REVIEW OF THE STANDING ORDERS AND CONTINUING RESOLUTIONS OF THE LEGISLATIVE ASSEMBLY

STANDING COMMITTEE ON ADMINISTRATION AND PROCEDURE

OCTOBER 2018

REPORT 8 – VOLUME 1

THE COMMITTEE

COMMITTEE MEMBERSHIP

Joy Burch MLA (Chair)

Tara Cheyne MLA

Caroline Le Couteur MLA (vice Mr Rattenbury 6 September 2018)

Shane Rattenbury MLA

Andrew Wall MLA

SECRETARIAT

Tom Duncan (Secretary)

Janice Rafferty (Assistant Secretary)

CONTACT INFORMATION

Telephone 02 6205 0173

Facsimile 02 6205 3109

Post GPO Box 1020, CANBERRA ACT 2601

Email admin.proc@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, in the third year of an Assembly term, inquire into and report on the operation of the standing orders and continuing resolutions.

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RECOMMENDATIONS

RECOMMENDATION NO. 1 – RECOMMENDED AMENDMENTS TO STANDING ORDERS

4.70 That the recommended amendments Nos 1 to 66 be adopted.

RECOMMENDATION NO. 2 – RECOMMENDED AMENDMENTS TO CONTINUING RESOLUTIONS

5.9 That the recommended amendments Nos 67 to 71 be adopted.

RECOMMENDATION NO. 3 – REVIEW OF CONTINUING RESOLUTIONS 5, 5A AND 6A

6.4 The Committee recommends that continuing resolutions 5, 5A and 6A be reviewed by the Standing Committee on Administration and Procedure once the format and structure of the Integrity Commission has been determined.

RECOMMENDATION NO. 4 – CONTINUING RESOLUTION 6 - DECLARATION OF MEMBERS' INTERESTS REPORTING REQUIREMENTS

6.6 The Committee recommends that the Clerk consult with the ACT Electoral Commission to establish if there are any efficiencies and synergies that can be found/developed between the two sets of reporting requirements and report back to the Standing Committee on Administration and Procedure.

RECOMMENDATION NO. 5 – SUBMISSION OF DOCUMENTS BY EMAIL

6.9 The Committee recommends that the Assembly permit the following information and documents, governed by the standing orders, to be transmitted by via email:

6A Clerk writes to MLAs to advise absence of Speaker and appointment of an Assistant Speaker to be Acting Speaker

79 MLAs submitting an MPI

110 MLAs notifying Clerk of alteration of notice

111 MLAs notifying Clerk of withdrawal of notice

113 Question on notice

120 Question on notice

213A MLA disputing claim of privilege of the executive

222 MLAs nominating other MLAs for committees

223 Change to committee membership writing to Speaker

232 Secretary to notify committee members of new time for committee to meet after no quorum

242 Chair of committee writing to MLAs and staff to explain unauthorised disclosure

264A Adverse mention procedures – witness can make a submission

RECOMMENDATION NO. 6 – SUBMISSION OF DOCUMENTS IN WRITING

6.10 The Committee recommends that the Assembly require that the following information and documents, governed by the standing orders, are only to be transmitted on paper:

11A Speaker resigning office

13 Deputy Speaker resigning office

24A Member resigning office

139 Amendment to motion in Assembly

182 Amendment to Bill in Assembly

229A Absolute majority of committee members writes to Chair or Speaker asking to reconvene meeting after it has been adjourned due to grave disorder occurring

250B Committee must present written statement in cases where they can't agree upon a report

276 (a) Privilege – MLA shall write to Speaker

276 (b) Speaker writes back

280 Person to be written to by privileges committee to detail the nature of any allegations known to the committee and allow them to make a written submission to the committee

RECOMMENDATION 7 – HONORIFICS

8.10 The Committee recommends that the ACT Government seek advice on the legal and protocol issues associated with the use of the honorific "The Honourable" through its Strategic Communications Media and Protocol Branch within the Chief Minister, Treasury and Economic Development Directorate and provide that advice to the Assembly.

RECOMMENDATION 8 – GENDER NEUTRAL TERMS

8.13 The Committee recommends that at the beginning of 2019, and at the commencement of each term of an Assembly, and where a new MLA is sworn in during the course of an Assembly term, the Clerk writes to the MLA or MLAs requesting their preferred form of address in the Chamber.

RECOMMENDATION 9 – TITLE OF PETITIONS

8.25 The Committee recommends that the titles of petitions and Government responses to petitions to be tabled be listed on the Daily program document.

RECOMMENDATION 10 – CO-SPONSORSHIP OF PETITIONS

8.34 The Committee recommends that the Office of the Legislative Assembly investigate modifications to the e-petition system to accommodate functionality to enable the co-sponsorship of e-petitions.

RECOMMENDATION 11 – DISORDER IN PUBLIC HEARINGS

8.46 That the privileges card given to all witnesses before a public hearing be amended to indicate that a witness may withdraw from the proceedings if they object to a question, or the manner in which they are being questioned, so that the committee may deal with the issue in private.

RECOMMENDATION 12 – ATSIEB

8.56 The Committee recommends that ATSIEB be consulted about reticulating its proceedings in the Assembly buildings, and that legal advice be sought by the Office of the Legislative Assembly on potential legal ramifications that might arise were the Body's proceedings to be reticulated.

1 BACKGROUND

1.1 This inquiry is conducted pursuant to standing order 16, which states that the Standing Committee on Administration and Procedure is established at the commencement of each Assembly to, among other things, "… in the third year of an Assembly term … inquire into and report on the operation of the standing orders and continuing resolutions of the Assembly with a view to ensuring that the practices and procedures of the Assembly remain relevant and reflect best practice …".

2 CONDUCT OF INQUIRY

2.1 On 22 February 2018, the Speaker informed the Assembly that the Committee agreed, on 12 February 2018, to commence its inquiry into the operation of standing orders and continuing resolutions of the Assembly.

2.2 The inquiry was advertised in the press in late February and the Committee invited submissions from:

- former Members of the Eighth Assembly;
- former Chief Ministers and Speakers;
- the Labor Party, the Liberal Party and the ACT Greens;
- representatives of media organisations that cover the Assembly;
- union and business representatives in the Territory;
- the Law Society;
- ACTCOSS; and
- political science academics at the ANU and the University of Canberra.

2.3 The original deadline for submissions was 11 May 2018, which was subsequently extended to 12 June 2018. The Committee received submissions from:

- Mrs Giulia Jones MLA;
- Mr Greg Cornwell AM;
- the Standing Committee on Justice and Community Safety;
- the ACT Ombudsman;
- the ACT Audit Office;
- the Parliamentary Counsel;
- the ACT Human Rights Commission;
- the Office of the Legislative Assembly(OLA);
- the ACT Government;
- the ACT Labor Caucus;
- ACT Greens Members.

2.4 The committee did not hold public hearings but met on 11 occasions to review submissions and to consider proposed changes.

3 FORMAT OF THE REPORT

3.1 This report is presented in two volumes.

3.2 The first volume addresses: changes to the standing orders that the Committee recommends be adopted by the Assembly; changes to continuing resolutions that the Committee recommends be adopted by the Assembly; a listing of proposals that the Committee does not recommend be adopted at this time; and brief discussion of several related matters that were raised in the course of the inquiry.

3.3 The second volume sets out a draft revision of the standing orders and continuing resolutions as they would appear were the Assembly to adopt the recommendations of the Committee's report.

4 RECOMMENDED AMENDMENTS TO STANDING ORDERS

4.1 As part of its inquiry, the Committee was mindful of its terms of reference to examine the standing orders with a view to ensuring that the practices and procedures remain relevant and reflect practice.

4.2 The Committee's recommendations draw heavily on the submissions that were provided to the Committee and the Committee wishes that thank all submitters to the inquiry. Through its own deliberations and internal discussions, the Committee also encountered opportunities for improvements that could be made to existing procedural arrangements embodied in the standing orders and continuing resolutions.

STANDING ORDER 1 – MEETING OF A NEW ASSEMBLY

4.3 Standing order 1 sets out the process for the first meeting of the Assembly after an election. It was proposed[1] that, in addition to the recent change to the opening statement by the Speaker to acknowledge the traditional custodians at every meeting, a smoking ceremony be conducted at the beginning of each term of the Assembly. The Committee considers that the involvement of traditional custodians at the commencement of an Assembly in such a way would strengthen the bonds between the Assembly and the local Ngunnawal community and supports the proposal.

Recommended amendment 1

Standing order 1 – omit (a) and substitute

"(a) Local Indigenous people shall be invited to conduct a ceremony of welcome prior to Members assembling in the Chamber; and Members shall then assemble in the Legislative Assembly Chamber at the time appointed by the Speaker in the notice calling the Assembly together in accordance with section 17 of the *Australian Capital Territory (Self-Government) Act 1988*."

[1] Submission 11, ACT Greens Members, p 1

STANDING ORDER 9 – ABSENCE OF SPEAKER AND DEPUTY SPEAKER – CLARIFYING THAT THE ASSEMBLY IS MEETING

4.4 Standing order 9 sets out arrangements where the Speaker and Deputy Speaker are both absent. The language used in this standing order differs from standing order 65. In its submission, OLA[2] proposed that this be clarified. The Committee supports the proposal.

Recommended amendment 2

Standing order 9 – insert after "Whenever the Assembly" the words "is meeting and".

STANDING ORDERS 14 AND 15 – ABSENCE OF, AND VACANCY IN OFFICE OF, CLERK

4.5 Standing orders 14 and 15 have operated since the establishment of the Assembly in 1989. Together, they set out arrangements to apply where the Clerk is absent or there is a vacancy in the Office of the Clerk. The provisions have been superseded by section 19 of the *Legislative Assembly (Office of the Legislative Assembly) Act 2012*, which provides that:

> (1) The Speaker may appoint the following to act as clerk:
>
> (a) the deputy clerk;
>
> (b) in the absence of the deputy clerk—
>
> (i) any other member of the office's staff; or
>
> (ii) if the Speaker is satisfied that no-one mentioned in subparagraph (i) is a suitable person—a suitable person.

