

Standing Orders Committee

Proposed New Standing Rules and Orders

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(Resigned 16 September 2003)

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Chair's Foreword

The current standing rules and orders were adopted over a century ago, in 1895. Although minor amendments have been made on several occasions during the past 100 years, until now there has been no overall revision of the standing orders to reflect the contemporary practices of the House. The language of the standing orders was old fashioned, and reflects the fact that in 1895 there were no women members in the Legislative Council. Such language is out of step with the modern Legislative Council.

The proposed standing rules and orders have been through several revisions since they were first drafted in 1992 and are in plain modern English. Modelled in the first instance on the standing orders of the Australian Senate, they are comprehensive, and incorporate all the current practices and procedures of the House. It is hoped that with the arrangement of the standing orders into chapters, members will find them more useful and easier to understand, and that they will assist others to better appreciate the workings of the Chamber.

I would like to thank all members of the committee for their contributions to this inquiry, as well as Mr John Evans, Clerk of the Parliaments, Ms Lynn Lovelock, Deputy Clerk, and Mr David Blunt, Director Research, for their tremendous efforts in researching and revising the standing orders, and Ms Janet Williams and Ms Jovy Cano for their administrative assistance.

Meredith Burgmann
Chair

Chapter 1

Introduction

- 1.1 The current Standing Rules and Orders of the Legislative Council were first adopted in 1895. Although there have been several amendments to them over the years, they are in essence essentially the same rules and orders which were drafted over a century ago, with language typical of the late nineteenth century.
- 1.2 In recent years, especially since the reconstitution of the Council in 1978, the practices and procedures of the Legislative Council have changed significantly. New rules and orders have been drafted to govern these new practices and procedures, and each new Parliament has seen the adoption of a growing body of sessional orders.
- 1.3 In 1991, the then Leader of the House, the Honourable Edward Pickering, commissioned the drafting of a new body of rules and orders, to be written in plain English, with gender neutral language. The present Leader of the House, the Honourable Michael Egan, followed up on this initiative, but it was not until September 2002 that the initial draft, by now significantly revised and updated, was presented to the Standing Orders Committee for its consideration.

Conduct of Inquiry

- 1.4 The committee first met in September 2002 to consider the proposed new standing rules and orders. However the demands of the business of the House meant that the committee was unable to conclude its consideration before the expiration of the 52nd Parliament. Since the commencement of the 53rd Parliament the committee has met on 4 occasions.
- 1.5 The proposed new standing rules and orders are attached at Appendix 1. In addition to the new standing rules and orders, the committee has prepared a briefing paper indicating changes to the Council's practices and procedures recommended by the committee within the new orders. The briefing paper is attached at Appendix 2. Appendix 3 provides a comparative chart of standing order numbers. The minutes of the committee's meetings are attached at Appendix 4.
- 1.6 The Committee recommends:

Recommendation

That the proposed new standing rules and orders, attached at Appendix 1, be adopted for the orderly conduct of the business of the House.

Meredith Burgmann
Chair