

STANDING COMMITTEE ON
ADMINISTRATION AND PROCEDURE

Review of standing orders and other orders of
the Assembly – Volume 1

DECEMBER 2007

Committee membership

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Resolution of appointment

In 1995 the Legislative Assembly for the Australian Capital Territory (“the Assembly”) adopted Standing Order 16, which established the Standing Committee on Administration and Procedure (“the committee”).

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

Terms of reference

The committee resolved to inquire into and report on a review of the standing orders of the Legislative Assembly on 7 June 2005.

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ADMINISTRATION AND PROCEDURE**

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Introduction

In June 2005 the Standing Committee on Administration and Procedure resolved to inquire into and report on a review of the standing orders of the Legislative Assembly for the Australian Capital Territory. The committee was following on from a review of the standing orders conducted by its predecessor in the Fifth Assembly. That committee commenced its review in December 2003, but was not able to complete its inquiry before the end of the Fifth Assembly in October 2004, and presented a Discussion Paper¹.

This review of standing orders is the first comprehensive review since the standing orders were first adopted some eighteen years ago in 1989.

Conduct of the Inquiry

The committee received submissions from the Clerk of the Assembly, Dr Deb Foskey MLA, Manager, Committees and the Office of Parliamentary Counsel. Following the receipt of submissions, a roundtable discussion of MLAs was held on Tuesday, 26 September 2006. At that meeting the committee, along with Mr Smyth MLA, Mr Corbell MLA (Manager of Government Business), Ms Porter MLA and Mr Gentleman MLA discussed the proposed changes suggested in the submissions. This was a valuable exercise in preparing the report.

The approach of the review has been to examine those standing orders that have been problematic (in terms of either not working or not being easily understood) or to make the standing orders clearer and easier to read. As well as the standing orders, the resolutions of continuing effect have been examined, with amendments suggested and new resolutions proposed.

¹ Standing Committee on Administration and Procedure, *Review of Standing Orders*, Discussion Paper 1, August 2004.

Format of the report

The report is presented in two volumes. One volume contains recommendations to change standing orders following a brief discussion of the issues and a rationale for change. The other volume sets out how the revised standing orders might look if all recommendations are agreed to.

Name of standing orders

The relevant provision of the *Australian Capital Territory (Self-Government) Act 1988* (the Self-Government Act) states at section 21:

21 Standing rules and orders

- (1) Subject to this Act, the Assembly may make standing rules and orders with respect to the conduct of business.

When the Assembly first met on 11 May 1989, the Speaker presented a document being the proposed standing orders and the Chief Minister then moved “That the standing orders presented this day be adopted as the standing orders of the Assembly.”. The motion was agreed to, and so the title of the document that the Assembly currently uses is *Standing Orders and other orders of the Assembly*.

The committee did consider whether to bring the document more into line with the provisions of the Self-Government Act and call them *Standing Rules and Orders*. However, the term standing orders has been in use since the inception of self-government, and there appears little need to change them. It should be noted that the Commonwealth Constitution has a similar provision to that contained in the Self-Government Act, but both the Senate and the House of Representatives have standing orders not standing rules.

The Assembly may also want to use the term “and continuing resolutions of the Assembly” to reflect the growing number of resolutions attached to the standing orders that guide the practice and procedure of the Assembly and its committees. This is a more accurate description than the term “other orders of the Assembly”.

Proposed amendment 1

The name “*Standing orders and other orders of the Assembly*” be omitted, and replaced with the following:

“*Standing orders and continuing resolutions of the Assembly*”

Style and format

Instead of roman numerals, it is proposed that each chapter be numbered using Arabic numerals. For example, Chapter I would become Chapter 1, Chapter II would become Chapter 2, and so on. In addition, the resolutions of continuing effect will be numbered so that they can more easily located and referred to.

Proposed amendment 2

Roman numerals when used for chapter headings be omitted and replaced with Arabic numerals and the continuing resolutions be numbered.

Chapter descriptions

It is proposed to place a short introduction at the beginning of each chapter and continuing resolution to describe what is contained in the chapter and continuing resolution. For example, Chapter 1 (which is titled Proceedings on the meeting of Assembly) would have as an outline:

This chapter sets out procedures for the meeting of the Assembly after a general election of Members.

Proposed amendment 3

Chapter headings would have outlines at the beginning of each chapter in the following words:

Chapter 1 – This chapter sets out the procedures for the first meeting of the Assembly following an election, including the swearing-in of Members.

Chapter 2 – This chapter sets out the procedures for the election of the Speaker, the Chief Minister and the Deputy Speaker, confirmation of the Leader of the Opposition, and processes to deal with absences and vacancies in the offices of the Chief Minister, Speaker, Deputy Speaker and Clerk.

Chapter 3 – This chapter sets out the procedures for the establishment, membership and role of the Standing Committee on Administration and Procedure.

Chapter 4 – This chapter sets out the procedures relating to the Members' roll, record of attendance, leave of absence, resignation of a Member and Minutes of Proceedings, including custody of records.

Chapter 5 – This chapter sets out the procedures relating to hours of meeting, quorums and adjournment.

Chapter 6 – This chapter sets out the procedures relating to the rules of debate, including time limits.

Chapter 7 – This chapter sets out the procedures relating to business of the Assembly, including the routine of business, matters of public importance and want of confidence in the Chief Minister.

Chapter 8 – This chapter sets out the procedures relating to petitions.

Chapter 9 – This chapter sets out the procedures relating to notices of motions.

Chapter 10 – This chapter sets out the procedures for questions seeking information, including the answers to questions without notice.

Chapter 11 – This chapter sets out the procedures when dealing with motions, questions before the Assembly, votes and the rescinding of votes or resolutions.

Chapter 12 – This chapter sets out the procedures relating to amendments.

Chapter 13 – This chapter sets out the procedures relating to orders of the day.

Chapter 14 – This chapter sets out the procedures relating to voting in the Assembly.

Chapter 15 – This chapter sets out the procedures relating to the initiation and passage of Bills in the Assembly.

Chapter 16 – This chapter sets out the procedures relating to the appropriation of public money of the Territory.

Chapter 17 – This chapter sets out the procedures relating to disorder in the Assembly and in committees.

Chapter 18 – This chapter sets out the procedures relating to strangers in the Chamber when the Assembly is sitting.

Chapter 19 – This chapter sets out the procedures relating to the presentation of papers and quoting of documents in the Assembly.

Chapter 20 – This chapter sets out the procedures relating to committees of the Assembly.

Chapter 21 – This chapter sets out the procedures relating to witnesses before the Assembly and its committees.

Chapter 22 – This chapter sets out the procedures relating to ballots taken in the Assembly.

Chapter 23 – This chapter sets out the procedures relating to Addresses to the Queen or the Governor-General and responses from the Governor-General.

Chapter 24 – This chapter sets out the procedures relating to the suspension and duration of standing orders of the Assembly.

Chapter 25 – This chapter sets out the general rule for conduct of business that the standing orders of the Assembly do not provide for.

Chapter 26 – This chapter sets out the general rules and guidelines for dealing with matters of privilege and contempt.

Continuing resolutions would be numbered and have the following outlines:

Continuing resolution 1 – Authority to publish *Hansard* – This resolution specifies that the Assembly authorises the preparation and publication of *Hansard* transcripts and extracts of transcripts of Assembly and committee proceedings.

Continuing resolution 2 – Authority to receive resignations of Members – This resolution specifies that the Speaker may receive written notice of a resignation from office by a Member of the Legislative Assembly, in accordance with subsection 13(1) of the *Australian Capital Territory (Self-Government) Act 1988*.

Continuing resolution 3 – Broadcasting Guidelines – This resolution provides guidelines for the broadcasting of Legislative Assembly and committee proceedings in accordance with subsection 5(2) of the *Legislative Assembly (Broadcasting) Act 2001*.

Continuing resolution 4 – Citizen’s Right of Reply – This resolution provides for a citizen’s right of reply for persons or corporations who have been referred to by name or in such a way as to be readily identified in the Assembly, subject to meeting identified criteria.

Continuing resolution 5 – Code of conduct for all Members of the Legislative Assembly for the Australian Capital Territory – This resolution provides for a code of conduct for Members of the Legislative Assembly.

Continuing resolution 6 – Declaration of private interests of Members – This resolution provides that Members shall, within 28 days of taking their seats, declare their private interests. The resolution also sets out how those interests may be accessed.

Continuing resolution 7 – Freedom of speech – This resolution provides a guide to Members in exercising their freedom of speech in the Assembly.

Continuing resolution 8 – Implementation of committee recommendations in Annual Reports – This resolution calls on the Chief Minister to include information in annual reports relating to responses to recommendations of Assembly committees.

Continuing resolution 9 – Senator for the Australian Capital Territory – Procedures for the election – This resolution provides for the election of a senator for the Australian Capital Territory when there is a vacancy in that office.

Continuing resolution 10 – Sub Judice – This resolution provides for *sub judice* principles, based on the House of Commons resolution, and sets out guidelines on what matters would be subject to the *sub judice* convention.

Continuing resolution 11 – Title of Presiding Officer – This resolution provides in accordance with subsection 11(2) of the *Australian Capital Territory (Self-Government) Act 1988* that the title of the Presiding Officer of the Assembly shall be “Speaker”.

Standing order 1 – First meeting of the Assembly

This standing order sets out the procedure for the Assembly when it meets after an election has been held. The current language of the standing order is not as plain and clear as it could be, so the opportunity has been taken to alter it and to clarify its meaning. The House of Representatives standing orders have also recently been

revised, and the opportunity has also been taken to examine and adapt those changes to our standing orders where it is considered appropriate.

Proposed amendment 4

Standing order 1 (a), omit the preamble and standing order, substitute the following standing order:

"When the Assembly first meets after an election, the procedure shall be as follows:

- (a) Members shall 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*.

Clerk reads instrument

- (b) The Clerk shall read the notice convening the meeting of the Assembly."

Paragraphs 1 (b) to 1 (e) to be re-numbered accordingly.

Standing order 2 – Election of Speaker

Standing order 2 (a) uses somewhat quaint language to describe how someone should be nominated for the position of Speaker ("shall propose some Member then present"), and it is proposed to make this language plain English.

Standing order 2 (b) currently requires that if there is only one nomination for the position of Speaker, the Clerk shall "without question put" declare the Member so proposed to have been elected. At a roundtable meeting of Members to discuss the review of standing orders, it was agreed that this wording was redundant, and the Clerk could simply declare the Member elected.

Existing standing order 2 (f) requires that, before proceeding to a ballot for the election of a Speaker, the bells shall be rung as in a vote. If all MLAs are present, it seems superfluous for the bells to be rung. It is proposed to change the standing order to provide for bells to be rung only if all MLAs are not present.

Proposed amendment 5

Standing order 2 (a), omit "shall propose some Member, then present", substitute "shall propose a Member who is present".

