



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON ADMINISTRATION AND PROCEDURE  
Speaker (Chair), Ms Tara Cheyne MLA, Mr Shane Rattenbury MLA,  
Mr Andrew Wall MLA

## Submission Cover Sheet

### Review of Standing Orders

**Submission Number: 2**

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## STANDING ORDERS SUBMISSION

## SO 16 (B)

Membership of the Administration & Procedures Committee consists of the Speaker, Government and Opposition Whips and a representative of the crossbench.

Thus it has four members and therefore presents the possibility of a deadlock. For example, an Assembly has a Government of 13 and an Opposition of 12, including one or two crossbenchers. A possible two-two split.

Even numbers in Assembly committees are unusual, nevertheless here allowance for a casting as well as a deliberative vote by the Speaker is suggested.

## SO 52

“A Member may not reflect adversely upon any vote of the Assembly, except upon a motion that the vote be rescinded.”

Surely much of the debate in the Assembly is upon decisions taken by a vote and any such motion has a good chance of calling for whatever was passed to be rescinded? Perhaps needs rewording.

## SO 60

“Questions may be required to be read... “

This Standing Order is qualified to the extent that it ‘shall not apply when the terms of the question or matter have been circulated among Members.’

My understanding is circulation of these items is normal practice – and if not should be – so why is it necessary for the Speaker to read it? Further, the qualification is quite clear the Speaker *cannot* read it, even for clarification, if it has been circulated. Redundant maybe?

## SO 77

“Business – precedence over.”

This Standing Order might work smoothly in practice but its 11 sections of qualifications/clarifications is confusing and difficult to understand.

SO 99

“Question on presentation.”

Add e-petition to presentation to the Assembly and referral to a committee.

SO 99A

“Referred to committee ... “

I question the need for both SO 99 and this Standing Order except that it is mandatory (“shall”) that either type of petition with at least 500 signatories be referred to a committee. Why the arbitrary 500 signatories? Are not the concerns of a lesser number of residents/citizens of equal importance, at least to them? And what happens to petitions of lesser numbers?

SO 100

“Referred to Ministers – Minister’s response.”

Add e-petition.

SO 100A (e)

“Only one e-petition dealing with substantially the same grievance ... “

Why is it necessary to limit to one e-petition dealing with substantially the same grievance and action being published at the same time on the website? What is the chance of this occurring if it is not territory-wide? What if it concerns say, transport delays in Tuggeranong and in Belconnen? Don’t both areas petitioners warrant publishing?

## SO 100A (h)

“An e-petition cannot be sponsored after the expiration of an Assembly and until the new Assembly has met and members sworn.”

The same limitation should apply to ordinary petitions.

## SO 117 (b) (v)

“Rules for all questions.”

Doubtful if everyone knows what an ‘epithet’ means. Perhaps ‘criticism or praise’.

## SO 125

“Motions not called on the *Notice Paper* are set down for next sitting day after the motions for that day.”

This does not seem fair because through no fault of the mover the motion was not reached. Perhaps such motions take precedence of motions for next sitting day. This also would prevent removal (SO 125A) after four sitting weeks if continually pushed back.

## SO 206

“Member suspended ...”

A Member who has been ‘suspended from the service of the Assembly’ is still permitted to participate in committee proceedings. Why? Are not committee proceedings part of the ‘service of the Assembly’?

## SO 231

“Quorum for taking of evidence.”

Two members for taking and authorising publication of evidence constituting a quorum is acceptable for a three member committee but I suggest three members for a committee of five.

## SO 241 (ba)

“Discussion confidentially of a committee report with other Members between the substantial conclusion of deliberations and presentation of the committee’s report to the Assembly.”

I am concerned about the word ‘substantial’ which could mean all except a crucial key element of the report. Does it mean agreement by all committee members of the recommendations before presentation to the Assembly? Why are such discussions necessary, do committee members not understand the report’s findings or, perhaps, their Party’s policy on the matter of the report?

Further, how does this Standing Order fit with SO 251 relating to dissenting reports? Do the confidential discussions with other Members take place before or after the ‘substantial conclusions’ of the committee’s deliberations and do they, or should they, influence a dissenting report which, it could be argued, in such a case is no longer the views of the committee member dissenting.

#### CONTINUING RESOLUTIONS

These are comprehensive but I note several are very lengthy and may prove difficult to adhere to.

##### Resolution 5

Code of Conduct at two and one half pages fortunately supported by a Commissioner for Standards (Resolution 5AA) and Consideration of Statutory Appointments (Resolution 5A) which can assist Members in working through the detailed Code of Conduct.

##### Resolution 6

Declaration of Private Interests of Members, although of only one page (with five amendments), similarly is assisted by an Ethics and Integrity Advisor (Resolution 6A) although not having a copy of the form Members must complete I cannot assess how clear and detailed it is.

Resolution 8AB (Lobbyist Register) and Resolution 8AC (Lobbyist Regulation Guidelines).

These I have bracketed together because they represent a considerable challenge to any lobbyist trying to abide by the rules. The Gettysburg Address and The Lord's Prayer aside, Magna Carta is less than 4000 words, these two resolutions over eight (8) pages total over 2500 words and appear to represent a paranoia against private enterprise.

Having set out these detailed conditions for registration the resolutions then exempt the very people and organisations who are most likely to carry out most lobbying activities ("Persons/Entities not required to be registered").

No professional lobbyist would risk prejudicing their integrity and career by transgressing the outlined Code of Conduct (Resolution 8AB).

For reasons of clarity and practicality I suggest the Continuing Resolutions relating to lobbyists be cut back to the two and a half page section labelled 8AB.

#### COMPANION TO STANDING ORDERS

As the Companion has been prepared by individuals to assist in understanding the workings of the Assembly and its practices I do not believe my own remarks upon the structure and detail of their comments would add to the very thorough explanations made.

Greg Cornwell AM



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