4.6 A suitable person means a person who has extensive knowledge of, and experience in, relevant parliamentary law, practice and procedure. As the Act now covers absences of the Clerk, the Office submitted that standing orders 14 and 15 are no longer necessary and should be removed[3]. The Committee supports this proposal.

Recommended amendment 3

Standing orders 14 and 15 – delete.

[2] Submission 8, OLA, p 14

[3] Submission 8, OLA, p 14

STANDING ORDER 16 – ADMINISTRATION AND PROCEDURE COMMITTEE – IMPROVING GRAMMAR AND REFERENCE TO EXECUTIVE MEMBERS' BUSINESS

4.7 Standing order 16 establishes the Standing Committee on Administration and Procedure and sets out the role and operation of the Committee. The Committee notes that the insertion of paragraph (a)(i) which makes provision in relation to a review of the standing orders each term does not read correctly. The Committee supports amending the standing order to improve readability[4].

Recommended amendment 4

Standing order 16(a) (i) – omit "in addition to the committee undertaking inquiries self-referred or from the Assembly, in the third year of an Assembly term it shall", substitute "undertake self-referred inquiries or inquiries referred by the Assembly and, in addition, in the third year of an Assembly term, the committee shall**"**.

4.8 "Executive Members' business" is an item of business which enables a crossbench member, who is also a minister, to present business as a private member. The term "Executive business" refers to business introduced by a minister, usually relating to a bill. The Committee received a submission[5] that the similarity between the terms could give rise to an ambiguity.

4.9 The Committee supports the renaming of "Executive Members' business" to "Crossbench Executive Members' business" to address the potential ambiguity.

Recommended amendment 5

Standing order 16(a) (iii) – omit "Executive Members' business", substitute "Crossbench Executive Members' business".

4.10 The membership of the Standing Committee on Administration and Procedure consists of the Speaker and the whips of the two major parties and the crossbench. As these are ex-officio positions, the Committee supports an amendment to standing order 16(ba) in order that a proxy or alternate whip may be permitted to attend meetings of the Committee should a member be absent. Under the recommended approach, the parties, when appointing whips, would nominate a deputy-whip for the purposes of this committee[6].

[4] Submission 8, OLA, p 14
[5] Submission 10, Labor Caucus, p 4
[6] Submission 11, ACT Greens Members, p 1

Recommended amendment 6

Standing order 16(ba) – insert

"16. (ba) Should a whip be unable to attend a meeting, the Party-nominated deputy whip may attend in their place.".

STANDING ORDER 22 – LEAVE OF ABSENCE – REMOVE REFERENCE TO HAVING PRIORITY OVER ALL OTHER BUSINESS

4.11 Standing order 22 provides that a motion of leave of absence for an MLA can be moved at any time without notice and "has priority over all other business". As the motion can be moved at any time and there are other standing orders that provide priority over all other business (for example, standing order 81), the Committee considers that the provision relating to priority is redundant and can safely be removed as was proposed in the submission made by OLA.

Recommended amendment 7

Standing order 22 — omit "The motion shall have priority over all other business.".

STANDING ORDER 34 – ADJOURNMENT OF ASSEMBLY – AUTOMATIC ADJOURNMENT

4.12 Standing order 34 provides that at 6 pm each sitting day the Speaker shall propose that the Assembly do now adjourn. On the majority of sitting days that question is negatived and the Assembly proceeds to sit for not much longer. The Committee supports the proposal[7] to amend standing order 34 in order that the automatic adjournment question be moved to 6:30 pm.

Recommended amendment 8

Standing order 34 — omit "6 pm" substitute "6.30 pm"

STANDING ORDER 42 – MEMBERS RISE TO ADDRESS SPEAKER
STANDING ORDER 43 – INDULGENCE TO MEMBERS UNABLE TO STAND
STANDING ORDER 44 – SPEAKER CALLS ON MEMBERS TO SPEAK

4.13 The Committee notes that a number of standing orders relating to the manner and right of speech do not currently provide for MLAs with a disability, or those who may be physically unable to

[7] Submission 9, ACT Government, p 6

stand to speak. The Committee supports changes to several standing orders, as proposed by the ACT Government[8], to address these circumstances.

Recommended amendment 9

Standing order 42 – insert "with the exception of standing order 43".

Recommended amendment 10

Standing order 43 – omit and substitute:

"Indulgence to Members unable to stand

43. If a Member is unable to rise, he or she will be permitted to speak while seated**.".**

Recommended amendment 11

Standing order 44 – omit and substitute:

"Speaker calls on Members to speak

44. When two or more Members seek to speak the Speaker shall call on the Member, who in the Speaker's opinion, was first.".

PROPOSED NEW STANDING ORDER 42A – SPEAKING IN A LANGUAGE OTHER THAN ENGLISH

4.14 The Committee received evidence[9] that, in the Ninth Assembly, there have been instances where Members have spoken in debate in another language. After the event, the Speaker ruled that if a Member wishes to speak in a language other than English, certain requirements were to apply. The Committee considers that, rather than relying on the Speaker's ruling in this area of practice, it would be desirable to codify the requirements in the standing orders. The recommended approach is based on a standing order of the Northern Territory Legislative Assembly.

[8] Submission 10, Labor Caucus, p 2
[9] Submission 8, OLA, p 15

Recommended amendment 12

New standing order 42A – insert

"Speaking in a language other than English

42A. A Member may, when called by the Chair, speak in any language other than English so long as: i) an oral translation is provided in the English language by the same Member immediately prior to the words being spoken in the language other than English; and ii) a written translation in both English and the language used is provided to the Clerk within one hour following the contribution by the Member speaking.".

STANDING ORDER 51 – ALLUSION TO PREVIOUS DEBATE OR PROCEEDINGS

4.15 In reviewing this standing order, the Committee was of the opinion that it had not been enforced and to do so would impede many debates. It was agreed that the standing order was not required and could safely be removed.

Recommended amendment 13

Standing order 51 – delete.

STANDING ORDER 69 – TIME LIMITS FOR DEBATES AND SPEECHES

4.16 Throughout the Committee's discussions, it became necessary to consider suitable timeframes for new categories of debate/questions. The recommended amendments to this standing order relate to other amendments proposed later in this report.

Recommended amendment 13

Omit 69 (d) Bill be agreed to in principle—Co-sponsored bills

substitute

"69(d)… Co-sponsored bills

Each Co-sponsor	20 minutes
First government or opposition member next speaking	20 minutes
First crossbench member next speaking	20 minutes
Any other Member	15 minutes
Each Co-sponsor closing debate	15 minutes"

…

Recommended amendment 14

Omit 69 (e) … Detail stage—each question before the Chair—Co-sponsored bills

substitute

" Co-sponsored bills

Each Co-sponsor	periods not specified
Any other Member – two periods not exceeding	10 minutes"

Recommended amendment 15

insert new 69(ga) —Co-sponsored motions

"69 (ga) Co-sponsored motions

Each Co-sponsor	15 minutes
First government or opposition member next speaking	15 minutes
First crossbench member next speaking	15 minutes
Any other Member	10 minutes
Each Co-sponsor closing debate	10 minutes"

Recommended amendment 16

insert new 69 (gb)

"69 (gb)–Petition statements (under standing order 98A)

Whole debate	30 minutes
Each Member	5 minutes"

STANDING ORDER 74 – ROUTINE OF BUSINESS

4.17 In recent times, it has been the practice of the Assembly to suspend for lunch at 12:30 pm and resume with Question Time at 2:30 pm. It was proposed[10] that the time at which the Assembly suspended for lunch be moved forward half an hour to 12 noon with question time commencing at 2:00 pm. The Committee supports this proposal. The lunch suspension time is not formalised in the standing orders however the commencement of question time is set in standing order 74.

Recommended amendment 17

Standing order 74 – omit "2.30 pm" substitute "2.00 pm".

STANDING ORDER 76 – NEW BUSINESS

4.18 Standing order 76 stipulates that no new business may be taken after 11 pm on a sitting night unless expressly ordered by the Assembly. Given that the Assembly rarely sits that late, and to reflect the Assembly's commitment to being a family friendly workplace, the Committee recommends that standing order 76 be amended in order that "no new business" rule is moved forward to 10 pm, as proposed by the Labor Caucus.

Recommended amendment 18

Standing order 76 – omit and substitute

"76. New business may not be taken after 10 pm unless otherwise ordered prior to 9 pm."

STANDING ORDER 77 – BUSINESS – PRECEDENCE OVER – TITLE OF EXECUTIVE MEMBERS' BUSINESS AND TIME LIMIT FOR EXECUTIVE MEMBERS' BUSINESS

4.19 As outlined earlier in this report (see paragraph 4.9), the Committee recommends that Executive Members' business be retitled to better describe the category of business to which the item relates and to reduce the possibility of confusion.

Recommended amendment 19

Standing order 77, 77(c), 77(e), 77(f) and 77(g) – omit "Executive Members' business", substitute "Crossbench Executive Members' business".

[10] Submission 10, Labor Caucus, p 2

4.20 The Committee was of the view that the amount of time allocated to (Crossbench) Executive Members' business should be reduced to 45 minutes to achieve parity with the time allocated for Assembly business.

Recommended amendment 20

Standing order 77(c) – omit "1 hour", substitute "45 minutes".

STANDING ORDER 77(J) – BUSINESS – PRECEDENCE OVER – DEALING WITH NOTICES TO DISALLOW TERRITORY LAWS

4.21 In its submission OLA[11] commented that:

> In recent years, there have been occasions where an MLA lodges a notice of motion to disallow a Territory law (often a planning variation under the Planning Act) and, subsequently, another MLA having lodged a separate notice, seeks to have it called on, and then votes against the motion. The effect of this is that if the second notice is dealt with by the Assembly, the original notice would be ruled out of order by way of the same question rule.
>
> Also, because notices to disallow Territory laws are considered to be Assembly business, they are dealt with on Thursday morning, but only if: (a) the Standing Committee on Administration and Procedure has programmed it; and (b) the MLA lodging the notice wishes to have the notice moved (which they may not). Of course, if such a notice is not dealt with by the Assembly within the stipulated time (usually six sitting days) then (under the provisions of the Legislation Act) the Territory law is automatically disallowed, and the previous law is revived. This can potentially result in a situation in which laws may be disallowed not because of a conscious act on the part of the Assembly but instead as a result of the Assembly failing to programme discussion on the matter.
>
> To address this issue, the Office submits that the standing orders provide a mechanism by which the Assembly is compelled to deal with these notices prior to the end of the stipulated period (for most subordinate legislation it is six sitting days and for planning variations it is five sitting days). Accordingly, the Office submits that standing order 77(j) be amended.

