

INQUIRY INTO THE RULES FOR QUESTIONS

Organisation: Legislative Council, Western Australia
Name: Hon Barry House MLC
Date received: 16 February 2017



Hon Barry House MLC

16 February 2017

Hon Trevor Khan MLC
Acting President
Legislative Council of New South Wales
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Acting President

I note the letter from Hon Don Harwin MLC, then President of the Legislative Council of New South Wales, dated 24 November 2016 inviting a submission to the Procedure Committee's inquiries into the rules for questions and the rules for notices of motions.

Inquiry into the rules for questions

I note that the Committee is considering three reforms in relation to parliamentary questions.

The first is the proposal for a 30 minute take note debate on the answers given to oral questions asked that day and any answers to written questions received since the last sitting of the House. The Legislative Council of Western Australia does not have such a practice and is not currently considering establishing one.

The second proposal relates to varying the commencement of Question Time in order to avoid conflict with the Legislative Assembly. The Legislative Council of Western Australia has taken Questions without Notice each sitting day at 4.30pm since 2010 and prior to that at 5.00pm on Tuesdays and Wednesday and 4.00pm on Thursdays. During this period the Legislative Assembly of Western Australia has taken Questions without Notice at 2.00pm each sitting day, ensuring that the respective Houses' Question Times do not clash. This arrangement works well as it allows both Houses to have the full attention of the media and the public should they wish to follow the debate. The later starting time in the Legislative

Council is additionally helpful in that it allows more time for Ministers and Parliamentary Secretaries acting in a representative capacity to prepare answers to 'Questions without Notice of which some notice has been given'.

The third proposal is to require that answers to questions be *directly* relevant. In the Legislative Council of Western Australia the requirement is for answers 'be concise and relevant'. This wording requires an answer to address the question and not make any statements on unrelated matters. President's rulings have confirmed that when a question is specific Ministers and Parliamentary Secretaries must confine their answers to the issues raised in the question. Leaving some discretion with the President, on the question of relevance, has worked well in the Legislative Council of Western Australia.

Inquiry into the rules for notices of motions

I note that the Committee is considering the rules that govern the substance and length of notices of motion, and whether the House should limit the number of notices that a member may give on a sitting day. With regard to notices of motion in the Legislative Council of Western Australia:

- no member may give consecutive notice of more than one motion on any sitting day if another member also wishes to give notice of a motion;
- each member is limited to two notices of motion per sitting day;
- there are no prescriptive rules regarding the length and content of notices of motion, other than the requirement that a notice contain only one matter, not contain unparliamentary language, nor offend against any Standing Order;
- motions are often drafted with the assistance of the Legislative Council Procedure Office;
- each motion on notice in the ordinary course of events may be debated for up to four hours in total and for two hours each sitting week, resulting in approximately 40 motions on notice being debated each four-year Parliament;
- there is no provision for the automatic removal of a notice of motion once placed upon the notice paper;
- motions on notice debates have often become 'meaningless' because they are regularly extended by several years before they come on for debate. In addition, motions are regularly amended by the Government to change their original emphasis. I would expect the operation of these proceedings will be examined in the new Parliament.

Members of the Legislative Council of Western Australia also have the following opportunities to raise matters of importance:

- Members' Statements are taken for 40 minutes each sitting day prior to the adjournment of the House, allowing Members to make a 10 minute speech on a matter of their choice;
- Non-Government Business is taken every sitting Thursday for 80 Minutes. Motions without notice, bills for introduction and orders of the day that are in the name of

non-Government Members may be listed for consideration during this period. A non-Government Member is defined as any member who does not support the Government. Non-government Business time is allocated according to the proportion of representation of political groups of non-Government Members.

- Private Members' Business is taken every Thursday for 60 minutes. Motions without notice, bills for introduction and orders of the day that are in the name of Private Members may be listed for consideration during this period. A Private Member is defined as a Member who supports the Government but is not a Minister or a Parliamentary Secretary. Private Members' Business is allocated according to the proportion of representation of political groups of Private Members.

I hope that the information provided is of use to the Committee as its inquiries progress. I look forward to the Committee's report.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'B. House', with a flourish at the end.

Hon Barry House
President of the Legislative Council