Proposed amendment 6

Standing order 2 (b), after the words “and the Clerk shall”, omit “without question put”.

Proposed amendment 7

Standing order 2 (f), omit “Before the Assembly proceeds to a ballot”, substitute “If all Members are not present,”.

Standing order 3 – Election of Chief Minister

There are three issues with the existing standing order. Section 40 (3) of the *Australian Capital Territory (Self-Government) Act 1988* states that “If a resolution of no confidence in the Chief Minister is passed, the Members present shall elect one of their number to be the Chief Minister.”. The existing standing order only notes that an election is required “whenever the office of Chief Minister becomes vacant”, and does not make it clear that an election is required by the Self-Government Act if a resolution of no confidence is agreed to. The proposed amendment clarifies when there is a vacancy.

The second issue relates to whether the nominee for the position of Chief Minister should have to accept the nomination. Currently any Member can be nominated whether they wish to be or not. It is proposed to amend the standing order to require that any nominee must accept the nomination. This brings the standing order into line with the one that exists for the election of Speaker. It also prevents the situation where a Member who does not want to stand for the office being included in the ballot against their wishes.

The third matter is similar to that raised in the election of the Speaker. Existing standing order 3 (f) requires that, before proceeding to a ballot for the election of a Chief Minister, the bells shall be rung as in a vote. As stated above, if all MLAs are present, it seems superfluous for the bells to be rung. It is proposed to change the standing order to provide for bells to be rung only if all MLAs are not present.

Proposed amendment 8

Standing order 2 (m), omit “down”.

Proposed amendment 9

Standing order 3 (a), after “vacant,” insert “or immediately following the agreement of a motion of want of confidence in a Chief Minister in accordance with standing order 81,” and omit “some”, substitute “a”.

Proposed amendment 10

Standing order (3) (a), add “(a) A Member when proposed shall inform the Assembly whether the nomination is accepted.”.

Proposed amendment 11

Standing order 3 (b), after the words “and the Speaker shall then”, omit “, without question put,”.

Proposed amendment 12

Standing order 3 (f), omit “Before the Assembly proceeds to a ballot”, substitute “If all Members are not present,”.

Standing order 6 – Absence of Speaker and Deputy Speaker

It is somewhat unclear what powers the Deputy Speaker has when the Assembly is not sitting and the Speaker is absent. Currently, the standing order appears to only cover any absence when the Assembly is sitting. This amendment will clarify that situation.

Proposed amendment 13

Standing order 6, omit the standing order and substitute the following new standing orders:

“6. Whenever the Assembly is meeting and is informed by the Clerk of the absence or impending absence of the Speaker, the Deputy Speaker, as Acting Speaker, shall perform the duties and have the powers of the Speaker as specified in the standing orders and continuing resolutions of the Assembly and in enactments.

6A. Whenever the Assembly is not meeting Members will be informed in writing by the Clerk of the absence or impending absence of the Speaker, and the Deputy Speaker, as Acting Speaker, shall perform the duties and have the powers of the Speaker as specified in the standing orders and continuing resolutions of the Assembly and in enactments.”.

Standing Order 8 – Temporary Deputy Speaker

Members seem to struggle with the title of Temporary Deputy Speaker when speaking in debate in the Chamber. It is suggested that Assistant Speaker is a preferable title. If this is accepted, there are several consequential changes to standing orders which will need to be made.

Proposed amendment 14

Heading to standing order 8, omit “Temporary Deputy”, substitute “Assistant”.

Proposed amendment 15

Standing order 8, omit “temporary Deputy”, substitute “Assistant”. Insert “An Assistant Speaker may resign in writing to the Speaker.

Proposed amendment 16

Standing order 9, omit “stand”, substitute “stands”.

Proposed amendment 17

Heading to standing order 10, omit “Temporary Deputy”, substitute “Assistant”

Proposed amendment 18

Standing order 10, omit “temporary Deputy”, substitute “Assistant”.

Proposed amendment 19

Standing order 10, omit “either”, substitute “any”.

Standing order 11

The last words of this standing order use quaint language – “in the manner herein before provided.” It is suggested that plain English would be best utilised here, and replacing the phrase with the words “using the manner provided for in standing order 2.”

Proposed amendment 20

Standing order 11, omit “the same” substitute “this” and omit “in the manner herein before provided”, substitute “using the manner provided for in standing order 2”.

Resignation of Speaker

The Self-Government Act (section 12) provides that the Presiding Officer may vacate office by a number of means, one of which is when s/he resigns office as Presiding Officer. Recognising that it was unclear who the Speaker should resign to, the Assembly passed a resolution on 27 March 1992 specifying that the Clerk should receive the written resignation of the Speaker. The resolution also sets out procedures for the Clerk to follow in such an event when the Assembly is sitting and is not sitting.

It is suggested that this information should be included in a standing order co-located with the standing order for the election of Speaker. Currently the resolution of continuing effect for the resignation of Speaker is found at the conclusion of the standing orders, requiring a search in separate places to find the procedures for the election and resignation of the Speaker. Whilst there is currently a standing order for any vacancy in the office of Speaker, it does not set out the details of who the Speaker should resign to. This new standing order would mean that part of the resolution of 27 March 1992 would not be required.

Proposed amendment 21

Insert proposed new standing order 11A:

“11A. A Member may resign from the position of Speaker, in writing, to the Clerk, and the resignation shall take effect upon receipt by the Clerk. If the Assembly is meeting when the Clerk receives the written notice of the resignation of the Speaker, the Clerk shall take action in accordance with standing order 11. If the Assembly is not meeting when the Clerk receives a written notice of resignation from the Speaker, the Clerk shall inform all Members in writing of the resignation, and the election of the Speaker shall take precedence over all other business at the next meeting of the Assembly.”.

Standing order 12 – Plain English amendment

The current standing order, which provides for the procedures in the event of a vacancy in the office of the Chief Minister, contains the phrase “in the manner herein before provided”. It is suggested that a simpler way of expressing the standing order would be to say “in the manner provided for in standing order 3”.

Proposed amendment 22

Standing order 12, omit “the same” substitute “this”; and omit “in the manner herein before provided”, substitute “in the manner provided for in standing order 3”.

Standing order 13 – Provision of a person to whom the Deputy Speaker may resign to and plain English amendment

There is currently no procedure specified in either the Self-Government Act or the standing orders for the Deputy Speaker to resign. It is suggested that such a procedure be placed in the standing order relating to the vacancy in the office of Deputy Speaker.

Similar to the amendment detailed above, it is suggested that the language be amended to make the intention clearer in relation to the election of a Deputy Speaker.

Proposed amendment 23

Standing order 13, Insert “The Deputy Speaker may resign office by writing to the Speaker.” and; omit “the same” substitute “this”.

Proposed amendment 24

Standing order 13, omit “in the manner herein before provided”, substitute “in the manner provided for in standing order 5”.

Standing order 16 – Standing Committee on Administration and Procedure – Establishment, Chair and access to records of previous Assemblies

The Standing Committee on Administration and Procedure is the only committee created by the standing orders. There is some conjecture that the words in paragraph (1) “shall be appointed” make it unclear as to whether a motion needs to be moved at the commencement of each Assembly to establish the committee, or whether simply, by virtue of the standing order, it is deemed to be created. It is proposed to eliminate any doubt by having the standing order clearly state that the committee is established at the commencement of each Assembly, and that no motion is required. In the event that an Assembly wishes to change some aspect of the operation of the committee, an amendment of the standing order will be required.

Paragraph 16 (3) refers to the Speaker being the Presiding Officer of the committee. It is suggested that this be changed to Chair to bring it into line with other committee practice and the practice over many years of calling the Speaker the Chair of this committee.

Paragraph 16 (4) refers to the committee having access to evidence taken by committees appointed during the previous Assembly. When this standing order was amended in 1995 during the Third Assembly, it may have been the intention of that Assembly to limit the committee’s access to evidence taken in the Second Assembly. As we are now in our Sixth Assembly, it is suggested that this committee, which looks at similar matters, be given the power to examine evidence given in previous Assemblies so as to enable the current committee to be fully informed.

Proposed amendment 25

Standing order 16, paragraph (1), omit “shall be appointed”, substitute “is established”.

Proposed amendment 26

Standing order 16, paragraph (3), omit “Presiding Member”, substitute “Chair”.

Proposed amendment 27

Standing order 16, paragraph (4), omit “Assembly”, substitute “Assemblies”.

Standing order 20 – Members’ Roll – Plain English amendment

This standing order sets out the requirements relating to the keeping of a Members’ Roll.

The current standing order ends with the words “ceasing to be Members and the cause thereof”. It is suggested that a clearer expression would be to insert the words “reason” instead of “cause thereof”.

Proposed amendment 28

Standing order 20, omit “a Members’ roll”, substitute “A roll of Members”; omit “cause thereof”, substitute “reason”.

Standing order 22 – Leave of absence – stating reason for leave

This standing order sets out how leave of absence is given to Members.

Currently the standing order requires that Members may be granted leave of absence on motion without notice. The practice has been that motions are moved giving leave of absence to Members for specified periods but no reason has been given for why the leave has been granted. It may well be that Members, in speaking to the motion, specify the reason why the leave may be sought but, invariably, leave is given with no reason specified. House of Representatives’ practice is for leave to be given with a reason. It is suggested that we adopt the House of Representatives practice and require that the motion state the reason for the leave—e.g. personal reasons, attending interparliamentary or ministerial meetings. From time to time there is

discussion about pairs and on what ground a pair should be granted. The formal recording of why leave was given will assist in any discussions about pairs.

Proposed amendment 29

Standing order 22, omit the standing order, substitute the following standing order:

“22. A Member may be granted leave of absence from the Assembly, on motion moved without notice, stating the reason for leave and the period of absence. The motion shall have priority over all other business.”.

Standing order 24 – Leave of absence forfeited – plain English

This standing order sets out what occurs if a Member attends a sitting when leave has been granted.

The current wording of this standing order is cumbersome and not clear. It is suggested that it be reworded to make the intention of the standing order clearer.

Proposed amendment 30

Standing order 24, omit the standing order, substitute the following standing order:

“24. A Member who has been granted leave of absence shall forfeit the leave if the Member attends the Chamber of the Assembly before the end of the period of leave.”.

New standing order 24A – Resignation of Member

Section 13 (1) of the Self-Government Act states that:

- (1) a Member may resign office as a Member by written notice delivered to a person authorised by the Assembly to receive it.

The Assembly passed a resolution on 27 March 1992 authorising the Speaker or, during the absence of the Speaker from the Territory or from duty, the Deputy Speaker, to receive the written resignation of a Member as a Member of the Assembly.

It is suggested that this information should be included in a standing order near where the standing order for leave of absence and records of attendance are located.

Currently the resolution in relation to resignation of Members is located at the conclusion of the standing orders.