4.22 The Committee agrees with the proposed amendment.

[11] Submission 8, OLA, p 4

Recommended amendment 21

Standing order 77(j) – add the following words:

", and, if such a notice has not been called on by the end of the day before the stipulated period ends, the Member shall move the notice on the next sitting day and such business shall take precedence over other business".

STANDING ORDER 79 – MATTER OF PUBLIC IMPORTANCE

4.23 The process for a matter of public importance (MPI) relies on each Member submitting a proposal each Tuesday and Thursday, whether the matter proposed for discussion has changed or not. The Committee considers that a Member ought to be able to submit a proposal, and where the proposal is not successful, it would remain with the Speaker for consideration in the next draw until either the proposal is discussed, withdrawn, or replaced by the Member.

Recommended amendment 22

Standing order 79

After "day" insert the words "A proposal for a matter of public importance submitted by a Member shall remain current and available for consideration until discussed, withdrawn or replaced by the Member. A Member may have only one proposal active at any time.".

STANDING ORDER 81A – PROPOSED NEW STANDING ORDER – CENSURE MOTIONS AND PRIVILEGES COMMITTEE PROPOSALS

4.24 The ACT Greens proposed that a new standing order be inserted to deal with the issue of censure motions and proposals to establish privileges committee being moved without prior notice having been given[12]. The Committee considers that the proposed standing order would give Members adequate time to prepare for debate on these significant motions.

[12] Submission 11, ACT Greens Members, p 2

Recommended amendment 23

New standing order 81A – insert

"Censure motions and Privileges Committee proposals

81A. In relation to proposed motions of censure and the proposed establishment of a privileges committee, copies of the relevant motions shall be provided to the Speaker for circulation to all Members two hours prior to the time at which the motion is proposed to be moved.".

STANDING ORDER 85 – PETITIONS – TO BE ADDRESSED TO THE ASSEMBLY, LEGIBLE, AND FREE OF SPONSORSHIP – SPONSORSHIP OF PETITIONS

4.25 The Committee was advised[13] that the heading to this standing order mistakenly refers to a previous standing order which required petitions to be free of sponsorship by an MLA. In 2008, the Assembly removed this requirement, but the heading was not amended to reflect the change. Accordingly, the Committee recommends that the heading be amended to remedy this.

Recommended amendment 24

Standing order 85 – omit heading and substitute "To be addressed to the Assembly and legible".

STANDING ORDER 94 – PETITIONS – MUST BE RESPECTFUL AND WITHIN MINISTERIAL RESPONSIBILITY

4.26 Based on a proposal put by OLA[14], the Committee recommends that standing order 94 be amended to correct a typographical error (i.e. the standing order ought to refer to the character of a person, rather than "a character".

Recommended amendment 25

Standing order 94 —omit and substitute:

"94. Every petition shall be respectful, decorous and temperate in its language, and shall not contain irrelevant statements. If, in the opinion of the Speaker, the subject matter is not within the ministerial responsibility of the Territory or is critical of the character or conduct of a person, contains unbecoming expressions, is not respectful, decorous or temperate in its language or offends any standing order other than those relating to petitions, the paper shall be returned to the Member who lodged it.".

[13] Submission 8, OLA, p 16
[14] Submission 8, OLA, p 17

STANDING ORDER 98 – PETITIONS – CLERK TO ANNOUNCE PARTICULARS OF PETITIONS LODGED

PROPOSED NEW STANDING ORDER 98A – PETITIONS AND RESPONSES NOTED

4.27 In the Ninth Assembly, Members who lodged petitions for presentation have regularly sought leave to make a statement on the subject matter of the petition/s. Where leave is granted, there is no limit on the time a Member may speak and, on occasion, the lack of a limit has resulted in delays to other matters listed being brought on for debate. In the suggestion of OLA[15], the Committee recommends an amendment to standing order 98 to provide a mechanism for Members to speak to petitions and responses. It also recommends that standing order 98A be amended in order that 30 minutes is allowed for debate following the presentation of petitions and petition responses with each member's speech limited to five minutes.

Recommended amendment 26

Standing order 98 – omit and substitute

"98. The Clerk shall make an announcement about the petitions lodged for presentation to the Assembly, indicating in the case of each petition the Member who lodged it, the identity and number of the eligible petitioners and the subject matter of the petition, and any Ministerial responses to petitions previously presented.".

Recommended amendment 27

New standing order 98A – insert

"Petitions and responses noted

98A. Following the Clerk's announcement of petitions and petition responses, the Speaker shall propose the question—That the petitions and responses so lodged be noted. The time allocated for the debate shall be 30 minutes with each member speaking for not more than 5 minutes."

STANDING ORDER 99A – PETITIONS – REFERRED TO COMMITTEE

4.28 On some occasions, paper and e-petitions in the same or similar terms have been presented where each individual petition does not have the 500 signatures that would trigger a referral to a committee but the total number in the same terms did. The Committee supports an amendment, proposed by OLA[16], to recognise this issue and permit the number of signatures from both

[15] Submission 8, OLA, p 16
[16] Submission 8, OLA, p 17

petitions to be counted. The recommended amendment stipulates that they must be presented on the same day.

Recommended amendment 28

Standing order 99A – omit and substitute

"99A. A petition and/or e-petition with at least 500 signatories in total from residents/citizens of the Australian Capital Territory presented to the Assembly on the same day shall be referred to the relevant Assembly standing committee for consideration. In the event that the subject matter of the petition makes it unclear which committee it should be referred to, the Speaker will determine the appropriate committee.".

STANDING ORDER 100 – PETITIONS – REFERRED TO MINISTERS–MINISTER'S RESPONSE

4.29 The Committee supports an amendment proposed by Mr Cornwell[17] to standing order 100 to ensure e-petitions must also be referred to ministers and that ministers must also provide a response (as occurs in relation to petitions that are made in a paper form).

Recommended amendment 29

Standing order 100 – insert after "petition" (first occurring) the words "and/or e-petition".

STANDING ORDER 100A – PETITIONS – ELECTRONIC PETITIONS ("E-PETITIONS")

4.30 The Committee supports an amendment[18] to clarify how a person who is not able to join a petition due to incapacity may participate in the e-petition.

Recommended amendment 30

Standing order 100A (i) – omit and substitute

"(i) Persons may join an e-petition themselves and not on behalf of others, except in the case of a person who is not able to join due to an incapacity, in which case, with the agreement of that person, another person may join on behalf of that person.".

[17] Submission 2, Mr Greg Cornwell AM, p 2
[18] Submission 8 OLA, p 17

STANDING ORDER 101, 104, 110, 111 – NOTICE OF MOTION

4.31 This series of amendments provides the capacity for a motion to be co-sponsored, similar to that provided for co-sponsored bills. While there was no strong desire expressed by submitters[19] to make provision in relation to the co-sponsoring of motions, the Committee nonetheless supports such provision to cater for such an eventuality.

Recommended amendment 31

Standing Order 101 – after "Member" insert ", (if a co-sponsored motion, by both Members whose names are on the notice)".

Recommended amendment 32

Standing order 104 – Given for absent Member – omit and substitute

"104. A Member, in the absence of another Member, (if a co-sponsored motion, the co-sponsor) and at that Member's (or co-sponsor's) request, may give a notice of motion for that Member and shall put that Member's name on the notice. The Member giving the notice shall also sign the notice.".

Recommended amendment 33

Standing order 110 – Terms altered – omit and substitute

"110. A Member (or if a co-sponsored motion, the co-sponsor) who has given a notice of motion may alter its terms by notifying the Clerk in writing within such time as will enable the alteration to be made on the *Notice Paper*.".

Recommended amendment 34

Standing order 111 – Withdrawal of notice – omit and substitute

"111. A Member (or if a co-sponsored motion, the co-sponsor) who has given a notice of motion may withdraw the notice by notifying the Clerk in writing at any time prior to that proposed for moving the motion.".

STANDING ORDER 107 – UNBECOMING NOTICE AMENDED

4.32 The current standing order relating to unbecoming notices requires the Speaker to amend the notice and notify the Member about the revision. The Committee considers that it is desirable to

[19] Submission 11, ACT Greens Members, p 3

amend standing order 107 in order that the Member is given the opportunity to clarify the content of the motion.

Recommended amendment 35

Standing order 107 – omit and substitute

"Unbecoming notice amended

107. A notice of motion which, in the opinion of the Speaker, is too long, contains unbecoming expressions, or offends against any standing order, shall be referred back to the Member for clarification before it appears on the Notice Paper.".

STANDING ORDER 113(a) – QUESTIONS WITHOUT NOTICE AND QUESTIONS ON NOTICE

4.33 With the adoption of a Questions on Notice Paper that is published electronically on Fridays of sitting weeks, the Committee recommends that the timing and format required for the lodging of questions on notice be amended.

Recommended amendment 36

Standing order 113(a) – omit and substitute

"Questions without notice and questions on notice

113. (a) A Member may ask a question in writing to be placed on the *Questions on Notice Paper* for written reply. Such questions shall be lodged with the Clerk, in both hard copy and electronically by 12 noon of a sitting day.".

STANDING ORDER 113A – QUESTIONS WITHOUT NOTICE – NUMBER OF QUESTIONS

4.34 This amendment clarifies that question time shall not conclude until all Members wishing to ask a question had done so[20]. It also removes the requirement for a Member "to rise" to ask a question, in line with the recommended amendment to standing order 43.

[20] Submission 11, ACT Greens Members, p 4

Recommended amendment 37

Standing order 113A – omit and substitute:

"Questions without notice – number of questions

113A. Questions without notice shall not be concluded until all non-Executive Members seeking to speak have asked at least one question.".

STANDING ORDER 117 – RULES FOR ALL QUESTIONS

4.35 It was put to the Committee[21] that the term "epithet" was not in common usage and its meaning unclear [ref]. The Committee supports an amendment to remove the reference.

