



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY



STANDING COMMITTEE ON ADMINISTRATION AND PROCEDURE

INQUIRY INTO STANDING ORDERS
RELATING TO THE CONSIDERATION
OF COMMITTEE REPORTS

REPORT No. 1

MARCH 2014

COMMITTEE MEMBERSHIP

Mrs Vicki Dunne MLA (Presiding Member)

Mr Mick Gentleman MLA

Mr Shane Rattenbury MLA

Mr Brendan Smyth MLA

SECRETARIAT

Mr Tom Duncan (Secretary)

Ms Janice Rafferty (Assistant Secretary)

CONTACT INFORMATION

Telephone	02 6205 0191
Facsimile	02 6205 3109
Post	GPO Box 1020, CANBERRA ACT 2601
Email	tom.duncan@parliament.act.gov.au
Website	www.parliament.act.gov.au

RESOLUTION OF APPOINTMENT

In 1995 the Legislative Assembly for the Australian Capital Territory ('the Assembly') amended Standing Order 16, which established the Standing Committee on Administration and Procedure ('the Committee').

Standing Order 16 authorises the Committee to inquire into and report on, among other things, the practices and procedure of the Assembly.

TERMS OF REFERENCE

On 28 November 2013, Mr Smyth, pursuant to notice, moved a motion proposing the amendment of a number of standing orders relating to the way in which Assembly Committees consider their reports. Debate was adjourned on the motion of Mr Wall.

Subsequently, on the motion of Mr Smyth, the Assembly resolved:

That the standing orders relating to the consideration of reports by Assembly committees be referred to the Standing Committee on Administration and Procedure for inquiry and report by the last sitting day in February 2014.

On Thursday 27 February the Assembly extended the reporting date for this inquiry until the last sitting day in March 2014.

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RECOMMENDATIONS

The Committee recommends that the following amendments to standing orders be adopted:

1. Standing Order 249

Insert after the word “consider” the words “If the Committee cannot agree on which draft report to consider the Chair’s draft will have precedence.”

2. Insert new Standing Order 250A

Final consideration of the draft report

250A. At the conclusion of the consideration and any reconsideration of the draft report selected by the committee the Chair shall move ‘That the report (as amended) be agreed to’.

3. Insert new Standing Order 250B

Unable to agree on a report

250B. If the committee is unable to agree upon a report, the Chair of the committee must present a written statement to that effect, along with the minutes of proceedings.

1. INTRODUCTION AND CONDUCT OF INQUIRY

TERMS OF REFERENCE

- 1.1. On 28 November 2013, Mr Smyth, pursuant to notice, moved a motion proposing the amendment of a number of standing orders relating to the way in which Assembly Committees consider their reports. Debate was adjourned on the motion of Mr Wall.
- 1.2. Subsequently, on the motion of Mr Smyth, the Assembly resolved:

That the standing orders relating to the consideration of reports by Assembly committees be referred to the Standing Committee on Administration and Procedure for inquiry and report by the last sitting day in February 2014.
- 1.3. On Thursday 27 February 2014 the Assembly extended the reporting date for this inquiry until the last sitting day in March 2014.

BACKGROUND

- 1.4. The amendments to standing orders proposed by Mr Smyth are the result of a number of difficulties being faced by the general purpose standing committees of the Assembly. These committees have a membership of 4 – 2 members from the Government and 2 from the Opposition. Standing orders state that if a vote is tied (ie 2 all) the proposal is negated. This has led to two instances in this Assembly where committees have been unable to report.

CONDUCT OF INQUIRY

- 1.5. The Committee met on four occasions to discuss the proposed amendments. At those meetings Members discussed the intent of the amendments and the implications in practical terms for the efficient consideration of committee reports.

2. PROPOSED AMENDMENTS

2.1. Mr Smyth move the following motion on 28 November 2013

“That standing orders 247 to 252 be omitted and the following standing orders be substituted:

Draft report

247. It shall be the duty of the Chair of every committee to prepare a draft report. Copies shall be circulated in advance to each Member of the committee.

Presentation of the draft report to the Committee

248. At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once.

Alternative draft report

249. If any Member, other than the Chair, submits a draft report to the committee, the committee shall first decide upon which report it will consider.

Consideration of the report chosen by the Committee

249A. The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. The Chair shall propose the question ‘That the paragraph(s) or appendix be agreed to’ and a Member objecting to any portion of the report may vote against it or move an amendment at the time the paragraph or appendix to be amended is under consideration.

Reconsideration of draft report

250. After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.

Final consideration of the draft report

250A. At the conclusion of the consideration and any reconsideration of the draft report selected by the committee the Chair shall move ‘That the report as amended be agreed to’.

Unable to agree on a report

250B. If the committee is unable to agree upon a report, the Chair of the committee must present a statement to that effect, with just the minutes and transcripts of evidence.

Dissenting report

251. If any Member dissents from part or all of the draft report under consideration, that Member may present a dissenting report or additional comments which shall be added to the report agreed to by the committee.

Signing of report

252. Every report of a committee shall be signed by the Chair, and any dissenting report or additional comments shall be signed by the relevant Member or Members.”.

3. AMENDMENTS TO MR SMYTH'S MOTION

- 3.1. At the meeting on 17 March 2014 Mr Gentleman proposed the following amendments to Mr Smyth's motion –
- (1) Omit proposed amendments to standing order 247, 248 and 249A
 - (2) Amend proposed amendment to standing order 249 by inserting the words at the end – “If the Committee cannot agree on which draft report to consider first, the chairs draft report will have precedence.”
 - (3) Proposed standing order 250b – Remove the term “Statement” and replace with “Report”.
- 3.2. The question of the inability of a committee to be able to agree to a report was canvassed. It was felt that if a “report” to that effect to the Assembly enabled Members to append dissenting or additional comments to a report that stated that there was no report was highly undesirable. It was therefore agreed that in that situation, a written statement accompanied by minutes and transcripts of evidence taken was a true reflection of the situation.
- 3.3. The Committee discussed the original motion of Mr Smyth and the amendments proposed by Mr Gentleman. It was considered that, while these amendments to standing orders will not necessarily solve the deadlock positions committees are facing, it is hoped that it will encourage committees to operate in a more collegial and less adversarial manner.

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250B. If the committee is unable to agree upon a report, the Chair of the committee must present a written statement to that effect, along with the minutes of proceedings.

Vicki Dunne

Chair

18 March 2014