Proposed amendment 31

Insert proposed new heading and standing order 24A:

“Resignation of Member

24A. A Member may resign as a Member of the Assembly by written notice to the Speaker or, in the absence of the Speaker from the Territory or from duty, the Deputy Speaker.⁶”.

6 Pursuant to section 13 of the *Australian Capital Territory (Self-Government) Act 1988*.

Standing order 26 – Custody of records – Clarifying responsibility for documents

The current standing order provides that the custody of the Minutes of Proceedings and all documents laid before the Assembly shall be with the Clerk. Other standing orders such as standing order 212 provide the Speaker with a role in relation to access to documents presented to the Assembly. It is suggested that this standing order be clarified to bring it in line with the other standing orders and also House of Representatives’ practice which has the Clerk having custody under direction of the Speaker.

Proposed amendment 32

Standing order 26, omit the standing order, substitute the following standing order:

“26. Subject to standing order 212 under the direction of the Speaker, the Clerk shall have custody of the Minutes of Proceedings and all documents presented to the Assembly.”.

Standing order 27 – Hour of meeting – Standardising meeting time

The current standing order specifies that the Assembly shall meet on Tuesdays, Wednesdays and Thursdays at 10.30 am and Fridays at 9.30 am unless otherwise ordered. From time to time the Assembly amends its sitting pattern and sitting days and has on occasion sat on other days not programmed. It is suggested that it would be clearer to just have a set meeting time for any day where the Assembly meets, be it Monday to Friday or even on a weekend if it was deemed necessary and that 10.30 am be that time. Thus if the Assembly had to adjourn and meet on any day other than a Tuesday, Wednesday or Thursday it would be clear that the meeting time would still be 10.30 am. If this change were effected, the Assembly would just have to determine the day it wishes to meet, and not the time.

Proposed amendment 33

Standing order 27, omit the standing order and heading, substitute the following standing order and heading:

“Hour of meeting

27. Unless otherwise ordered, the Assembly shall meet at 10.30 am.”.

Standing order 30 – Prayer or reflection – Acknowledgement of traditional owners

Since the beginning of the Fifth Assembly, the Speaker has adopted the practice of making an acknowledgement concerning the traditional owners. The Assembly may wish to consider formalising this practice by including it in the standing orders.

Proposed amendment 34

Standing order 30, add “The Speaker shall also acknowledge, at the beginning of each period of sittings, that the Assembly is meeting on the lands of the traditional owners.”.

Standing order 31 – Vote indicating lack of a quorum – Clarification of when there is a ballot and no quorum present

Standing order 31 provides procedures in the event that a vote is called and a quorum is not present. However, there is no standing order which deals with the

situation where there may be a ballot of the Assembly and a quorum is not present. It is suggested that this standing order be clarified to set out procedures for a lack of a quorum when there is a ballot of the Assembly. The standing order is also divided into two paragraphs.

Proposed amendment 35

Standing order 31, insert “or ballot” after “vote” (twice occurring).

Standing order 34 – Adjournment of Assembly – Standardisation of sitting days

Standing order 34 provides that the Speaker shall propose a question on the adjournment at 6.00 pm on Tuesdays, Wednesdays and Thursdays and 12.30 pm on Fridays. Similar to the arguments outlined in the proposed amendment to standing order 27, it is suggested that the standing orders cover any day that the Assembly may meet subject to the proviso that the Assembly may otherwise order. This would mean that the question would be put at 6.00 pm on every day that the Assembly meets regardless of what day it is.

Proposed amendment 36

Standing order 34, omit “at 6.00 pm on each sitting Tuesday, Wednesday or Thursday, and at 12.30 pm on each sitting Friday”, substitute “unless otherwise ordered, at 6.00 pm on each sitting day”.

Chapter VI – Rules of debate and Privilege – Omit Privilege

The committee considered that privilege was such an important issue it deserved a separate chapter. Accordingly, the title of Chapter VI will need to be amended.

Proposed amendment 37

Heading to Chapter VI, omit “and Privilege”.

Standing Order 40 – Members to acknowledge the Chair

Standing order 40 provides that when Members move to and from their seats, whether leaving the Chamber or moving to another area, they are required to acknowledge the Chair. It is proposed that this requirement should be limited to entry and exit from the Chamber.

Proposed amendment 38

Standing order 40, omit “ in passing to or from their seats” substitute “when entering or leaving the Chamber.”.

Standing order 44 – Speaker calls on Members to speak – Clarification of allocation of the call

Standing order 44 provides that when two or more Members rise to speak the Speaker shall call on the Member who rises first. In practice the Speaker tends to alternate the call between both sides of the House and it is suggested that the standing order be modified to allow the Speaker to have some discretion in allocating the call.

Proposed amendment 39

Standing order 44, after “who” insert “, in the Speaker’s opinion,”.

Standing order 45 – When Member may speak – plain English

Standing order 45 provides that a Member may speak to any question before the Chair which is open to debate and when moving a motion which will be open to debate. During the round table discussion of Members held on 26 September 2006 a Member suggested that the word “which” used in the standing order should in fact be “that”. This means that the standing order would read “A Member may speak to any question before the Chair that is open to debate etc”.

Proposed amendment 40

Standing order 45, after “Chair” omit “which”, substitute “that”.

Proposed amendment 41

Standing order 45, after “motion” omit “which will be”, substitute “that is”.

Standing order 50 – Member may not speak after question put – plain English

The current standing order provides that a Member may not speak to any question after it has been put by the Speaker and the voices have been given in the affirmative and negative thereon. It is suggested that the words “or negative” be inserted instead of “negated” thereon to make the standing order clearer.

Proposed amendment 42

Standing order 50, omit “and negative thereon”, substitute “or negative”.

Standing order 52 – Reflections upon votes

This standing order requires that Members may not reflect on a vote. Over the years there has been some confusion amongst Members about what reflecting on a vote is. Merely stating that a vote has occurred and that a Member may not be pleased with that decision does not necessarily mean a Member has reflected on a vote. It is suggested that this be clarified in the standing order to provide that a Member must adversely reflect upon any vote before this standing order is able to be invoked.

Proposed amendment 43

Standing order 52, after “reflect” insert “adversely”.

Proposed amendment 44

Standing order 52, after “that” omit “such”, substitute “the”.

Standing order 54 – Offensive words – Reference to *Judicial Commissions Act 1996*

In 1996 the Assembly passed the *Judicial Commissions Act 1996*. Section 14 of that Act sets out the procedures to be followed when a Member of the Legislative Assembly raises a matter in relation to the behaviour, or physical or mental capacity of a judicial officer. It also sets out a requirement for five sittings days notice to be given to the Attorney-General by the Members who is raising serious matters against a Member of the judiciary. Accordingly, it is suggested that there be placed in the standing orders a footnote referring to the statute so that Members are aware of this requirement.

Proposed amendment 45

Standing order 54, add the following footnote:

“Section 14 of the *Judicial Commissions Act 1996* states that: A Member of the Legislative Assembly shall not raise in the Assembly a matter that relates or may relate to the behaviour or physical or mental capacity of a judicial officer:- (a) except by way of a motion to have a specific allegation made in precise terms in respect of the judicial officer examined by a commission; and (b) unless that Member has given the Attorney-General not less than 5 sitting days notice of the motion and the Member has not been notified by the Attorney-General within that period in accordance with section 16 (2) that the Executive has been requested to appoint a commission to examine the allegation.”.

Standing order 68 – Resumption of interrupted proceedings – Provision for business to be placed automatically on the Notice Paper

Currently standing order 68 provides that where a quorum has not been obtained any business before the Assembly shall be placed on the *Notice Paper* only after a Member lodges a notice on the *Notice Paper*. If that motion is successful the proceedings will be resumed at the point where they were interrupted.

It is suggested that this is a cumbersome procedure as it means that if a quorum is not formed and the business is interrupted, the earliest that that business can be bought back on is two sitting days after the interruption and only after a majority of the Assembly agrees to bring the business back on for debate. A more efficient procedure is to mirror the procedure that is currently used for the lunch and dinner breaks of the Assembly, namely, that the Speaker shall fix the time for the resumption of the debate on any business under discussion and the Assembly shall then proceed with the business when it resumes after a quorum is formed.

Proposed amendment 46

Standing order 68, omit all words after “quorum,”, substitute “the Speaker shall fix the time for the resumption of the debate on any business under discussion and not disposed of at the time of interruption”.

**Standing order 69 – Time limits for debates and speeches –
Amendment to the speaking times for a Minister in charge during
the detail stage of the Appropriation Bill**

Currently the standing order provides for speaking times for Members for different debates in the Assembly. In relation to Executive Bills the standing orders provide that during the detail stage of a Bill a Minister in charge has unlimited time to speak. When the Appropriation Bill is discussed each year this means that only the Treasurer has unlimited speaking time and that, for example, the Minister for Education and Training only has two periods of 10 minutes to speak on his or her line item in the Bill.

It is suggested that the standing order be changed to provide that the Minister responsible for a department of an appropriation unit be given the same speaking rights as the Minister in charge of the Bill—i.e. the Treasurer. This would allow the relevant Minister to respond to queries and comments that Members have made on his or her department during the detail stage.

The issue of stopping the time clock for points of order was discussed at length. While the committee was not prepared to support the stopping of the clock for all points of order, it was agreed that the discretion should lie with the Speaker.

Proposed amendment 47

Standing order 69, after “schedule.” Insert “The Speaker may at his/her discretion direct the clock to be stopped.”.

Proposed amendment 48

Standing order 69 (e), after “10 minutes”, (first occurring), insert the following:

“An appropriation bill for the ordinary annual services of the year

Minister in Charge or Minister responsible for a department or appropriation
unit _____ periods not specified

Any other Member – 2 periods each not exceeding _____ 10 minutes”

Standing order 69 (h) – Suspension of standing orders – removal of time limit for Minister and replace with each Member.

Given that a motion to suspend standing orders can be moved by any Member and is not restricted to a Minister, the allocation of a time for a Minister was thought to be redundant and that the time limit refers to all Members.

Proposed amendment 49

Standing order 69 (h), omit “Minister ... 5 minutes” and “Any other Member ... 5 minutes”, substitute “Each Member ... 5 minutes”.

Standing order 69 (j) – Extension of time – Clarification of standing order

Standing order 69 (j) currently provides that a Member can be granted an extension of time for their speech if agreed to by a majority of the Assembly provided that it is not in excess of half of the original period allotted. The standing order also provides that a Member may be granted leave to conclude their speech. Thus there are two provisions to get an extension of time – by motion or by leave. The practice of the Assembly over many years is that a Member obtains an extension of time by leave and it is suggested that the standing order be amended to reflect this practice.

Proposed amendment 50

Standing order 69 (j), omit the standing order, substitute the following standing order:

“69(j). Extension of time. A Member may, by leave, be given an extension of time for one period which is half of the original period allotted.”.