Recommended amendment 38

Standing order 117 (b) (v) – omit "epithet".

STANDING ORDER 118(C) – ANSWERS TO QUESTIONS WITHOUT NOTICE – RESPONSE TO QUESTION WITHOUT NOTICE BEING IN THE FORM OF A MINISTERIAL STATEMENT

4.36 The Committee heard with the advent of two minutes answers to questions, the capacity for a minister to make what amounts to a ministerial statement during the question time period is limited[22]. It is also the case that determining whether or not an answer is in a form of a ministerial statement is an exceedingly difficult one for the chair to determine. Accordingly, the Committee supports the deletion of the standing order.

Recommended amendment 39

Standing order 118 (c) – omit "A Member who believes a response given to a question was in the form of a ministerial statement may seek the leave of the Speaker to respond to the statement at the conclusion of Question Time for a period not exceeding five minutes.".

STANDING ORDER 122 – ANSWERS TO QUESTIONS ON NOTICE – ANSWERS ELECTRONICALLY

4.37 See comments in relation to proposed amendment to standing order 113(a).

[21] Submission 2, Mr Greg Cornwell AM, p 3
[22] Submission 8, OLA, p 7

Recommended amendment 40

Standing order 122 – after "delivering" omit "it", substitute "a hard copy and an electronic copy".

STANDING ORDER 139 – AMENDMENTS – PROPOSED

4.38 The Office submitted that it was desirable for Members in the Chamber to have sufficient time to consider the contents of an amendment proposed to a motion prior to it being moved[23]. It observed that there have been circumstances where an amendment has been proposed to a motion and the Chamber subsequently debated the amendment without having seen a copy of the proposal. The Committee supports an amendment to ensure that an amendment can only be moved where copies of the amendment have been circulated to Members.

Recommended amendment 41

Standing order 139 – after "mover." insert "An amendment can only be moved if copies of the amendment have been circulated to Members.".

STANDING ORDER 147A – CLERK TO MAKE TYPOGRAPHICAL, GRAMMATICAL OR CLERICAL CHANGES TO WORDING OF AMENDMENTS OR MOTIONS

4.39 The Committee was advised that there have been occasions where typographical or grammatical errors can appear in motions or amendments that have been drafted in a short time frame immediately prior to them being moved[24]. Where this occurs, the MLA that has moved the amendment or motion must later issue a revision or annotate and initial the original held by the Clerk. There have been occasions where these minor errors are not picked up until after they have been passed in the Assembly and, as a result, they appear in the Minutes of Proceedings.

4.40 The Committees considers that, as is the case with bills, the Clerk ought to be given the authority to make amendments in order to correct clerical, grammatical or typographic errors in motions and amendments. The Committee was advised in the Office's submission that other Clerks in Australian also have the ability to correct such errors. The Committee recommends amendments to standing order 147A to this effect.

[23] Submission 8, OLA, p 7
[24] Submission 8, OLA, p 17

Recommended amendment 42

New standing order 147A – insert

"Clerk to correct minor errors in motions and amendments

147A The Clerk may correct typographical, clerical and grammatical errors contained in motions and amendments that have passed the Assembly.".

STANDING ORDER 160 – QUESTION STATED – CALL OF ASSEMBLY – MODIFY LANGUAGE

4.41 Currently the practice of Members is to respond to a division by stating "Yes" or "No". This change brings the standing order in line with current practice, as proposed by the ACT Government.

Recommended amendment 44

Standing order 160 – omit "Aye" and substitute "Yes".

STANDING ORDER 168 – NOTICE OF PRESENTATION – PRESENTATION OF EXECUTIVE BILLS

4.42 Currently, Executive bills may only be introduced on a Thursday and notice of presentation must be delivered to the Clerk, in the Chamber, during a sitting day (either a Tuesday or Wednesday). It has been suggested by the ACT Government in its submission[25] that, similar to the process for Private Members' business and Executive Members' business, standing order 168 be amended to allow for notices for presentation of bills of the Executive being provided to the Clerk by 12 noon on a Monday of a sitting week. This would allow for Executive bills to be introduced on a Tuesday, if required. The Committee supports this proposal.

[25] Submission 9, ACT Government, p 5

Recommended amendment 45

Standing order 168 (a) – omit (a) and substitute

"(a) Notice of intention to present a bill shall be given by a Member by delivering a copy of its terms to either:

(i) the Clerk's Office by 12 noon on a Monday of the sitting week of which a bill is proposed to be introduced; or

(ii) the Clerk in the Chamber during a sitting;".

STANDING ORDER 174 – REFERENCE TO SELECT OR STANDING COMMITTEE DEBATE MUST BE ADJOURNED BEFORE A BILL CAN BE REFERRED TO A COMMITTEE

4.43 The Committee received the following evidence from OLA:

> Standing order 174 enables the Assembly to refer a bill to an Assembly committee any time after the presentation of the bill to the Assembly but before the completion of the detail stage. In this Assembly, there have been several occasions when, immediately after the bill has been introduced, but before the bill has been made an order of the day, a motion has been moved to refer the bill to a committee. Technically, a bill must become an order of the day before it can be progressed further in the Assembly or a committee, otherwise the bill lapses[26].

4.44 Against this background, the Committee recommends that standing order 174 be amended to clarify that the bill becomes an order of the day before it can be referred.

Recommended amendment 46

Standing order 174 – after "Assembly" insert "and debate being adjourned on the order of the day,".

[26] Submission 8, OLA, p 18.

STANDING ORDER 178A – AMENDMENTS TO BE CIRCULATED AND DEBATE ADJOURNED

4.45 The Committee notes that the content of standing order 178A is not accurately reflected in the title–the standing order makes no mention of debate being adjourned[27]. The Committee recommends that standing order 178A be amended accordingly.

Recommended amendment 47

Standing order 178A – heading – omit "and debate adjourned".

STANDING ORDER 182A – AMENDMENTS IN WRITING AND CIRCULATED

4.46 Where the Government wishes to propose amendments to its own bills, it must provide a copy of the amendment to the Standing Committee on Justice and Community Safety (Legislative Scrutiny role) (the Scrutiny Committee) prior to it being moved. In practice, the Government often uses one or more of the three exemptions provided for in the standing orders (urgent; minor or technical, in response to a scrutiny report and, as a consequence, the amendments are not examined by the Scrutiny Committee. The Committee discussed whether it would be desirable to prevent an amendment from being moved until the Scrutiny Committee had examined it. However, on balance, the Committee decided that legislation could be unreasonably delayed by such an approach.

4.47 The Committee agreed with the suggestion[28] [29]that all amendments to all bills (i.e. not just government amendments) should be provided to the Scrutiny Committee and recommends an amendment to standing order 182A to this effect.

Recommended amendment 48

Standing order 182A – omit "proposed by the Government to its own bill" and substitute "proposed by any Member to any bill".

[27] Submission 6, ACT Parliamentary Counsel, p 1
[28] Submission 6, ACT Parliamentary Counsel, p 1
[29] Submission 8, OLA, p 8

STANDING ORDERS 195 TO 199 – MESSAGE FROM THE GOVERNOR-GENERAL

4.48 With the removal of section 35 from the *Australian Capital Territory (Self-Government) Act 1988*, the Clerk sought advice from the ACT Solicitor-General who confirmed that the provisions of standing orders 195 to 199 were no longer required.

Recommended amendment 49

Standing orders 195, 196, 197, 198 and 199

Omit

STANDING ORDER 210 – STRANGERS NOT ADMITTED INTO BODY OF CHAMBER

4.49 In relation to this standing order OLA submitted[30]:

> Standing order 210 provides that no strangers, other than a nursing infant being breastfed by a Member, or an accredited Auslan interpreter, may be present in the part of the Chamber allocated to Members.
>
> In October 2016, the NSW Legislative Council's Procedure Committee presented a report entitled *Young children accompanying Members into the House*. The committee recommended that the President be given the discretion to allow a Member caring for a child and seated in the President's gallery to able to vote in any division. The recommendation was subsequently adopted as a sessional order.

4.50 The Committee recommends that similar provision is made in the Assembly's standing orders.

Recommended amendment 50

Standing order 210 – omit and substitute

"Strangers not admitted into the body of Chamber

210 Except with the permission of the Speaker, who may exercise discretion for a short period in the case of Members caring for infants, or for an Auslan interpreter, only Members are permitted on the floor of the Chamber during meetings of the Assembly.".

[30] Submission 8, OLA, p 9

STANDING ORDER 211 – PAPERS PRESENTED

4.51 There has been some discussion in past reviews of standing orders about streamlining the presentation of papers by Ministers after question time. In its submission, OLA proposes an arrangement whereby all Members are to be given a schedule of all papers to be presented by 12 noon on a sitting day.

4.52 Under the proposal, upon receipt of the schedule Members would be able to indicate to the Manager of Government Business (prior to question time) which papers on the schedule ought to be the subject of a motion that the Assembly take note. Upon presentation of the schedule, the Manager of Government Business would proceed to move the relevant motions.

4.53 The Committee supports this approach and recommends an amendment to standing order 211 to effect it. The Committee acknowledges that there will be some logistical matters to work through in the event that the Assembly agrees to the recommended amendment and it may be reviewed after it has been in operation for a reasonable time.

Recommended amendment 51

Standing order 211 – insert

"by 12 noon on a sitting day a schedule of papers to be presented by the Executive will be made available to whips by the Manager of Government Business and will be circulated to all Members electronically. Prior to question time, Members may request that the Manager of Government Business move a motion that the Assembly take note of particular papers listed in the schedule. Upon presentation of the papers listed on the schedule, the Manager of Government Business shall move the motions as requested by Members.".

STANDING ORDER 212A – PUBLICATION OF CERTAIN DOCUMENTS AUTHORISED – AUTHORISATION OF MINUTES OF PROCEEDINGS, EXTRACTS OF MINUTES OF PROCEEDINGS AND GOVERNMENT RESPONSES TO COMMITTEE REPORTS PRESENTED TO THE SPEAKER WHEN THE ASSEMBLY IS NOT SITTING

4.54 The Committee was advised by OLA in its submission[31] that there were issues in relation to the publication of the minutes of committee proceedings and Government responses provided for non-sitting circulation. Standing order 212A provides that certain papers presented to the Assembly are authorised for publication. OLA submitted:

> Reports and discussion papers of standing and select committees of the Assembly are authorised for publication when presented to the Assembly, however, committee minutes

[31] Submission 8, OLA, p 10

of proceedings and extracts of minutes of proceedings are not included in this standing order, and there is an argument that they should be. Minutes are published in the parliaments of NSW, Victoria, Tasmania and Western Australia.

