5.2 The Committee consists of the President and the Chairman of Committees (both *ex officio*), the Deputy Chairmen of Committees, and any members coopted by the Committee whether generally or in relation to a particular matter.
- 5.3 With any necessary modifications, SO 326A applies to a coopted member.
- 5.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the House and its committees, and recommend to the House such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the House or its committees.
- 5.5 Any rule or order under which a matter of privilege stands referred, or is referred, to a committee (however described) for inquiry and report is a reference to the Committee.

The proposal set out in the motion repeals the schedule which contains the constitutions of the standing committees as they were in the previous Parliament. The proposed new schedule 1 provides for the appointment of a lesser number of committees which will be conducting inquiries but increases the number of members appointed to serve on those committees. The Procedure and Privileges Committee, unlike the Standing Orders Committee that it will replace, is given discrete terms of reference and a privilege jurisdiction, on the basis that the members of the committee will have or will acquire in time considerable expertise in parliamentary law, practice and procedure through the participation in their work on the committee and will therefore be well equipped to deal with matters relating to privilege.

The Public Administration Committee and the Estimates and Financial Operations Committee are to be replaced by a Public Administration and Finance Committee, the terms of reference of which incorporate the intent of those former two committees, except for consideration of the annual estimates of expenditure. That responsibility will be transferred to a committee of the whole House. In recent years, the form of a meeting of the Estimates Committee has been maintained as the vehicle for the Council’s examination of the annual estimates of expenditure. In substance, the proceedings have evolved into something akin to those of a committee of the whole House. The proposal before us recognises this development and will formalise it by assigning estimates consideration to a committee of the whole House, and that will operate under the rules governing standing committees.

It is also proposed to discontinue the Constitutional Affairs Committee and reassign consideration of uniform legislation to the Legislation Committee. A further amendment is being proposed at the Assembly’s request which will enable the Legislation Committee, through a self-reference or one made by a minister, to examine proposals that, when brought to fruition, will depend for their operation on the enactment of uniform legislation. The ministerial reference provision ensures that the committee’s consideration can occur if necessary or desirable contemporaneously with the ministerial negotiations leading to agreement.

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In Australia, the automatic referral of petitions to a committee after presentation is unique to this House. Many members have stated their support of the procedure, and it is intended that this function will now be performed by the proposed Environment and Public Affairs Committee. In essence, the proposal is a consolidation of the committee system that relies heavily on actual experience obtained from the committee's operations since 1989. It is significant that this is the first time that the system itself has been made the subject of any structural change. To date, the House has made substantial procedural changes that have improved the committee's operations. It is noteworthy that those changes have occurred with the support of both sides of the House. What is now before the Committee is the product of extensive consultation behind the Chair conducted with senior members earlier this year. The degree of consensus achieved from those discussions is reflected in the tidying-up nature of the amendments listed on supplementary notice paper No 900. I commend the proposal to the Committee.

Given the extensive debate on the last order of the day, I believe that we have thoroughly debated the spirit and intent of the current order of the day.

Hon GEORGE CASH: The Opposition supports in general terms the proposal outlined by the Leader of the House. I say "in general terms" because the supplementary notice paper contains minor amendments to the proposition relating to proposed schedule 1.

A perusal of the history of the committee system in the Legislative Council indicates that in the Council's early days it relied in the main on select committees. It later decided to establish some standing committees, but that process evolved over a very long period. In the 1980s, after we were joined by a senior member of staff who hailed from the New Zealand Parliament, much more emphasis was placed on the committee system. In 1985, Hon Vic Ferry, a long-time member of this House, was chairman of what was then known as the "Ferry committee". That committee produced a report that was tabled in this House in September 1985, entitled "Report of a select committee on a committee system in the Legislative Council". In recent times - that is, over the past 20 years - that report has been the foundation for the committee system we have in this place today. Not a lot happened between 1985 and 1989 in real terms. There was talk about the need for a committee system - plenty of talk, but little action. However, in early 1989, prior to 22 May, a number of then new members who were to take their place on 22 May got together and agreed there was a need for a formal committee structure that would enhance the workings of this House. One hopes they can make the Executive of the day more accountable. Before we were formally sworn into this Chamber, Hon Peter Foss and I visited a then federal senator. We discussed the need for a committee system in this House and came away from that meeting with some specific ideas. Later, in discussion with our colleagues, the late Hon Bob Pike was given the job of chairing a small group that agreed on a particular committee structure.

