



Special report in relation to deliberation on the Smoke-free Environments (Enhanced Protection) Amendment Bill

Report of the Health Committee

On 18 March 2003 the Health Committee reported back on the Smoke-free Environments (Enhanced Protection) Amendment Bill and Supplementary Order Paper 148. Some of us are concerned that committee's report has been misinterpreted as regards the level of support for the amendments recommended by the committee.

How votes are recorded affects how amendments are reported back

Standing Order 287 provides that, in a report to the House recommending amendments to a bill, a committee must distinguish between those amendments adopted unanimously by the committee and those adopted by a majority of the committee.

In the course of select committee deliberations, a chairperson calls for the 'ayes' and 'noes' when voting and a result is declared. If this result is not challenged pursuant to Standing Order 212, the minutes simply show this as a committee resolution. There is no way to distinguish such a resolution from a unanimous resolution. Therefore, any such result reached during voting on a proposed amendment to a bill is recorded in the report back to the House as a unanimous amendment, in accordance with Standing Order 287.

Standing Order 212 provides that any member can require that the respective votes or abstentions of each member present on a question put to a select committee be recorded in the committee's minutes. Any vote carried by majority where there were votes against or abstentions recorded is shown in the reported bill as a majority amendment, in accordance with Standing Order 287.

We consider the term 'unanimous' may not present a clear picture of the level of support within a committee for any particular amendment. A majority as small as one vote could have carried such amendments. We intend writing to the Standing Orders Committee about the use of the word 'unanimous' in such circumstances.

Health Committee deliberation on the bill

In the case of our deliberation on the bill, no member of the committee requested that votes be recorded during voting on the proposed amendments. Therefore, the amendments we propose are all marked as 'unanimous' in accordance with Standing Order 287. However, we do not consider the House should take that to mean that all members of the committee voted in favour of any, or all, of the suggested amendments.

We wish the House to note that our recommendation that the bill be passed with the amendments shown was made by majority, not unanimously. We appreciate that this will not affect the procedure applied in the House for adopting committee amendments on this bill.

Steve Chadwick
Chairperson

7 April 2003