In addition, from time-to-time the government responds to committee reports when the Assembly is not sitting and there is no provision to have them circulated out of session to Members. This occurred most recently with the response to the Select Committee on an Independent Integrity Commission. It also occurs regularly with responses to Scrutiny Committee reports.

4.55 The Committee considered that there should be provision to enable early publication and distribution of these documents and recommends an amendment to standing order 212A (b) to this effect.

Recommended amendment 52

Standing order 212A (b) – after "reports" insert ", minutes of proceedings, extracts of minutes of proceedings".

Recommended amendment 53

Standing order 212A (b) – after "Assembly", insert ", or government responses to committee reports presented in the Assembly or, if the Assembly is not sitting, provided to the Speaker in electronic and paper format".

STANDING ORDER 225B – RESIGNATION OF CHAIR AND DEPUTY CHAIR – PROPOSED NEW STANDING ORDER

4.56 The Committee was advised by OLA that there was an issue with there being no provision in the standing orders for the resignation of a Chair or a Deputy Chair of a committee. When this has occurred, the committee has relied on standing order 11A which provides a mechanism for the resignation of the Speaker and standing order 13, resignation of the Deputy Speaker.

4.57 The Committee considered that it is desirable to adopt a new standing order to provide a stronger procedural basis for the practice.

Recommended amendment 54

New standing order 225B – insert

"Resignation of Chair and Deputy Chair

225B. A Chair of a committee may resign in writing to the secretary of that committee, and the election of a new Chair shall be the first item of business at the next meeting of the committee. Until a new Chair is elected the Deputy Chair shall be acting Chair. A Deputy Chair of the committee may resign in writing to the Chair of the committee, and the election of a new Deputy Chair shall be the first item of business at the next meeting.".

STANDING ORDER 228A – COMMITTEE OF CHAIRS – PROPOSED NEW STANDING ORDER

4.58 For several Assemblies, it has been the practice for the Speaker to twice yearly convene a meeting of committee chairs to advise on the operation of Assembly committees.

4.59 OLA submitted that it was desirable to formalise the practice by way of the standing orders. The Committee agrees and recommends that a new standing order be adopted to this effect.

Recommended amendment 55

New standing order 228A – insert

"Committee of chairs

228A. A committee of chairs shall be established at the commencement of each Assembly following the election of chairs for each committee to advise the Speaker on matters relating to the operation of Assembly committees. The committee shall consist of every chair of a standing and select committee and the Speaker shall be the chair of the committee.".

STANDING ORDER 243 – DISCLOSURE OF DOCUMENTS OF THE ASSEMBLY AND ITS COMMITTEES

4.60 The Committee was advised that the OLA[32] had submitted that:

> Standing order 243 provides a mechanism for the Speaker to permit any person to examine and copy evidence which has not already been published and is in the custody of the

[32] Submission 8, OLA, p 19

Assembly for at least 10 years. These documents could potentially involve in camera evidence and there is little guidance on how a decision to publish such a document might be made. Without derogating from the Assembly's prerogatives to authorise the publication of documents, it is suggested that this be clarified to ensure procedural fairness.

4.61 The Committee supported this proposal.

Recommended amendment 56

Standing order 243 – Omit (c) and substitute

"(c) witnesses who have given evidence *in camera*, either written or oral, as far as practicable, shall be given opportunity to comment on the proposal for the release of that evidence, before a decision is made. If a witness does not respond to the invitation to comment after reasonable effort has been made to contact them, the Speaker may decide whether or not to authorise disclosure in the absence of the witness's views being made known. In making a decision, the Speaker will take into account any public or parliamentary interest and the interests of the witness.".

STANDING ORDER 250B – UNABLE TO AGREE ON A REPORT

4.62 If a committee is unable to agree to a report, the current standing order requires that the Chair present a written statement to that effect, along with the minutes of proceedings. The Committee supports an amendment[33] to standing order 250B to clarify that the written statement must be presented to the Assembly.

Recommended amendment 57

Standing order 250B – after "present" insert "to the Assembly".

STANDING ORDER 253 – PRESENTATION OF REPORT

4.63 The Chair of a committee, pursuant to standing order 253, shall present a committee's report together with the minutes of proceedings. In practice, most committees table an extract of the minutes relevant to the deliberations of the Committee in relation to the report. The Committee supports an amendment to reflect the practice.

Recommended amendment 58

Standing order 253 after "proceedings" insert "or extracts of the relevant minutes of proceedings.".

[33] Submission 8, OLA, p 19

STANDING ORDER 254A – REQUEST FOR EXPLANATION CONCERNING GOVERNMENT RESPONSE TO COMMITTEE REPORT

STANDING ORDER 254B – PROPOSED NEW STANDING ORDER – TABLING OF A GOVERNMENT RESPONSE TO COMMITTEE REPORT

4.64 The standing orders do not currently make provision to enable the Government to provide its response to a committee report when the Assembly is not sitting.

4.65 The Committee supports the proposal submitted by the ACT Government[34] that such a provision being included in the standing orders. Accordingly, the Committee recommends that a new standing order 254B be inserted to permit a government response to be provided to the Speaker for non-sitting circulation and publication. It also recommends amendments to standing order 254A setting out clearer and more robust accountability requirements in relation to government responses.

[34] Submission 9, ACT Government, p 3

Recommended amendment 59

Standing order 254A – omit and substitute

"254A. If a government response has not been tabled in line with Standing Order 254B within four months of presentation of the report, any Member may without notice:

(a) ask the relevant Minister for such an explanation or a statement in relation to the government response to the committee report; and

(b) the Member may, at the conclusion of the explanation or statement, move without notice "That the Assembly takes note of the explanation".

In the event that the Minister does not provide an explanation or statement to the satisfaction of the Member, that Member may, without notice, move a motion with regard to the Minister's failure to provide a government response, or an explanation or a statement.".

Recommended amendment 60

New standing order 254B – insert

"Tabling of a Government Response to Committee Report

254B. A government response to a Committee report must, within four months of presentation of the report, be:

(a) tabled in the Legislative Assembly if the Legislative Assembly is sitting; or

(b) provided to the Speaker, in hard copy and electronically, for non-sitting circulation to Members and be tabled on the next available sitting day.

A government response that has been circulated when the Assembly is not sitting is taken to have been tabled and authorised for publication.".

STANDING ORDER 254C – PROPOSED NEW STANDING ORDER – OUT OF SESSION CIRCULATION OF REPORT

4.66 Similar to the issues relating to Government responses to committee reports, the sitting pattern often delays the tabling of a committee report until the Assembly is sitting unless special provision is made by resolution of the Assembly for the committee to report when the Assembly is not sitting. Proposed new standing order 254C enables a committee to present a report when the Assembly is not sitting[35].

[35] Submission 9, ACT Government, p 3

Recommended amendment 61

New standing order 254C – insert

"Non-sitting circulation of Report

254C. If the Legislative Assembly is not sitting when a Select or Standing Committee has finalised the report:

(a) the Chair of a Committee may provide the report, and a copy for each member of the Legislative Assembly, to the Speaker; and

(b) the report is taken for all purposes to have been presented to the Legislative Assembly on the day the Chair gives it to the Speaker (the report day); and

(c) publication of the report is taken to have been ordered by the Legislative Assembly on the report day; and

(d) the Chair must present the report to the Legislative Assembly on the next sitting day.".

STANDING ORDER 254D – PROPOSED NEW STANDING ORDER – QUESTIONS ARISING FROM COMMITTEE HEARINGS

4.67 The Committee recommends the adoption of a new standing order (254D) to standardise the deadlines for the government to answer questions on notice and questions taken on notice at committee hearings[36].

Recommended amendment 62

New standing order 254D – insert

"Questions arising from committee hearings

254D. (a) A Member must lodge a question on notice with the Committee within 5 business days following the conclusion of a Committee hearing. A response is due within 5 business days of receipt of the question.

(b) A Member must respond to a question taken on notice in the course of a Committee hearing within 5 business days of the receipt of the uncorrected proof Hansard.".

[36] Submission 9, ACT Government, p 3

STANDING ORDER 264A – PROTECTION OF WITNESSES – ADVERSE MENTION PROCEDURES – AMENDMENT TO HEADING

STANDING ORDER 264A – DEALING WITH WITNESSES

STANDING ORDER 264B – PROPOSED NEW STANDING ORDER – ADVERSE MENTION PROCEDURES

4.68 The Committee recommends a number of amendments to better recognise the importance of adverse mention procedures and to insert a new standing order 264B that deals specifically with related procedures. The other amendments seek to remove the reference to adverse mention from standing order 264A and amends the heading. These amendments were proposed by OLA.

Recommended amendment 63

Standing order 264A – omit heading and substitute "Dealing with witnesses".

Recommended amendment 64

Standing order 264A – omit paragraphs (k), (l), and (m)

Recommended amendment 65

New standing order 264B – insert
"Adverse mention procedures

264B.(a) Where a committee has reason to believe that evidence about to be given may reflect adversely on a person, the committee shall give consideration to hearing that evidence in private session.

(b) Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that that evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence, and to forbidding the publication of that evidence.

(c) Where evidence is given which reflects adversely on a person and action of the kind referred to in 264A(a) is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee.".

STANDING ORDER 276 – PRIVILEGE – AMENDMENT TO HEADING

4.69 This standing order sets out the procedure for dealing with privilege. Standing order 277 deals with matters constituting contempt. The Committee agree with the submission from OLA that the heading and first line of standing order 276 be amended to clarify that it deals with the processes to be followed should a matter of privilege or contempt arise.