During 1989, propositions were advanced to this House concerning the setting up of the then standing committee system. The *Hansard* of 1989 shows that only a limited amount of debate occurred in this place about the committee system. A fair amount of discussion occurred outside the House among members of the then Opposition, but very little debate occurred inside the House. *Hansard* indicates clearly that a number of committees were opposed. The then Leader of the House, Hon Joe Berinson, was unsure whether they were necessary. He seemed to believe at the time that they may impede the business of the Government. However, he was sufficiently convinced to support the new committee system as it was in 1989. I note that the committee system was agreed to on 21 December 1989, so the whole of that year was wasted. Once the committees had been agreed to, a resolution was passed on the motion by Hon Bob Pike that stated -

That the Standing Committees now established commence operations on such day or days as shall be specified in an order of the House to be made not later than six sitting days from the day on which the Legislative Council first meets in 1990.

The setting up of the committees was delayed even further. However, in 1990, a number of standing committees were set up, and that was the beginning of the formal standing committee structure in this House. In the past 10 years a number of positive refinements have been made to those committees. It is true to say that our committee system has been strengthened over that time. The number of staff has increased significantly. The reports that are prepared and presented to this House are of a high professional standard. In the world of hi-technology, all of the reports are available on the Internet for the rest of the world to take an interest in.

We are currently dealing with the Standing Committee on Legislation, but I will deal in general terms with all of the committees by way of their history. A proposal currently is before the House to form three specific committees concerning the five committees that currently exist. I agree with the Leader of the House that the formation of the committees in the proposed form will make the committees more efficient, effective and worthwhile. Members have only to go to the Internet to see what has been produced by the legislation committee over a long time. The legislation committee has always been an important committee of this House and will remain so in its proposed new form. The Opposition supports the proposed form of the new legislation committee.

I indicate the Opposition's support for the legislation committee as outlined on the Notice Paper.

We hope there will be not be a great need for long debate on the new committee system. I agree with the Leader of the House that some of the comments made during debate on the last order of the day may have been better suited to this order of the day; however, all the comments have been reported. I hope we can move forward.

Hon M.J. CRIDDLE: I seek an assurance from the Leader of the House that the formation of the estimates committee as part of the Committee of the Whole will take place before 30 June so that the House will have the opportunity to question the Government on the budget.

Hon KIM CHANCE: Would I have it any other way? The questioning of the Government on budgetary matters is an extremely important function of this Chamber and the member has my guarantee - the House allowing - that the protocol will be clearly established. Indeed, I am considering a draft of the standing orders to allow that to happen.

Hon CHRISTINE SHARP: I address the proposal as a whole and will speak later to the Opposition's amendments. I have not yet sighted the amendments and wish to make myself cognisant of them.

Hon Derrick Tomlinson: They are on the supplementary notice paper.

Hon CHRISTINE SHARP: They are not on my clipboard. We will get hold of some copies.

The Greens (WA) have researched the issue and received advice, and we support this proposal. As someone who was deeply involved in the committee system in the previous Parliament, the arrival of these proposals for reform has provided an interesting and stimulating opportunity to consider the committee system we have bequeathed and think about how it worked and ways to make it more effective. I found amusing an insight into the roles of committees in a book provided by the library called *The New Roles of Parliamentary Committees*, edited by Longley and Davidson. The last chapter of the book, by political scientist Malcolm Shaw, is titled "Parliamentary Committees: A Global Perspective". It is an interesting account of how the committee system functions in many Parliaments. I share with members a quote I found quite insightful. I had not thought of things in this way. At the beginning of the chapter, Shaw discusses the pros and cons of dealing with things in a large plenary session, as we do in the Committee of the Whole - as we are doing now - vis a vis getting together in small groups outside the Chamber, as we do in committee. The commentator refers to that great exponent of the Westminster system, Bagehot, a nineteenth century commentator and the author of the English constitution. I quote from the essay -

At the same time, a mass meeting of legislators is not an outstanding place to get things done, even if, to return to Bagehot, the Commons chamber is better organised than, say, a London club. Bagehot mentions an English saying that 'a big meeting never does anything' and points to the paradox that Britain is nevertheless governed by a big meeting. The way this has been got around, according to Bagehot, is by choosing a committee from those of its members in whom the House has the most confidence. He is here referring, of course, to the Cabinet, 'a committee of the legislative body selected to be the executive body'.

I never thought of the Cabinet in that light; that is, as the supreme deluxe committee of the Parliament, but that is in fact what it is. That provides some insight into the nature of the committee system and how so much of the really important business of getting things done is done by the committee system. What is it that we get done? In my view there are a raft of important roles for the committee system.

Progress reported and leave granted to sit again.

House adjourned at 9.56 pm