Standing order 71 – Privilege – Allowing Member who raised matter to be informed of Speaker’s decision

The committee considered that the issues of privilege and contempt required clarification in the standing orders. As a consequence this standing order and a number of proposed new standing orders make up a new Chapter 26.

Standing order 73 – Proceedings on question of order

The committee considered that the speech timing clock may need to be stopped if continuous frivolous or disruptive points of order are taken. The Speaker would have the discretion to direct the clock to be stopped if this recommendation was adopted.

Proposed amendment 51

Standing order 73, omit the standing order, substitute the following standing order:

“Upon a question of order being raised, the Member called to order shall cease speaking and sit and, after the question of order has been stated to the Speaker by the Member raising it, the Speaker shall rule on the matter. The Speaker may at his/her discretion direct the clock to be stopped.”.

Standing order 76 – Eleven o’clock rule – Clarification of when new business can be undertaken

Standing order 76 provides that new business may not be taken after 11 pm unless otherwise ordered. Since the establishment of the Assembly there have often been questions raised as to whether a suspension of standing orders motion to enable standing order 76 to be suspended, moved after 11 pm, constitutes new business. House of Representatives practice (to which we are linked by standing order 275) provides that, in fact, such motions are new business and this has been our practice

as well. However, it would appear desirable to clarify the matter in the standing order.

Proposed amendment 52

Standing order 76, after “ordered” insert “prior to 11 pm”.

Standing order 77 – Precedence of business – use of “over” instead of “of”

At a round table meeting of Members held on 26 September 2006 a Member suggested that “precedence of all Private Members and Assembly business” should be changed to “precedence over all Private Members and Assembly business”. The Member suggested that the use of the word “of” was “old English”.

Proposed amendment 53

Standing order 77, Heading, preamble, paragraph (a) and paragraph (b)

Omit “of” (first occurring), substitute “over”.

Standing order 77 – Precedence of business – Plain English amendments

Currently paragraphs 77 (d) and 77 (e) contain phrases which could be clarified and put into plain English. Both amendments relate to the phrase “and such motions shall be put forthwith”. The inclusion of the words “the question on” in both paragraphs would, it is suggested, make the standing orders clearer.

Proposed amendment 54

Standing order 77 (d), before “such motion” insert “the question on”.

Proposed amendment 55

Standing order 77 (e), omit “at the time”, substitute “ when the time for”; and before “such motion” insert “the question on”.

Standing order 77 – Precedence of business – Amendment to definition of Assembly business

Standing order 77 (g) to (j) sets out the procedure for and defines Assembly business. Currently there is no category of business to deal with changes to the Code of Conduct, broadcasting guidelines, standing orders or legislation that deals specifically with the way the Assembly does its business. It is suggested that these matters be included in the definition of Assembly business. This would facilitate the Assembly dealing with these matters during Assembly business rather than dealing with them during Private Members business which is the current practice.

Proposed amendment 56

Standing order 77 (j), omit “(j)”, substitute “(i)”.

Proposed amendment 57

Standing order 77, after paragraph (i), insert the following new paragraph:

“(j) any notice of motion or order of the day which deals with the administration of the Assembly or the manner in which the Assembly conducts its proceedings.”.

Standing order 77A – Order of Private Members’ Business Resolution – converting resolution of continuing effect to a standing order.

In 1998 the Assembly passed a resolution which sets out what occurs on days when private Members’ business matters be discussed and not finalised when the Assembly suspends for lunch. It is suggested that the resolution be clarified to make it a standing order.

Proposed amendment 58

Insert the following new standing order and heading:

77A. Order of Private Members' business

An order of the day relating to a notice of motion under private Members' business having been moved and debated and either:

- (a) adjourned pending the Assembly's suspension for lunch; or
- (b) interrupted pursuant to standing order 74 and the Speaker setting a later hour of the day for the consideration of the matter;

this order has precedence over all other private Members' business, in accordance with standing orders 74 and 77, if debate has been adjourned by the Assembly until a later hour that day.

Standing order 81 – Precedence to want of confidence motion – use of “over” instead of “of”

Similar to the rationale provided for amending standing order 77, it is suggested that the use of the word “over” instead of “of” would make the standing order clearer.

Proposed amendment 59

Standing order 81, after “precedence” omit “of”, substitute “over”.

Standing order 82 – Leave of the Assembly – plain English amendment

Standing order 82 sets out the procedure whereby leave of the Assembly may be granted to a Member. The current standing order states that leave must be granted without any dissentient voice. At a round table discussion of Members to discuss the standing orders held on 26 September 2006 some Members suggested that this was archaic language. The new House of Representatives standing orders provide that leave may only be granted if no Member present objects. It is suggested that this provides a good model for our standing orders.

Proposed amendment 60

Heading to standing order 82, add “of the Assembly”.

Proposed amendment 61

Standing order 82, omit “must be granted without any dissentient voice”, substitute “may only be granted if no Member present objects”.

Standing order 83A – Petitions which do not conform with the Standing Orders

Standing order 83A includes details of circumstances when a petition might be considered out of order by virtue of not being respectful. It was felt that these matters were best considered under standing order 94.

Proposed amendment 62

Standing order 83A, omit “If, in the opinion of the Speaker, the subject matter is not within the ministerial responsibility of the Territory or is critical of a 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” and insert it in standing order 94.

Standing order 84 – Time for presenting petitions – Requirement for certification by Clerk or Deputy Clerk

Currently standing order 84 requires that a petition which refers to a motion or an order of the day may be presented when such motion or order of the day is called on. All other petitions that are lodged with the Assembly are required to be certified by the Clerk or the Deputy Clerk that they conform to the standing orders. It is not clear whether this certification process is required under standing order 84 and it is suggested to ensure that the standing orders are complied with in relation to petitions, this requirement be spelt out in standing order 84.

Proposed amendment 63

Standing order 84, add the following words, “A petition presented in this manner must contain certification from the Clerk or Deputy Clerk that it is in order.”.

Standing order 85 – To be legible – Ensuring petitions are addressed to the Assembly

Standing order 85 requires that every petition shall be fairly written, typewritten, printed or reproduced by mechanical process without interlineation or erasure and shall request action by the Assembly. The practice of the Assembly has been that every petition shall be addressed to the Assembly, which is a requirement of any petition presented to the House of Representatives upon which the standing order is based. Occasionally petitions are lodged which are addressed to individual Ministers, to the Government or to no-one in particular. It is a reasonable proposition to require that the petition should be addressed to the Assembly so that petitioners know where the petition is destined to be sent.

Another issue that has arisen in recent years is that some petitions have asked the Assembly for action on matters which are not within the power of the Assembly to legislate. The equivalent House of Representatives standing order requires petitions to refer to a matter which is within the power of the House of Representative to act on—i.e. a Commonwealth legislative or administrative matter. It is suggested that this requirement also be added to the standing order.

Proposed amendment 64

Standing order 85 heading, omit “to be legible”, substitute “to be addressed to the Assembly, legible, and free of sponsorship”.

Proposed amendment 65

Standing order 85, after “shall” (first occurring) omit “request action by the Assembly”, substitute “be addressed to the Assembly, shall refer to a matter within the power of the Assembly, shall request action by the Assembly, and ”, and omit everything after “erasure”.

Standing order 86 – Petition to contain a request – Standing order already covered

Standing order 86 requires that every petition shall contain a request at the end thereof. However, standing order 85 already contains the requirement that every petition shall require an action by the Assembly and thus, standing order 86 seems superfluous. It is therefore suggested that standing order 86 be omitted.

Proposed amendment 66

Standing order 86, omit the standing order and heading.

New standing order 86 – Requirement for petitions to be from residents/citizens of the Territory

Over a number of years there have been many petitions received which, on occasion, have contained signatures from residents outside the Territory. It is suggested that petitions be only available to the citizens that reside in the Territory. Thus, if no action is taken on the petition, the Members of the Legislative Assembly can be held accountable by the electors of the Assembly.

Proposed amendment 67

Standing order 86, insert the following new standing order and heading:

“To be from residents/citizens of the Australian Capital Territory

86. Petitions must only contain signatures of residents/citizens of the Australian Capital Territory.”.

Standing order 89 – To be signed by a person themselves – Plain English

Currently the standing order requires that every petition shall be signed by the signatories who are listed below. This is expressed in very quaint language – “Every petition shall be signed by the parties whose names are appended thereto, by their own hand, and by no one else:”. It is suggested that this standing order could be made clearer by using plain English.

Proposed amendment 68

Standing order 89, omit “Every petition shall be signed by the parties whose names are appended thereto, by their own hand, and by no one else:”, substitute “Each signature must be made by the person signing in his or her own handwriting.”.

Standing order 90 – Signatures not to be transferred – Requirement for original petitions and on the same page as the request

This standing order requires that every signature and address shall be written upon the petition and not pasted upon or otherwise transferred. From time to time, photocopies of petitions are lodged and on some occasions signatures and addresses are listed on the back of the petition. It is unclear whether these petitions are in order. It is suggested that the matter be clarified by amending the standing order to require that petitions not be photocopies and also that signatures be on the same page as the terms of the petition.

Proposed amendment 69

Standing order 90, omit all words after “signature”, substitute the following “must be written on a page bearing the terms of the petition, or the action asked for by the petition. Signatures must not be copied, pasted or transferred onto the petition or placed on a blank page on the reverse of a sheet containing the terms of the petition.”.

Standing order 92 – From corporations – Clarification

Standing order 92 requires that petitions from corporations aggregate are required to be made under their common seal. It is somewhat unclear as to what “corporations aggregate” refers to and whether, if members of a corporation who sign a petition but without the common seal, the petition should be classified as being received from a corporation or from residents. It is suggested that the standing order be amended to clarify this. The standing order is also being brought into line with current House of Representatives practice.

Proposed amendment 70

Standing order 92, omit the standing order, substitute the following standing order:

“A petition from a corporation must be made under its common seal; otherwise it will be received as the petition of the individuals who signed it.”.

Standing order 94 – Must be respectful

Proposed amendment 71

Heading to standing order 94, add “and within Ministerial responsibility”.

Proposed amendment 72

Add “If, in the opinion of the Speaker, the subject matter is not within the ministerial responsibility of the Territory or is critical of a 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”

Standing order 95 – Must be lodged by Member – Petition not to be sponsored or distributed by Member

The practice of the Assembly which follows the practice of the House of Representatives is that Members do not sponsor or distribute petitions, which is sometimes indicated at the bottom of each petition lodged. This is to ensure that petitions are genuinely from the community and not at the behest of any particular Member.

Proposed amendment 73

Standing order 95, after “themselves”, insert “and shall be free from any indication that a Member may have sponsored or distributed the petition.

Standing order 97 – Standing orders to be observed

The amendment to standing order 97 clears up some of the language.