Recommended amendment 66

Standing order 264A – omit

"Privilege

276. Upon a matter of privilege arising"

substitute

"Privilege and contempt

276. Upon a matter of privilege or contempt arising".

Recommendation No. 1 – Recommended amendments to standing orders

4.70 That the recommended amendments Nos 1 to 66 be adopted.

5 RECOMMENDED AMENDMENTS TO CONTINUING RESOLUTIONS

CONTINUING RESOLUTION 3 – BROADCASTING GUIDELINES

5.1 This continuing resolution provides guidelines for the broadcasting of the Legislative Assembly and committee proceeding in accordance with subsection 5(2) of the *Legislative Assembly (Broadcasting) Act 2001.*

5.2 The proposed amendment was bought to the Committee's attention by the Manager of the Committee Support Office, who outlined the current situation where a witness may object to the broadcasting of a public hearing. The Committee Support Office proposed that amendments be made to set up a procedure whereby the committee has the ultimate authority

Recommended amendment 67

Continuing Resolution 3 – Broadcasting Guidelines

(1) In paragraph (1) (c) – omit the words "or witness"; and

(2) In paragraph (1) (d) – after "broadcast" insert "and that they may lodge an objection to such recording with the committee for consideration"

CONTINUING RESOLUTION 5AA – COMMISSIONER FOR STANDARDS

5.3 This continuing resolution provides for the appointment and operation of a Legislative Assembly Commissioner for Standards. When a matter has been considered by the Commissioner, the practice has been that the report of the Commissioner is sent to the Standing Committee on Administration and Procedure which then reports to the Assembly. It is not explicitly stated in the resolution that the Committee inquire into and report on a commissioner's investigation of a complaint. The Committee agreed that for clarity, the proposed paragraph be inserted into the resolution.

5.4 The Committee considers that it will likely be necessary to once again review this standing order following the establishment of an Integrity Commission.

Recommended amendment 68

Continuing Resolution 5AA – Commissioner for Standards

Omit paragraph (4)(c) and insert new paragraph (5)—

"(5) The Committee will inquire into and report on any report provided to it by the Commissioner pursuant to subparagraph 4(b) of this resolution.".

CONTINUING RESOLUTION 8AC – ACT LOBBYIST REGULATION GUIDELINES

5.5 This continuing resolution provides guidelines for the operation of the ACT Lobbyists Register. Paragraphs (1)(i) (2)(i) and (3)(k) of the guidelines under the heading "Public Content of the ACT Register of Lobbyists" requires details from natural persons, partnerships and companies, details of lobbying activities in the preceding 12 months.

5.6 Under the heading *Maintaining accuracy of the Register* in the guidelines also requires quarterly returns which include lobbying undertaken. The Committee agreed with the proposal put by OLA that paragraphs (1) (i) (2)(i) and (3)(k) should be deleted from the guidelines[37].

[37] Submission 8, OLA, p 12

Recommended amendment 69

Continuing Resolution 8AC—ACT Lobbyist Regulation Guidelines

Public content of the ACT Register of Lobbyists

The public section of the Register is to contain the following detail for each registrant:

delete words—

(1) For a natural person:

…

"(i) name and address of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward."

(2) For a partnership:

…

"(i) name and address of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward."

(3) For a company:

…

"(k) name and address of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward."

5.7 Under the heading *Maintaining accuracy of the Register* in the guidelines requires quarterly returns which include lobbying undertaken. In reviewing the practices in other jurisdictions, it was noted by the submitters that a six-monthly return was a more reasonable frequency for the provision of the information. The Committee agrees and recommends an amendment to this effect.

Recommended amendment 70

Continuing Resolution 8AC—ACT Lobbyist Regulation Guidelines

Maintaining accuracy of the Register

The public section of the Register is to contain the following detail for each registrant:

omit

"In addition to providing notification of changes in registered details, a registered lobbyist is required to provide the Clerk with a quarterly return, within 10 working days of 31 March, 30 June, 30 September and 31 December in each year, which return is required to:"

substitute

"In addition to providing notification of changes in registered details, a registered lobbyist is required to provide the Clerk with a six monthly return, within 15 working days of 30 June and 31 December in each year, which return is required to:".

5.8 The Committee was made aware, through the submission from OLA[38], that the Assembly Ethics and Integrity Adviser, Mr Stephen Skehill had previously advised that the guidelines do not stipulate that Members/Ministers/their staff/ACT public service should not knowingly deal with a person who is not on the lobbyists registers. The Committee agreed that such a prohibition should be included in the resolution.

Recommended amendment 71

Continuing Resolution 8AC—ACT Lobbyist Regulation Guidelines

Insert the following under the "Persons/Entities not required to be registered"

"Prohibition on contact with unregistered Lobbyists

Members/Ministers agree, and their personal staff and all ACT public service officers shall be directed, not to knowingly or intentionally entertain any non-exempted communication from:

- a lobbyist not registered on the ACT Register of Lobbyists;
- an employee, contractor or other person authorised to carry out lobbying activities on behalf of a registered lobbyist where that person's name does not appear on the Register in the details recorded for that registered lobbyist; or
- any registered lobbyist or employee, contractor or other person authorised to carry out lobbying activities on behalf of that registered lobbyist who in their opinion has failed to comply with the Lobbying Code of Conduct;

and shall immediately advise the Registrar if they became aware or reasonably suspected that a registered lobbyist or authorised person had contravened the ACT Lobbying Code of Conduct.".

[38] Submission 8, OLA, p 13

Recommendation No. 2 – Recommended amendments to continuing resolutions

5.9 That the recommended amendments Nos 67 to 71 be adopted.

6 ADDITIONAL RECOMMENDATIONS

CONTINUING RESOLUTION 5 – CODE OF CONDUCT FOR ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
CONTINUING RESOLUTION 5AA – COMMISSIONER FOR STANDARDS
CONTINUING RESOLUTION 6A – ETHICS AND INTEGRITY ADVISER

6.1 This suite of continuing resolutions deal with the code of conduct for members, the provision of advice to Members on carrying out their functions as Members and the role and functions of the Commissioner for Standards to investigate alleged breaches of the code of conduct.

6.2 The Select Committee on an Independent Integrity Commission 2018 is currently inquiring into the possible role and functions of an Integrity Commission. It also considering a Bill and an exposure draft of a bill relating to an integrity commission. The Select Committee is due to present its report to the Assembly by 31 October 2018.

6.3 A number of submissions proposed changes to these resolutions, however, the Committee was of the view that it is highly likely that there will be a need to review all of these continuing resolutions once the Select Committee has presented its report and the relevant legislation has been commenced.

Recommendation No. 3 – Review of continuing resolutions 5, 5A and 6A

6.4 The Committee recommends that continuing resolutions 5, 5A and 6A be reviewed by the Standing Committee on Administration and Procedure once the format and structure of the Integrity Commission has been determined.

CONTINUING RESOLUTION 6 – DECLARATION OF PRIVATE INTERESTS OF MEMBERS

6.5 The Committee is aware of the difficulty some Members have experienced in managing two differing sets of reporting requirements, one for the Assembly and one for the ACT Electoral Commission. The Committee was reminded that in its recent review of the Declaration of Members' Interests forms, this matter was unable to be resolved satisfactorily.

Recommendation No. 4 – Continuing resolution 6 - Declaration of Members' interests reporting requirements

6.6 The Committee recommends that the Clerk consult with the ACT Electoral Commission to establish if there are any efficiencies and synergies that can be found/developed between the two sets of reporting requirements and report back to the Standing Committee on Administration and Procedure.

SUBMISSION OF DOCUMENTS – IN WRITING OR BY EMAIL

6.7 The Committee considered whether there were additional steps that the Assembly could take to reduce the amount of paper-based processing in relation to various procedural requirements.

6.8 The standing orders variously require that certain documents are to be submitted in writing and/or as an electronic version. The Committee sought additional information from the Clerk as to which information or documents could safely be provided by way of email and which ought to continue being required in a paper format.[39]

Recommendation No. 5 – Submission of documents by email

6.9 The Committee recommends that the Assembly permit the following information and documents, governed by the standing orders, to be transmitted by via email:

6A Clerk writes to MLAs to advise absence of Speaker and appointment of an Assistant Speaker to be Acting Speaker

79 MLAs submitting an MPI

110 MLAs notifying Clerk of alteration of notice

101 Notice of Motion – how given

111 MLAs notifying Clerk of withdrawal of notice

113 Question on notice

120 Question on notice

213A MLA disputing claim of privilege of the executive

222 MLAs nominating other MLAs for committees

223 Change to committee membership writing to Speaker

[39] The Clerk advised that documents provided by email should be in the Word .doc format.

232 Secretary to notify committee members of new time for committee to meet after no quorum

242 Chair of committee writing to MLAs and staff to explain unauthorised disclosure

264A Adverse mention procedures – witness can make a submission

Recommendation No. 6 – Submission of documents in writing

6.10 The Committee recommends that the Assembly require that the following information and documents, governed by the standing orders, are only to be transmitted on paper:

11A Speaker resigning office

13 Deputy Speaker resigning office

24A Member resigning office

139 Amendment to motion in Assembly

182 Amendment to Bill in Assembly

229A Absolute majority of committee members writes to Chair or Speaker asking to reconvene meeting after it has been adjourned due to grave disorder occurring

250B Committee must present written statement in cases where they can't agree upon a report

276 (a) Privilege – MLA shall write to Speaker

276 (b) Speaker writes back

280 Person to be written to by privileges committee to detail the nature of any allegations known to the committee and allow them to make a written submission to the committee

7 PROPOSALS, CHANGES OR COMMENTS THAT WERE NOT SUPPORTED

7.1 Although the committee carefully considered all the submissions it received, there were a number of proposals, suggested changes or comments that the committee has determined not to support at this time.

7.2 In some cases, the committee determined that the proposal, comment or suggested change would be better addressed through an alternative approach made by another submitter. In other cases, the committee was not persuaded on the merits.

7.3 These are outlined in the below table.

Table x: Proposals, changes or comments that were not included

Relevant standing order / resolution	Summary of proposal, suggested change or comment	Submitter
Standing order 16 – Standing Committee on Administration and Procedure	Making provision for a casting as well as a deliberative vote by the Speaker on the Standing Committee on Administration and Procedure.	Mr Greg Cornwell AM
Standing order 52 – Reflections upon votes	Suggestion to reword this standing order.	Mr Greg Cornwell AM
Standing order 60 – Questions may be required to be read	Suggestion that this standing order may be redundant.	Mr Greg Cornwell AM
Standing order 69 – Time limits for debates and speeches	Proposal to omit and substitute 69(g): "Matter of public importance (under standing order 79) Whole discussion 50 minutes Each Member 5 minutes"	ACT Government
Standing order 74 – routine of business	Proposal to allocate 45 minutes each Tuesday and Thursday to allow Members to speak for up to 5 minutes on constituency-related matters.	OLA

Relevant standing order / resolution	Summary of proposal, suggested change or comment	Submitter
Standing Order 79 – MPIs	Proposal to maintain MPI speeches at 10 mins for 1st three speakers, and 5 mins for each Member thereafter. Total debate is currently 50 mins, this would allow for 3 x 10 mins plus 4 x 5 min speeches, totalling 7 speakers for each debate.	ACT Greens Members
Standing order 86 – To be from residents/citizens of the Australian Capital Territory	Proposal to clarify this standing order	ACT Greens Members
Standing order 99 – Question on presentation and Standing order 99A – Referred to committee	Query about the "'need for both SO 99 and Standing Order 99A".	Mr Greg Cornwell AM
Standing order 99A – Referred to Committee and standing order 100 – Referred to Ministers – Minister's response	Proposal to clarify that "if the petition has also been referred to a committee for inquiry, the committee is able to wait for the Government response before determining whether or not to undertake their own inquiry".	ACT Greens Members
Standing order 100A – Electronic petitions ("e-petitions")	Query about limit to "one e-petition dealing with substantially the same grievance and action being published at the same time on the website".	Mr Greg Cornwell AM
SO 100A (f) —Electronic petitions	Suggestion about electronic distribution of petitions to members.	ACT Greens Members
SO 100A (h) – Electronic petitions	Suggestion that the requirement that an "e-petition cannot be sponsored after the expiration of an Assembly and until the new Assembly has met and members sworn" also apply to ordinary petitions.	Mr Greg Cornwell AM
Standing order 77 – Business – precedence over	Comment about the standing order being confusing and difficult to understand.	Mr Greg Cornwell AM

Relevant standing order / resolution	Summary of proposal, suggested change or comment	Submitter
Chapter 8 – Petitions – insert new standing order	Proposal to introduce a new standing order requiring that "all community petitions that generate more than 500 signatures to be listed for debate in the Legislative Assembly.	ACT Greens Members
Insert new standing order: **"Availability of petitions' list of signatories**	Proposal to make a list of signatories to a petition available to members on request.	Labor Caucus
New standing order 106A – Notices limits	Proposal that a new standing order be adopted in order that "No member may give a notice in excess of 300 words, except that the Speaker may accept a notice in excess of 300 words in length from: (a) a Minister, provided such a motion is required by statute; or (b) a Member giving notice to establish a committee or refer a matter to a committee; or (c) a Member giving notice of a motion of want of confidence in the Chief Minister or a Minister."	OLA
Standing order 113B – Supplementary questions	Omit and substitute; "Immediately following the answer to a question, one supplementary question may be asked by the Member who asked the original question: provided that the supplementary question is relevant to the original question or arises out of the answer given, contains no preamble, introduces no new matter and is put in precise and direct terms."	Labor Caucus
Standing order 113B – Supplementary questions	Omit and substitute; "Immediately following the answer to a question, one supplementary question with a duration no longer than 30 seconds may be asked by the Member who asked the original question: provided that the supplementary question is relevant to the original question or arises out of the answer given, contains no preamble, introduces no new matter and is put in precise and direct terms."	ACT Government
Standing order 113(b) – Questions without notice and questions on notice	Insert words in 113 (b); "During question time, a Member may ask a question without notice which does not exceed one minute in duration for	ACT Government

Relevant standing order / resolution	Summary of proposal, suggested change or comment	Submitter
	immediate answer." Suggested by the ACT Government.	
Standing order 117 – Rules for all questions	Omit and substitute 117 (a); "questions shall be no more than 30 seconds and relate to a single issue."	Labor Caucus
Standing order 118 – Answers to questions without notice	Omit and substitute 118 (c); "shall, in the case of the original question, be not longer than two minutes in length, and in the case of any supplementary question asked, not longer than one minute~~s~~ in length. The Speaker may, at his/her discretion, order the clock to be stopped."	Labor Caucus
Standing order 118 – Answers to questions without notice	Omit and substitute 118 (c); "shall, in the case of the original question, be not longer than two minutes in length, and in the case of any supplementary question asked, not longer than one minute in length. The Speaker may, at his/her discretion, order the clock to be stopped."	ACT Government
New standing order – Rules of debate	Comment that rules of debate are not clear. Suggestion that the practice of the right of a member to reply in a debate after an amendment be formalised in standing orders.	Labor Caucus
Standing order 125 – Motions not called on	Suggestion that such motions "precedence of motions for next sitting day".	Mr Greg Cornwell AM
Standing order 157 – Member not to vote unless present when call taken	That standing orders be amended to allow a proxy vote from a Member's office as per current House of Representatives Practice.	Mrs Giulia Jones MLA
Standing order 172 – Agreement in principle to be determined at a later meeting	Proposal that standing orders should be amended in terms along the lines of "Bills cannot be debated in the Assembly until the Scrutiny Committee has reported". A standing order to this effect should be balanced to avoid any delays in scrutinising a bill.	Standing Committee on Justice and Community Safety (Scrutiny Committee).

Relevant standing order / resolution	Summary of proposal, suggested change or comment	Submitter
Standing order 178A – Amendments to be circulated and debate adjourned and standing order 182(b) – Amendments in writing and circulated	Comment that the standing order (together with standing order 182(b)) both deal with the circulation of proposed amendments to bills.	Parliamentary Counsel
Standing order 200 – Money proposals submitted – without notice	Comment that the standing order has been inconsistently applied and should be strengthened.	Labor Caucus
Standing order 206 – Member suspended excluded from Chamber and other activities	Comment to the effect that it is incongruous that a member is permitted to particular in committee proceedings where the member has been suspended pursuant to standing order 206.	Mr Greg Cornwell AM
Standing order 210 – Strangers not admitted into body of Chamber	Proposal that standing orders be amended to reflect that a "milk dependent baby can come with parent into the Chamber if the parent thinks it necessary (or similar wording)".	Mrs Giulia Jones MLA
Standing order 212A – Publication of certain documents authorised	Comment/proposal to the effect that tabled papers authorised for publication should be uploaded to a publicly available website.	ACT Greens Members
Standing order 227 – Absence of Chair and Deputy Chair	Comment to the effect that clarification is necessary regarding what 'absence' actually means, and what length of time might constitute an absence.	Labor Caucus
Standing order 229B – Use of audio visual or audio links	Comment to the effect that it is not clear why members and witnesses need to speak and hear each other at the same time.	Labor Caucus
Standing order 231 – Quorum for taking evidence	Proposal that three members ought to be a quorum in relation to a five member committee.	Mr Greg Cornwell AM

Relevant standing order / resolution	Summary of proposal, suggested change or comment	Submitter
Standing order 241(ba) – Disclosure of proceedings, evidence and documents	Comment about whether the word 'substantial' serves a useful purpose in the standing order and how the standing order interacts with standing order 251 relating to dissenting reports.	Mr Greg Cornwell AM
Continuing resolution 5A – Consideration of statutory appointments	Comment to the effect that committees' role in the consultation process was not substantive and raising the possibility that consideration be given to committees being 'informed' of statutory appointments, rather than 'consulted'.	Labor Caucus
Continuing resolution 6 – Declaration of private interests of Members	Comment that it is important to change the requirement for the Clerk to destroy all previous declarations once a member is no longer in the Assembly. Comment that the requirement could make it very difficult for an Integrity Commission to undertake its work.	ACT Greens Members
Continuing resolution 7 – Freedom of speech	Comment that the resolution requires review against Charter of Human Rights.	Labor Caucus
Continuing resolution 8A – Latimer House Principles	Comment that the submitters have not yet seen a report prepared pursuant to paragraph (2A) of the standing order.	ACT Greens Members

8 RELATED MATTERS

COMPANION TO THE STANDING ORDERS

8.1 It its submission, the ACT Ombudsman noted that references in the Companion to the Standing Orders to freedom of information legislation and provisions of the Judicial Commissions Act need to be updated.[40]

8.2 The Committee notes that OLA is revising the Companion to the Standing Orders and will incorporate the suggested changes.

HUMAN RIGHTS SCRUTINY

8.3 In its submission, the ACT Human Rights Commission suggested that, under the Human Rights Act, the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) has no express mandate to report on human rights issues raised by subordinate legislation, arguing that such a mandate is warranted.[41] The commission also argued a requirement that human rights analysis in explanatory statements for secondary legislation ought to be considered.

8.4 The Committee notes that paragraph (1) (b) of the resolution of appointment of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) provides that the committee will 'consider whether any instrument of a legislative nature made under an Act which is subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law)… unduly trespassed on rights previously established by law'.

8.5 Accordingly, there is a mandate for the Scrutiny Committee to report on rights previously established by law, including in relation to the Human Rights Act.

8.6 In terms of requiring the inclusion of appropriate human rights analysis in explanatory statements, the Committee considers that the inclusion of such material is a matter for the Government.

[40] Submission 4, ACT Ombudsman, p 1

[41] Submission 7, ACT Human Rights Commission, p 2

HONORIFIC

8.7 The Committee notes that the submission of OLA included commentary on the use of the honorific 'The Honourable' in relation to Members of the ACT Executive and the Speaker.[42] .

8.8 In its submission, the Office observed that there did not appear to be any impediment for the adoption of the honorific.

8.9 The Committee considers that further advice on the legal and protocol issues that might be associated with the use of the title is warranted.

Recommendation 7 – Honorifics

8.10 The Committee recommends that the ACT Government seek advice on the legal and protocol issues associated with the use of the honorific "The Honourable" through its Strategic Communications Media and Protocol Branch within the Chief Minister, Treasury and Economic Development Directorate and provide that advice to the Assembly.