Proposed amendment 74

Standing order 97, omit “same conforms with”, insert “petition conforms to”.

Standing order 99 – Question on presentation – Clarification of whether a motion to refer a petition to a committee needs notice

Standing order 99 provides that when a petition is presented to the Assembly the only question entertained by the Assembly shall be that a particular petition will be referred to a committee. It is unclear whether such a motion requires leave or notice and so it is suggested that this matter be clarified. The provision for the motion to be moved shortly after is also included.

Proposed amendment 75

Standing order 99, omit “the only question entertained by the Assembly on the presentation of a petition shall be”, substitute “Upon the presentation of a petition to the Assembly, or on the next sitting day, a Member may move without notice”.

Standing order 100 – Referred to Ministers – Minister’s response

Standing order 100 provides that a petition be referred to the relevant Minister, with provision for the Minister to present a response. This amendment puts an obligation on the Minister to provide a response to the Assembly within three months. It was felt that the use of the petition as a way for the community to have some involvement was strengthened by the inclusion of this requirement.

Proposed amendment 76

Standing order 100, omit “A Minister may respond to a petition by lodging a response with the Clerk for presentation to the Assembly, such response being announced at the end of the petitions announcement”, substitute “A Minister must respond to that petition within 3 months of the tabling of the petition by lodging a response with the Clerk for presentation to the Assembly, such response being announced at the end of the petitions announcement”.

Standing order 101 – Notice of motion – how given

Standing order 101 provides that a notice proposing a motion show the day proposed for the moving of the motion. In practice, the Manager of Government Business and the Standing Committee on Administration and Procedure determine the day for the moving of the motion.

Proposed amendment 77

Standing order 101, omit “and show the day proposed for moving the motion.”

Standing order 106 – May be divided – Member to be informed

Standing order 106 provides that the Clerk, with the authority of the Speaker, may divide a notice which contains matters not relative to each other. This amendment simply requires that the Member lodging the notice be notified of any amendment being made.

Proposed amendment 78

Standing order 106, add “The Member lodging the notice shall be notified of the revision.”.

Standing order 107 – Unbecoming notice amended – Member to be informed

Standing order 107 provides that a notice that is too long, contains unbecoming expressions or offends any standing order may be amended by the Speaker. This amendment simply requires that the Member lodging the notice be notified of any amendment being made.

Proposed amendment 79

Standing order 107, add “The Member lodging the notice shall be notified of the revision.”.

Standing order 109 – Postponement of motion

In line with the amendment to standing order 101 , no day is proposed for the moving of a motion and therefore the ability to postpone it is no longer required.

Proposed amendment 80

Standing order 109, omit the standing order.

Standing order 113 – With or without notice – Clarification of standing order

The current standing order provides that questions may be asked orally without notice or placed on the Notice Paper for written reply. As this is the only substantial reference to the ability of Members to ask questions on notice it is suggested that the standing order be reworded to spell out the fact that Members can either ask questions without notice at question time or submit written questions on the Notice Paper for written reply.

Proposed amendment 81

Standing order 113, omit the standing order and its heading, substitute the following standing order and heading:

“Questions without notice and questions on notice

113. (a) A Member may ask a question in writing to be placed on the Notice Paper for written reply.
- (b) During question time, a Member may ask a question without notice for immediate answer.”.

Standing order 119 – Supplementary questions – Relocation of standing order

Standing order 119 provides for Members asking questions without notice to ask a supplementary question immediately after the answer to the first question is given. The current placement of the standing order is in the section dealing with answers and it would seem more appropriate to relocate this standing order in the section

dealing with questions. The word “oral” is also removed from the standing order as it is redundant.

Proposed amendment 82

Standing order 119, relocate and renumber to 113B . Omit “oral”.

Standing order 117 – Clarification of application of rules

The heading of standing order 117 is entitled “Rules for questions”. There is some doubt as to whether the rules apply to just questions on notice or also to questions without notice. In order to avoid this doubt it is suggested that this be clarified by including the word “all” in the heading.

Proposed amendment 83

Heading to standing order 117, after “for”, insert “all”.

Standing order 117 (e) – Questions relating to debate during the calendar year or proceedings in committee – Omission and clarification

Standing order 117 (e) currently provides that questions shall not refer to debates that have taken place during the calendar year or proceedings in committee not reported to the Assembly. In relation to these references to debate it has long been the practice that Members quote from previous debates whether it be during that calendar year or previous calendar years. There seems no strong reason for retaining this standing order. During the round table discussions held on 26 September 2006 Members expressed support for this omission.

In relation to the standing order that prohibits references in committee not reported to the Assembly, it is suggested that this standing order be clarified. There have often been points of orders raised about questions that have been asked that are similar, or similar in subject matter, to current references before Assembly committees. It is considered that the intention of the standing order is to prevent questions from pre-empting the outcome of or unduly interfering with a committee inquiry. Once a committee has held a public hearing and has authorised the transcript for publication it seems unnecessary to restrict reference to that public hearing merely because the committee has not yet reported to the Assembly.

Proposed amendment 84

Standing order 117(e), omit standing order, substitute the following standing order:

“Questions shall not refer to proceedings in committee not yet published or anticipate the outcome of a committee inquiry;”.

Standing order 117 (f) – Restriction on asking questions regarding business pending on the Notice Paper

The purposes of the standing order is to prevent questions being asked that lead to anticipation of discussion of business pending on the Notice Paper. Again, over many years this standing order has been subject to many points of order being taken that have challenged whether the question was in fact anticipating discussion. The House of Representatives Standing Committee on Procedure, following an incident at the beginning of the 41st Parliament, conducted an inquiry into the equivalent standing order in the House of Representatives and reported in March 2005.

The report made two recommendations, the second of which recommended that the anticipation rule not apply to questions and answers. The House accepted the recommendation and the standing order has been suspended for the remainder of the 41st Parliament. The committee considered that the anticipation rule should cease to apply during question time mainly because questions and answers are not debates. It is suggested that this standing order be omitted (as has occurred in the House of Representatives for a trial period) so that this standing order, which is primarily directed at preventing anticipation of debate during debates of the Assembly, not be applied to question time.

Proposed amendment 85

Standing order 117(f), omit the standing order.

Standing order 118 (c) – Answers to questions without notice – timing

Standing order 118 (c) provides that the time limit for the answer to a question without notice is 5 minutes. This amendment adds the discretion of the Speaker to stop the clock during an answer.

Proposed amendment 86

Standing order 118 (c); insert “ The Speaker may, at his/her discretion, order the clock to be stopped.

Standing order 118A – Request for an explanation concerning unanswered question – Statements

This standing order provides that where a question on notice has not been answered within 30 days of the asking of the question a Member may ask at the conclusion of Question Time for an explanation and in the event that an explanation is not provided the Member concerned can move a motion with regard to the Minister’s lack of action. At the round table discussion amongst Members held on 26 September 2006 a Member raised a difficulty with this standing order in that, when a Minister states that s/he does not know why the answer has not been provided and that s/he will look into it, it is recorded in the minutes as the Minister having given an explanation. Under the standing order if a Minister gives an explanation then a Member may move, under standing order 118A(b), that the Assembly takes note of the explanation. In the event that the Minister does not provide an explanation the Member may move a motion with regard to the Minister’s failure to provide an answer or an explanation. Because of the issue in relation to whether a Minister “looking into it” is in fact an explanation, it is suggested that this standing order be clarified and to provide the Member raising the matter with the ability to choose between moving a motion to take note of the explanation or moving a motion with regard to the perceived failure to provide an answer or an explanation.

Proposed amendment 87

Standing order 118A, omit the standing order, substitute the following standing order:

“118A. If a Minister does not answer a question on notice (including a question taken on notice during questions without notice) asked by a Member, within 30 days of the asking of that question, and does not, within that period, provide to the Member who asked the question an explanation or statement satisfactory to that Member of why an answer has not yet been provided, then:

- (a) at the conclusion of questions without notice on any day after that period, that Member may ask the relevant Minister for such an explanation or a statement in relation to the question; and
- (b) the Member may, at the conclusion of the explanation or statement, move without notice “That the Assembly takes note of the explanation”; or
- (c) 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 an answer, or an explanation or a statement.”.

Standing order 120 – Notice of question – Change of heading and terminology and deletion of requirement to show day proposed for asking the question

Standing order 120 sets out the requirement for Members to lodge questions on notice to the Clerk. The standing order uses the terminology “notice of question” whereas in practice, the terminology that has been used since self-government is “questions on notice” and so it is suggested that this be clarified.

The standing order also requires that, in addition to the question being fairly written and signed by the Member, it show the day proposed for asking the question. As far as can be ascertained from checking the records this provision has never been utilised and questions lodged are simply placed on the next day’s *Notice Paper* even if a Member has not shown a day for asking the question. Given the lack of use of this provision it is suggested that it be deleted.

Proposed amendment 88

Standing order 120, omit the standing order and heading, substitute the following standing order and heading:

“Question on Notice

120. Questions on Notice shall be given by a Member delivering it to the Clerk within such time as, in the opinion of the Speaker, will enable the question to be fairly printed. The question shall be fairly written and signed by the Member.”.

Standing order 121 – Order of questions – Proposed omission

Standing order 121 requires the Clerk of the Assembly to place questions on the notice paper in the order in which they were received. The practice of the Assembly over many years has been to group questions asked by the individual Members together as well as grouping the Ministers to which they are asked together. This ensures that Members can easily track their questions and also that departments can easily locate which questions are being directed to their relevant Minister.

Accordingly, it is suggested that this standing order be omitted.

Proposed amendment 89

Standing order 121, omit the standing order.

**New standing order 125A – Removal of notices from the
*Notice Paper***

During the course of an Assembly, Members lodge various notices which may or may not be called upon and moved. As a result, notices accumulate on the *Notice Paper*. For example, at the last sitting of the Fifth Assembly on 26 August 2004, there were two Assembly Business notices, one Executive Business notice and 17 Private Members’ Business notices that had not yet been moved. Many notices are time-specific and relate to an issue that subsequently becomes less relevant as time goes by. However, if the Member concerned takes no action, the notice can remain on the *Notice Paper* for the whole life of the Assembly—i.e. up to 4 years. Other parliaments have mechanisms whereby notices can appear for a certain amount of time and, if not moved within that period, are removed from the *Notice Paper*. Should a Member

still wish to pursue a matter in relation to the notice, the Member can simply resubmit the notice. It is suggested that the Assembly consider adopting this practice.

Proposed amendment 90

Insert the following new standing order and heading:

“Removal of notices from the Notice Paper

125A. After notifying the mover, the Clerk shall remove from the *Notice Paper* any notice of motion which has not been called on for eight sitting weeks.”.

Standing order 126 – Precedence to vote of thanks or condolence – Plain English

This standing order enables motions of condolence or thanks to be moved without notice. The current wording of the standing order is cumbersome (“Precedence will ordinarily be given ...”) and it is proposed to make it easier to read.