GENDER NEUTRAL TERMS

8.11 The ACT Labor Caucus submitted that referring to members as Mr, Miss, Mrs, Ms etc. is potentially exclusionary.[43]

8.12 The Committee agrees that Members should continue to be able to indicate how they would like to be referred to in the Chamber and it was suggested that together with the common Mr, Miss, Ms, Mrs, Dr, Members be able to indicate another such as Member or "MX", for example. It was also suggested that Members could be referred to by their whole name, such as "John Doe" or "Jane Doe".

Recommendation 8 – Gender neutral terms

8.13 The Committee recommends that at the beginning of 2019, and at the commencement of each term of an Assembly, and where a new MLA is sworn in during the course of an Assembly term, the Clerk writes to the MLA or MLAs requesting their preferred form of address in the Chamber.

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[42] Submission 8, OLA, p 26

[43] Submission 10, Labor Caucus, p 7

COMMITTEE MEETING PATTERN

8.14 The submission of the Labor Caucus submitted that consideration be given as to whether "committees meeting in non-sitting weeks by default is necessary or whether a new pattern (for example, monthly) should be adopted".[44]

8.15 The Committee notes that the timing of committees' meetings and hearings is a matter for each committee.

FLIGHT EXPENDITURE

8.16 In its submission to the inquiry, the Labor Caucus queried why expenditure on flights must be approved by the Speaker when the relevant determination of the Remuneration Tribunal provides that members may choose 'how they fly'.[45]

8.17 The Committee notes that, although the Remuneration Tribunal determines that Members are entitled to business class travel, the Assembly determines (through the Standing Committee on Administration and Procedure) guidelines for non-executive Members travel. Pursuant to the guidelines, any proposal involving a Member travelling on Assembly business requires the approval of the Speaker.

APPROPRIATENESS OF ALL SPEAKING TIMES

8.18 The submission of the Labor Caucus suggested that consideration be given to the appropriateness of speaking times that are provided for across the standing orders and whether a reduction might be appropriate.[46]

8.19 The Committee has made a number of recommendations relating to time limits earlier in the report.

ABOLISH SELECT COMMITTEES ON ESTIMATES

8.20 The Labor Caucus argued in its submission that all matters dealt with by the annual select committee on estimates "could and should be considered by the existing Standing Committees (as per practice in the Commonwealth and many other jurisdictions)"[47].

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[44] Submission 10, Labor Caucus, p 7
[45] Submission 10, Labor Caucus, p 7
[46] Submission 10, Labor Caucus, p 7
[47] Submission 10, Labor Caucus, p 7

8.21 This Committee has previously reported to the Assembly on this matter outlining a number of options that could be taken if the Assembly was of the view that the Select Committee on Estimates should be abolished.

TITLE/SUBJECT OF STATEMENTS

8.22 The submission of the ACT Greens Members argued that 'The title or subject of statements and papers should be provided on the Daily Program each sitting day'.[48]

8.23 The Committee notes that the subject matter of ministerial statements are already listed on the Daily Program. In terms of titles of papers, the recommended new procedure for the tabling of executive papers (see recommended amendment 50) will remove the need for this.

TITLE OF PETITIONS

8.24 The ACT Greens Members also argued that 'The Notice Paper and Daily Program should have the title of petitions to be presented'.[49] The lodgement of a petition for presentation to the Assembly is not a matter placed on the Notice Paper. The Committee agrees.

Recommendation 9 – Title of petitions

8.25 The Committee recommends that the titles of petitions and Government responses to petitions to be tabled be listed on the Daily program document.

DATABASE FOR ANSWERS TO QUESTIONS ON NOTICE

8.26 The ACT Greens Members argued in their submission that 'All answers to questions on notice and taken on notice (for both Assembly and committee questions) should be available in a searchable, online database'. The Greens Members also argued it would be useful to include in such a database '… all final motions and anything tabled in response or as a result[50].

8.27 The Committee notes the Office received budget funding in 2018-2019 to pursue a number of initiatives directed towards digital services. The development of a database of questions on notice will form part of this work.

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[48] Submission 11, ACT Greens Members, p 1
[49] Submission 11, ACT Greens Members, p 1
[50] Submission 11, ACT Greens Members, p 2

PUBLICATION OF ANSWERS TO COMMITTEE QUESTIONS

8.28 In their submission, the ACT Greens Members submitted that committees automatically accept and publish all government answers to committee questions.

8.29 The Committee considers that this is a matter for individual committees to consider. The Committee suggests that each committee, at the beginning of an Assembly term, resolve that government submissions and government answers to questions be automatically authorised for publication.

MATTERS OF PUBLIC IMPORTANCE

8.30 ACT Greens Members submitted that following changes be made to standing orders in relation to Matters of Public Importance:

- allowing three speeches of 10 minutes in addition to four speeches of five minutes for each MPI;
- allowing for proposals for MPIs to be 'kept on-foot, rather than needing to be resubmitted each Tuesday and Thursday sitting day'; and
- allowing for members of the public to nominate topics for one of the two MPI opportunities.[51]

8.31 The Committee agreed with the proposal to allow MPI proposals to remain "current" with the Speaker (see paragraph 4.23), but determined that the current arrangements for the other two proposals adequate and does not recommend that these proposals be adopted.

PETITIONS

8.32 The ACT Greens Members proposed that '… a system be created to allow Members to co-sponsor petitions'.

8.33 The Committee is in favour of this proposal but notes that there may be a need to change the e-petition software to facilitate such an arrangement.

Recommendation 10 – Co-sponsorship of petitions

8.34 The Committee recommends that the Office of the Legislative Assembly investigate modifications to the e-petition system to accommodate functionality to enable the co-sponsorship of e-petitions.

[51] Submission 11, ACT Greens Members, p 2

QUESTION TIME

8.35 The ACT Greens Members proposed in their submission that standing orders could be amended so as to "introduce the option for one question from the public per day in Question Time"[52].

8.36 The Committee considers that the present arrangements should remain.

BILLS

8.37 The submission made by the ACT Greens Members proposed that:

- significant Bills should be presented to the Assembly with full Human Rights compatibility statements and a summary of community and stakeholder consultation;
- all explanatory statements should be drafted in consultation with Parliamentary Counsel Office and produced in a consistent format as outlined in the "Guide to writing an explanatory statement"; and
- reports from the Scrutiny Committee should be published one week prior to any legislation being debated in the Assembly, to enable the Government to respond and propose amendments where appropriate[53].

8.38 The Committee considers that these are matters are for either the Government or the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) to consider.

COMMITTEES

8.39 The ACT Greens Members submitted that "…the city services and planning committees should each convene a day of public hearings twice a year to specifically hear directly from constituents on electorate issues, and report back to the Assembly on such matters".

8.40 This is a matter for the relevant committees to consider.

WRITTEN SUBMISSION BY MLAS TO COMMITTEES

8.41 The ACT Greens Members submitted that MLAs "are able to make a submission to a committee if they are not members of that committee"[54].

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[52] Submission 1, Mrs Giulia Jones, MLA, p 4
[53] Submission 11, ACT Greens Members, p 4
[54] Submission 11, ACT Greens Members, p 5

8.42 The Committee considers that it is up to individual committees to determine which submissions it will accept and authorise for publication.

PRIVILEGE

8.43 The ACT Greens Members submitted that amendments be made to '…privilege provisions so that the author of a submission can publish the submission in the time before it has been accepted and published by the committee.[55]

8.44 The Committee does not support this proposal.

8.45 The Committee also discussed standing order 263 – witness to withdraw if question objected to. The discussion centred on the management of a committee should a dispute arise among the Members of the committee. The role of the witness in this standing order was not clear and the Committee agreed that a witness should be able to request to withdraw. It was agreed that the most appropriate way to inform a witness of this option is in the "privileges card" which is given to all witnesses to acknowledge at the beginning of any public hearing.

Recommendation 11 – Disorder in public hearings

8.46 That the privileges card given to all witnesses before a public hearing be amended to indicate that a witness may withdraw from the proceedings if they object to a question, or the manner in which they are being questioned, so that the committee may deal with the issue in private.

AUTOMATIC EMAIL REPLIES

8.47 The ACT Greens Members submitted that an automatic email reply should be sent to people making a submission to a committee inquiry[56].

8.48 The Committee notes that this is already the practice of Assembly committees.

STANDARDISE TIMEFRAMES

8.49 The ACT Greens Members submitted that timeframes associated with questions taken on notice during committee hearings should be standardised[57]. This matter was addressed in recommended amendment 61.

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[55] Submission 11, ACT Greens Members, p 5
[56] Submission 11, ACT Greens Members, p 5.
[57] Submission 11, ACT Greens Members, p 5

8.50 The Committee was of the view that this was a matter for the individual committees.

GENDER BALANCE ON COMMITTEES

8.51 The ACT Greens Members submitted that "it would be appreciated if the Administration and Procedures Committee could consider options to seek gender balance on Committees"[58].

8.52 The Committee considers that gender composition of committees is a matter for the Assembly to determine when it appoints Members to committees.

ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY PROCEEDINGS (ATSIEB)

8.53 The ACT Greens Members submitted that consideration ought to be given to making Hansard and broadcasting services available for ATSIEB hearings[59].

8.54 OLA already provides Hansard services to the Elected Body.

8.55 The Committee agrees that it would be valuable to reticulate the proceedings of the Elected Body's hearings. However, the Committee believes it is prudent to consult with the Elected Body about the proposal and to seek advice about any potential legal ramifications associated with the proposal.

Recommendation 12 – ATSIEB

8.56 The Committee recommends that ATSIEB be consulted about reticulating its proceedings in the Assembly buildings, and that legal advice be sought by the Office of the Legislative Assembly on potential legal ramifications that might arise were the Body's proceedings to be reticulated.

Joy Burch MLA, Chair

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[58] Submission 11, ACT Greens Members, p 6

[59] Submission 11, ACT Greens Members, p 6

APPENDIX A – SUBMISSIONS

Submission Number	Submitter
1	Mrs Giulia Jones MLA
2	Mr Greg Cornwell AM
3	Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
4	ACT Ombudsman
5	ACT Auditor-General
6	ACT Parliamentary Counsel
7	ACT Human Rights Commission
8	Office of the Legislative Assembly (OLA)
9	ACT Government
10	Labor Caucus
11	ACT Greens Members