Proposed amendment 91

Standing order 126, omit the standing order, substitute the following standing order:

“126. As a courtesy, the Assembly will ordinarily grant precedence to a motion moved without notice for a vote of condolence or thanks of the Assembly.”.

Standing order 133 – Complicated question divided – omission of the word “Complicated”

This standing order allows the Assembly by order to divide a question that has been put. It is most commonly used in relation to a group of amendments where some amendments are agreed to by either the Government or the Opposition but others are not and it allows the Assembly to deal with each amendment separately. The standing order as currently worded states that only a complicated question can be divided, but the practice has been that any question may be ordered to be divided. It is proposed to amend the standing order to omit the word “complicated” and thus bring it into line with current Assembly practice.

Proposed amendment 92

Standing order 133, omit “complicated” from the heading and the standing order.

Standing order 149 – Precedence of orders of the day – stylistic change

Throughout the standing orders the phrase “precedence of” is used in relation to business of the Assembly. It is suggested that the words “precedence over” are clearer.

Proposed amendment 93

Standing order 149 and heading, after “precedence” omit “of”, substitute “over”.

Standing order 153 – Vote called for

It is suggested that the terminology “the ayes have it” does not accurately reflect the need to have a majority.

Proposed amendment 94

Standing order 153, omit “have it”, substitute “are in the majority”.

Standing order 157 – Member not to vote unless present when call taken – Requirement to absent themselves from the Chamber

During the round table discussion with Members held on 26 September 2006 the issue of whether Members who are abstaining from a vote should be present in the Chamber was raised. The practice of the Assembly to date has been that Members wishing to abstain from a vote simply remove themselves from the seats allocated to Members and either sit in the public galleries or remove themselves from the Chamber altogether. Some Members suggested that being present anywhere in the Chamber whilst a vote was being taken was not within the spirit of abstaining from the vote and suggested that the requirement to leave the Chamber be inserted into the standing orders.

Proposed amendment 95

Standing order 157, add the following:

“A Member wishing to abstain from voting must absent themselves from the Chamber.”.

Standing order 167 – How initiated – Clarification of Assembly practice

This standing order provides how a bill may be presented to the Assembly. The current wording of the standing order provides that a bill shall be initiated by the Assembly giving leave to bring in a bill specifying its title. This practice, which was used in the Senate, has never been used in the history of the Assembly. It is therefore suggested that this wording be deleted from the standing order to reflect the practice of the Assembly.

Proposed amendment 96

Standing order 167, after “by”, omit “the Assembly giving leave to bring in a bill, specifying its title; on”.

Standing order 168 – Notice of Presentation of Bill

Throughout the standing orders the phrase “title” is used in relation to a bill however, the correct term is “long title”. The amendment corrects that error in a number of standing orders – 168 (b), 169, 180 (e), 181, and 186.

Proposed amendment 97

Standing orders 168 (b), 169, 180 (e), 181, and 186, omit “title”, substitute “long title”.

Standing order 168 (b) – Notice of Presentation of Bill

In line with previous amendments the notice of intention to present a bill does not require a day for the proposing of the motion.

Proposed amendment 98

Standing order 168 (b), omit “and the day for presentation”.

Standing order 168 (c) – Notice of Presentation of Bill

Practice has been that two signed copies of each bill for presentation have been provided in the Assembly even though this standing order only required one. The amendment brings the standing orders into line with practice.

Proposed amendment 99

Standing orders 168 (c), omit “a printed copy”, substitute “two printed copies”.

Standing order 169 – Title – Clauses to come within title – clarification of the word “clauses”

This standing order requires that the title of any bill must agree with the notice of presentation and no clause may be included in any bill not coming within its title. Bills now contain many items in addition to clauses. Bills usually have clauses, schedules, dictionary and all of these components, to be consistent with the standing order, should agree with the notice of presentation and with the title. It is therefore suggested that the standing order be amended to reflect this. It is also proposed to alter the standing order to take out the reference to the order of leave consequent upon the change to standing order 167 (proposed amendment 73).

Proposed amendment 100

Standing order 169, omit the standing order, substitute the following standing order:
“169. The long title of a bill must agree with the notice of intention to present it, and every component of the bill must come within the long title.”.

Standing order 170 – An irregular bill to be withdrawn – Proposal to have the Speaker rule a bill out of order

Standing order 170 provides that a bill not prepared according to the standing orders shall be ordered to be withdrawn. There have been very few bills ordered to be withdrawn and it is not clear from the standing order how this process would operate.

On 22 October 1991 after the Speaker had ruled the Royal Canberra Hospital Bill 1991 out of order, as it contravened standing order 200, he called on the Deputy Chief Minister to move that the Bill be withdrawn pursuant to standing order 170. The Deputy Chief Minister declined to move the motion and as no other Member wished to move it the Speaker stated that the matter would remain on the *Notice Paper*. The Bill lapsed at the end of the Fifth Assembly.

On 15 December 1993 the Speaker ruled that the Stamp Duties and Taxes (Amendment) Bill (No. 4) 1993 contravened the provisions of standing order 136 and called on a Minister to move the appropriate motion under standing order 170. The motion was moved but negatived after a vote of the Assembly and debate on the Bill resumed.

Given these examples it is suggested that the standing orders be amended to provide for the Speaker to simply rule the bill out of order. This is consistent with the practice of the Speaker's power in relation to questions on notice, questions without notice, notices of motion and amendments.

Proposed amendment 101

Standing order 170, omit "order to be withdrawn", substitute "ruled out of order by the Speaker and withdrawn from the *Notice Paper*".

Standing order 173 – Amendments to be relevant – Clarification of standing order

Standing order 173 provides for amendments to the question "that this bill be agreed to in principle" and stipulates the requirements of such amendments. The standing order as currently worded is convoluted and does not make it clear what amendments can be moved. It is therefore suggested that the standing order be clarified to stipulate what types of amendments to the agreement in principle question can be moved.

Proposed amendment 102

Standing order 173, omit the standing order, substitute the following standing order:

“173. An amendment may be moved to the question “That this bill be agreed to in principle”. The amendment must be relevant to the bill, must not anticipate an amendment which may be moved at the detail stage and must make clear whether or not the bill will proceed to further stages of passage.”.

**Standing order 174 – Reference to select or standing committee –
Bill can be referred at any time**

Standing order 174 provides that immediately after a bill has been agreed to in principle a Member may move that a bill be referred to a select or standing committee. Over the history of the Assembly there have been many occasions where the Assembly has wished for a bill to be referred to a committee prior to agreeing to the question that the bill be agreed to in principle. However, because of the requirements of standing order 174 the only way that this could be done is if standing orders were suspended or leave was given. It is suggested that the requirement to move such a motion only after the agreement in principle stage has been agreed to be relaxed and that the standing order be amended to allow such a motion at any time up until the completion of the detail stage.

Proposed amendment 103

Standing order 174, omit the standing order, substitute the following standing order:

“174. At any time after the presentation of a bill to the Assembly, including immediately after a bill has been agreed to in principle but not after the completion of the detail stage, a Member may move that the bill be referred to a select or standing committee.”.

Proposed amendment 104

Standing order 175, omit the standing order, substitute the following standing order:

“175. When a bill has been referred to a committee in accordance with standing order 174 it cannot be dealt with by the Assembly until the committee has reported.

Standing order 176 – Proceedings following reference to a committee – Consequential amendment to amendment 77

This standing order provides the procedure once a bill has been returned from a committee. It stipulates that the proceedings shall resume at the detail stage but if standing order 174 is amended as above, this would need to be amended as a consequence.

Proposed amendment 105

Standing order 176, omit “and reported”, substitute “and has been reported on”; and omit “to the detail stage”, substitute “to the next stage” and omit all words after “sitting”.

Standing order 177 – Restrictions on reference to committee – Omission of the standing order consequent upon amendment 77

This standing order provides that a motion to refer a bill to a select or a standing committee may not be moved after the completion of the detail stage of the bill. If proposed amendment 174 is adopted this standing order is redundant as amendment 174 provides exactly the same prohibition.

Proposed amendment 106

Standing order 177, omit the standing order.

Standing order 179 – Title and preamble stand postponed – Clauses considered

This standing order provides the order in which the bill is considered during the detail stage. The submission by the Parliamentary Counsel’s Office pointed out that under Section 16 of the *Legislation Act 2001* the provisions of an Act include groups of provisions (e.g. chapters, parts, divisions, etc, words and anything else forming part of the Act). Section 126 provides expressly that headings are parts of the Act.

However, the standing orders do not specifically identify headings as part of the bill. In order to make the standing order consistent with the *Legislation Act 2001* and with the practice of the Assembly over the years to treat the headings as part of the bill, it is suggested that the standing order be amended to clarify this point.

Proposed amendment 107

Standing order 179, after clauses insert “(including the headings)”.

Standing order 180 – Order in considering bill – Clarification of components, addition of dictionary and clarification of Appropriation Bill

This standing order sets out the order in considering a bill when it passes through the Assembly in the detail stage. Currently the standing order stipulates the order as being in terms of clauses of the bill and, given that the bill now contains items such as a dictionary as well as other components, it was thought necessary to amend this standing order to refer not just to clauses but to components of the bill. Since 2002 dictionaries have been included at the end of bills and this has not been dealt with under the standing orders up until now. It is therefore proposed to add this new category to the standing order.

The submission by the Parliamentary Counsel’s Office pointed out that the reference to “ordinary annual services of the Executive” is not consistent with the Self-Government Act or the framework under the Financial Management Act. Accordingly, it is suggested that the reference to the appropriation bill be altered to make it clear that the latter part of the standing order applies to the main appropriation bill for the year.

Proposed amendment 108

Standing order 180, before “The”, insert “unless the Assembly otherwise orders”.

Proposed amendment 109

Standing order 180, after “considering”, insert “the components of”.

Proposed amendment 110

Standing order 180, in paragraph (a) insert the following after “new clauses” – “(including their headings)”.

Proposed amendment 111

Standing order 180, after paragraph (c) insert the following new paragraph:

“(ca) dictionary:”.

Proposed Amendment 112

Standing order 180, omit “an appropriation bill for the ordinary annual services of the Executive”, substitute “the main appropriation bill for the year”.

Standing order 181 – Admissible amendments – Change to reflect Assembly practice

This standing order sets out the requirements for admissible amendments to bills.

For an amendment to be admissible it must be either within its title or relevant to the subject matter of the bill and must otherwise conform to the standing orders.

Parliamentary Counsel’s Office have, in their submission to the committee’s inquiry, pointed out that the Assembly practice to date has been not to allow an amendment that is not within the title and relevant to the subject matter of the bill. The standing order however states that it need only relate to one of the requirements for it to be in order. It is suggested that the standing order be clarified to bring it into line with Assembly practice. Although Parliamentary Counsel’s submission has suggested the retention of the word “or” and the adoption of the practice that only with the leave of the Assembly an amendment can be moved, it is considered that this is not consistent of 18 years of Assembly practice.

Proposed amendment 113

Standing order 181, omit “or”, substitute “and”.

Standing order 182 – Amendments in writing circulated – Plain English

Standing order 182 sets out the requirement that an amendment to a Bill may only be proposed if it is in writing and signed by the mover and copies are available for circulation to Members immediately. The style of the language is not consistent with the other changes to the standing orders and it is suggested some stylistic changes be made to make the standing order clearer.

Proposed amendment 114

Standing order 182, omit “may not be proposed unless”, substitute “can only be proposed if”.

Standing order 183 – Relevancy of debate – Consequential amendment to amendment 81

Standing order 183 sets out that Members debating a bill must be relevant. If the proposed amendment 109 is agreed to then this standing order will need to be amended as a consequence to reflect the term “components of the bill”.

Proposed amendment 115

Standing order 183, omit “clause, schedule”, substitute “components of the bill (as set out in standing order 180)”.

Standing order 184 – Clause put as amended and standing order 185 – Clause may be postponed – Consequential amendments if amendment 81 is agreed to

Standing order 184 stipulates the question that the Chair shall propose during the consideration of a bill. Standing order 185 stipulates the procedure which provides that a clause can be postponed.

If amendment 109 is agreed to, these standing orders will need to be amended as a consequence to reflect the change in terminology to “component of the bill”.

Proposed amendment 116

Standing order 184, omit the standing order and heading, substitute the following standing order and heading:

“Clause or other component of the Bill put as amended

184. If any clause or other component of the Bill is amended, a further question shall be proposed, “That the clause (or other component), as amended, be agreed to.”.

Proposed amendment 117

Standing order 185, omit the standing order and heading, substitute the following standing order and heading:

“Clause or other component may be postponed

185. A clause (or other component) of a Bill or a clause (or other component) which has been amended may be postponed.”.

Standing order 186 – Amendment of title – Change to reflect Assembly practice

Standing order 186 sets out the procedure when an amendment has been made to the title of a bill. The standing order stipulates that when such an amendment has been proposed, the question shall be proposed “That the title as amended be the title of the bill.” The practice of the Assembly over many years has been to put the question “That the title, as amended, be agreed to”, which is consistent with the practice in relation to clauses, schedules, motions and amendments. It is suggested that the standing order be amended to reflect this practice and to bring it into line with the other standing orders.

Proposed amendment 118

Standing order 186, omit “the title of the bill”, substitute “be agreed to”.

Standing order 188 – Inadmissible amendments – Consequential amendment if amendment 81 is agreed to

Standing order 188 sets out the restrictions on amendments by requiring that a clause or new schedule cannot be substantially the same as one already negatived or inconsistent with one that is already agreed to unless the bill has been reconsidered. If amendment 109 is agreed to, this standing order will need to be changed to reflect the different terminology relating to a “component of a bill”.

Proposed amendment 119

Standing order 188, omit “clause or new schedule”, substitute “clause or other component of a bill (see standing order 180)”.

Standing order 191 – Verbal or formal amendments – Clarification of standing order and requirement to advise the Assembly

Standing order 191 sets out the procedure where the Clerk, acting with the authority of the Speaker, may make verbal, formal, clerical, grammatical or typographical corrections in any part of the bill. It has never been clear what verbal or formal amendments are and the equivalent House of Representatives standing order only refers to clerical and typographical errors. The submission by the Parliamentary Counsel’s Office pointed out that other jurisdictions require the Clerk to inform the legislature when these amendments are made, which is usually after the Assembly has passed the bill but before the Speaker has transmitted it to Parliamentary Counsel. It is suggested that the standing order be clarified and that a requirement for the Speaker to report such amendments be inserted into the standing order.

Proposed amendment 120

Standing order 191, omit the standing order and heading, substitute the following standing order and heading:

“Corrections to a bill

191. Under the authority of the Speaker, the Clerk may correct clerical, grammatical or typographical errors in a bill. When such amendments are made the Speaker shall advise the Assembly.”.

Standing order 192 – Urgent bills – Change to allow Member in charge to declare bill urgent

Standing order 192 sets out the procedure when a bill is declared urgent. Currently the standing order stipulates that only the Chief Minister or a Minister acting on behalf of the Chief Minister can declare a bill to be urgent. It seems somewhat incongruous that a Private Member’s bill can only be declared urgent by the Chief Minister. There is also some confusion as to whether any debate on the motion which specifies the time to consider the various stages of the bill is allowed. It is suggested that the standing order be changed to allow the Member in charge of the bill, or a Member acting on behalf of that Member, to declare the bill urgent and also for the Member to move the subsequent motion as specified in the standing orders. It is also suggested that it be made clear that any such motion is the subject of debate.

Proposed amendment 121

Standing order 192, omit the standing order, substitute the following standing order:

“192. If a Member in charge of a bill, or a Member acting on behalf of that Member, declares that a bill is urgent the question “That this bill be considered an urgent bill” shall be put. If the question is agreed to, the Member may forthwith move a motion specifying the time which shall be allotted to the various stages of the bill. Debate on any question shall be subject to standing order 69 (f)—Allotment of time.”.

Standing order 194 – Rules for entrenching laws – Amendment to make the standing order consistent with the legislation

Standing order 194 sets out the procedure for when an entrenching law is being passed by the Assembly. The current standing order requires that the Speaker present the entrenching law to the Chief Minister for notification in the *Territory Gazette*. Section 28 of the *Legislation Act 2001* now requires that the Speaker ask Parliamentary Counsel to notify the making of a proposed law on the Legislation Register, not the *Gazette* and this needs to be reflected in the standing order.

Proposed amendment 122

Standing order 194, omit “presented to the Chief Minister by the Speaker for notification in the *Territory Gazette*”, substitute “the Speaker shall then ask Parliamentary Counsel to notify the making of the proposed law”.

Proposed new standing order – Financial initiative of the Crown – Adoption of the 1995 resolution of the Assembly into the standing orders

On 23 November 1995 the Assembly agreed to a resolution in the following terms, “That this Assembly reaffirms the principles of the Westminster system embodied in the ‘financial initiative of the Crown’ and the limits that that initiative places on non-executive Members in moving amendments other than those to reduce items of proposed expenditure.”

This resolution was adopted after proposed amendments to the Appropriation Bill had been circulated that, whilst being in accordance with standing order 201, would have allowed non-executive Members to move amendments transferring amounts within the schedule to the Appropriation Bill. Since 1995 various Speakers have relied upon this resolution to rule similar amendments out of order even though the resolution was not expressed to be a resolution of continuing effect. Accordingly, and in light of these precedents, it is suggested that this resolution be incorporated as a standing order to reflect the practice of the Assembly over the last 12 years.

Proposed amendment 123

Insert the following new standing order:

“201A. An amendment in accordance with standing order 201 must be in accordance with the resolution agreed to on 23 November 1995—i.e. “That this Assembly reaffirms the principles of the Westminster system embodied in the ‘financial initiative of the Crown’ and the limits that that initiative places on non-executive Members in moving amendments other than those to reduce items of proposed expenditure.”.

Standing order 203 – Proceedings following naming

Standing 203 provides that once the Speaker has named a Member another Member may move that the Member be suspended from the service of the Assembly. The proposed change provides for the Speaker to propose the question for the suspension of a Member rather than another Member proposing the question. It would still be for the Assembly to determine whether a Member is suspended.

Proposed amendment 124

Standing order 203, omit the standing order substitute the following standing order:

“203. Upon naming a Member the Speaker shall forthwith put the question, no amendment, adjournment or debate being allowed, “That such Member be suspended from the service of the Assembly”.

Standing order 206 – Member suspended – excluded from Chamber – Clarification of the effect of the suspension

Standing order 206 stipulates that when a Member has been suspended s/he shall be excluded from the Chamber and the gallery. The practice of the Assembly, which follows the practice of most other legislatures, is that even though a Member is suspended from the Chamber s/he may still participate in committee proceedings, but may not lodge notices, questions, petitions or matters of public importance. It is considered that this information would assist Members when undertaking their duties and so should be set out in greater detail within the standing order.

Proposed amendment 125

Heading of standing order 206, add “and other activities”.

Proposed amendment 126

Standing order 206, add “During a period of suspension, a Member may participate in committee proceedings but may not lodge notices, questions, petitions or matters of public importance.”.

Proposed amendment 127

Insert the following new standing order and heading:

“Removal of a Member

206A If a Member refuses to follow the Speaker’s direction, the Speaker may order the Serjeant-at-Arms to remove the Member from the Chamber.”.

**Standing order 209 – Disorderly person may be removed –
consequential amendment to name of presiding Member**

Standing order 209 sets out the procedures for both the Speaker and the presiding member of any committee to deal with offensive or disorderly persons other than a Member. Later in this report it is proposed to amend the title of the presiding member of a committee to “Chair” and as such, if those amendments are agreed to, this standing order will need to be altered as a consequence.

Proposed amendment 128

Standing order 209, omit “presiding Member” (twice occurring), substitute “Chair”

**Standing order 210 – Visitors not admitted into body of Chamber –
Plain English**

Standing order 210 stipulates that visitors shall not be present in any part of the Chamber appropriated to Members of the Assembly. In March 2003, this standing order was rather hastily amended to clarify whether the standing order applied to an infant being breastfed by a Member. It is suggested that the current wording needs to

be revised and made clearer but to still give the same effect in allowing a nursing infant onto the floor of the Chamber.

Proposed amendment 129

Heading to Chapter XVIII (proposed to be Chapter 18 – see proposed amendment No 2), omit “Visitor”, substitute “Strangers”.

Proposed amendment 130

Standing order 210, omit the standing order and heading, substitute the following standing order and heading:

“Strangers not admitted into body of Chamber

210. While the Assembly is sitting no stranger, other than a nursing infant being breastfed by a Member, may be present in any part of the Chamber allocated to Members of the Assembly.”.

Standing order 212 – Papers and documents may be inspected and copied – Plain English

Standing order 212 sets out the process by which persons can gain access to papers and documents presented to the Assembly. The standing order contains the words “thereof or extracts therefrom” and, consistent with the plain English amendments being made to the standing orders, it is suggested that these words are redundant.

Proposed amendment 131

Standing order 212, omit “thereof or extracts therefrom”.

Proposed amendment 132

Standing order 212, add “unless otherwise ordered.”.

Proposed new standing order – Publication of certain documents authorised – Publication of committee and Auditor-General’s documents

Some documents presented to the Assembly are consequently authorised for publication by way of a motion. Because this is not currently provided in the standing orders, leave is required to move these motions. The two most common documents for a motion to be moved are Auditor-General’s reports and committee reports and discussion papers, and on each occasion the manager of Government business or the appropriate Chair is required to seek leave of the Assembly to move a motion to authorise publication of the document.

Publication of the document affords absolute privilege to it. Whilst some other parliaments automatically authorise for publication all documents presented to it, it is not considered viable or necessary to do so at the Legislative Assembly. However, it would seem sensible, given the nature of committee documents and Auditor-General’s documents, to have these documents authorised for publication. Indeed, Auditor-General’s reports presented to the Speaker when the Assembly is not sitting are already authorised for publication by virtue of the *Auditor-General’s Act*.

Proposed amendment 133

Insert the following new standing order and heading:

“Publication of certain documents authorised

212A. The publication of a report of any Assembly standing or select committee, any committee discussion paper or any report of the Auditor-General presented to the Assembly or released pursuant to standing standing order 246A is authorised by this standing order.”.

Standing order 215 – Standing Committees – Clarification of terminology

Standing order 215 provides that standing committees shall be appointed as soon as practicable after the commencement of each Assembly. The terminology “appointed” is usually reserved for when Members are appointed to a committee, whereas “established” is the term used for when committees are created. It is proposed to clarify this by consistently using the word “established”.

Proposed amendment 134

Standing order 215, omit “appointed”, substitute “established and Members appointed”.

Standing order 216 – Standing Committees – Inclusion of self-referral power and requirement to inform the Assembly of self-referral

The current standing order 216 sets out that standing committees may inquire into and report on any matter referred to them by the Assembly within the committees’ terms of reference. Since committees were first established in the First Assembly they have always included in their resolutions of appointment an ability to self-refer matters within their terms of reference. Given this practice it is suggested that this self-referral power be more clearly set out in the standing orders where the other mechanism for referral is also set out—i.e., a referral from the Assembly.

It is also suggested that a mechanism be placed in the standing orders requiring a committee when it self-refers a matter to inform the Assembly at the next meeting after any matter has been self-referred.

Proposed amendment 135

Standing order 216, omit the standing order, substitute the following standing order:

“216. Within the terms of the resolution of establishment agreed to by the Assembly and subject to any direction of the Assembly, any standing committee may inquire into and report on any matter it considers merits investigation or which the Assembly refers to it. Where a committee self-refers a matter, the Chair, or in the absence of the Chair, the Deputy Chair shall inform the Assembly of the inquiry at the next meeting after the matter has been referred, such statement being made in accordance with standing order 246A.”.

Standing order 217 – Select Committees – Clarification of ambit of select and standing committees

Standing order 217 provides that the Assembly may appoint select committees but the terms of reference of such committees shall not include matters within the responsibility of any standing committee. Invariably the subject matter of select committees established over the years has included matters within the terms of reference of a standing committee. For example, the Select Committee on Women and the Select Committee on Working Families in the ACT have trespassed in one way or another on some aspect of the terms of reference of standing committees.

It is suggested that to overcome this problem the onus be put upon standing committees (rather than select committees) not to cover areas that may have been investigated by a select committee.

Proposed amendment 136

Standing order 217, omit the standing order, substitute the following standing order:

217. The Assembly may establish select committees. A standing committee shall take care not to inquire into any matters which are being examined by a select committee and any question arising in this connection may be referred to the Assembly for resolution.

Standing order 218 – Report from select committee – Plain English

This standing order provides that a select committee (when established) shall have a reporting date set but that a report may be presented prior to that reporting date. It is suggested that the wording in the existing standing order is cumbersome and a plain English version would assist the reader in comprehending the intention of this standing order.

Proposed amendment 137

Standing order 218, omit the standing order, substitute the following standing order:

218. On the establishment of a select committee, a day shall be fixed for the reporting of its proceedings to the Assembly, by which day the report of the committee shall be presented by the Chair, unless further time is granted; the Assembly may at any time prior to such day receive the report of the committee.

Standing order 219 – First meeting – Date to be fixed by committee secretary under the general direction of the Speaker

Standing order 219 requires that the time for the first meeting of a committee shall be fixed by the Speaker. The practice of the Assembly has been that the secretary of the committee has generally set the time of the first meeting and that the Speaker has not been involved in the administrative details. It is suggested that this task could be delegated to the secretary of the committee but retaining the proviso that such a decision is made under the general direction of the Speaker in the event that Members unnecessarily delay the time of the first meeting. It is also suggested that a time limit be set, similar to the time limit set for the Assembly after an election is held.

Proposed amendment 138

Standing order 219, omit the standing order, substitute the following standing order:

“219. The time and date for the first meeting of a committee shall be fixed by the secretary of the committee under the general direction of the Speaker and shall be held within seven days of the establishment of a committee.”.

Meetings – Proposed new standing order

It is unclear in the standing orders as to when a committee meeting (other than the first meeting) can be held. The practice is for committees, once established, to set a regular meeting time, but there are some occasions when meetings not previously scheduled will be required. To avoid any confusion about how such meetings shall be called, it is suggested that Senate standing order 30 (2) provides a good model.

Proposed amendment 139

Insert the following new standing order:

“219A. Notice of meetings subsequent to the first meeting shall be given by the secretary attending the committee:

- (a) pursuant to resolution of the committee;
- (b) on instruction of the Chair; or
- (c) upon a request by a quorum of Members of the committee.”.

Standing order 220 – Membership – Maximum number of Members able to be appointed to a committee

Standing order 220 sets out the requirement that not more than seven Members can be appointed to any committee. Given the small size of the Assembly and the fact that there has generally been between five and six standing committees each Assembly—as well as a number of other select committees—it is suggested that having seven Member committees could place undue demands on the Members and severe constraints on the effectiveness of the committee system. It would seem reasonable to provide for a total number of five members for a committee. This size is practical even taking into account the possibility of minority governments and the existence of an expanded crossbench.

Proposed amendment 140

Standing order 220, omit “7”, substitute “5”.

Standing order 221 – Membership – Clarification of proportional membership

Standing order 221 sets out the requirement that membership of committees shall be composed of representatives of all groups and parties of the Assembly as nearly practicable proportional to their representation in the Assembly. It is not clear as to whether, if there are one or two crossbench Members and say, for example, five committees, those crossbench Members should be represented on all the committees or that the total representation on the committees meet the requirements of this standing order.

It is suggested that to make this clearer the word “overall” be added to the standing order so that when calculating the proportion, it is clear that one must look at overall membership of committees rather than just each committee as a separate entity.

Proposed amendment 141

Standing order 221, omit the standing order, substitute the following standing order:

“221. Overall membership of committees shall comprise representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.”.

Standing order 223 – Discharge of Members and replacement – Addition of procedures to deal with changes when the Assembly is not sitting

Standing order 223 sets out the requirements for how Members may be discharged and appointed from a committee. Recent changes to the House of Representatives standing order provide for situations where changes in the leadership of the government or the opposition and consequent changes to the ministry and shadow ministry result in the need to change committee membership. When these changes occur during a period when the Assembly may not be sitting for a long period of time it may have the effect of impeding the work of committees.

It is suggested that the new House of Representatives standing order be applied here. The House of Representatives standing order change is to allow the relevant Whip or crossbench Member to nominate the appointment or discharge of a Member of a committee in writing to the Speaker. Such a nomination would need to be ratified by

the Assembly at the next sitting for it to be effective. It is also suggested that the word “attending” in the current standing order is redundant.

Proposed amendment 142

Standing order 223, omit “attending”.

Proposed amendment 143

Standing order 223, add the following:

“When a change to committee membership is required and the Assembly is not due to meet for two weeks, the relevant Whip or crossbench Member may write to the Speaker suggesting any appointment or discharge of a Member of a committee. The Speaker may approve the change if s/he considers it necessary to the functioning of the committee, and the change in membership shall take effect from the time the Speaker responds to the Member that proposed the change. At the next sitting of the Assembly the Speaker shall report the change of membership of the committee to the Assembly who shall resolve the membership of the committee.”.

Standing orders 225, 226, 227, 228, 229A, 233, 234, 236, 237, 245, 247, 248, 249, 252 and 258 – Omission of title Presiding Officer and replacement with Chair

Standing order 225 sets out the requirement that every committee before proceeding to other business shall elect a Presiding Member and a Deputy Presiding Member. In 1993 the Assembly adopted a new standing order, standing order 225A, which allowed committees to determine the title of their Presiding Member and Deputy Presiding Member. Since that time it has been the practice of the Assembly to call its Presiding Member “Chair”, and its Deputy Presiding Member “Deputy Chair”. Given this practice it is suggested that this be reflected in the standing orders.

Proposed amendment 144

Standing orders 225, 226, 227, 228, 229A, 233, 234, 236, 237, 245, 247, 249, and 258

Omit “Presiding Member”, substitute “Chair”. Omit “Deputy Presiding Member”, substitute “Deputy Chair”.

Standing order 225A – Title of Presiding Member and Deputy Presiding Member – Deletion consequent on proposed amendment 144

This standing order provides that a committee may determine the title of its Presiding Member and Deputy Presiding Member. If the proposed amendment 144 is agreed to, then this standing order is redundant.

Proposed amendment 145

Standing order 225A, omit standing order.

Standing order 228 – Chair’s voting rights

Standing order 228 sets out that all Members of a committee, including the Chair and Deputy Chair, have equal voting rights. This amendment makes that clearer.

Proposed amendment 146

Standing order 228, omit the standing order and heading, substitute the following standing order and heading:

“Chair’s voting rights

228. The Chair, the Deputy Chair acting as Chair, or any other Member acting as Chair shall have a deliberative vote only. All Members, including the Chair shall have only a deliberative vote.”.

Standing order 229 – Adjournment and sitting of committee – Power of committees to meet during any suspension of the Assembly

Standing order 229 sets out when a committee may meet, namely, during any adjournment of the Assembly and not when the Assembly is sitting. There is some doubt as to whether a committee can meet during a meal break—i.e. over lunchtime or during a dinner break, and it is considered desirable to clarify that committees can meet during any suspension of the Assembly. Also, there may be occasions when the Assembly sits late into the night but does not adjourn and simply suspends until a later hour the next day. Should this occur, any committee meeting that may have been scheduled for early the next day may not be able to take place.

Proposed amendment 147

Standing order 229, after “adjournment”, insert “or suspension of the proceedings”.

Proposed new standing order 229B – Meetings of committee using audio-visual and audio links

In the Fifth Assembly and on 3 May 2007 the Sixth Assembly adopted a practice of allowing committees to conduct meetings using audio-visual or audio links.

Although the Assembly has passed a resolution for this Assembly for such a procedure to operate, it is suggested that this procedure be placed in the standing orders.

Proposed amendment 148

Insert the following new standing order:

“229B. When a public meeting or deliberative meeting is being conducted a committee may resolve to conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one place. If an audio visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location; provided that, if the Chair is not present where the public hearing or the deliberative meeting is being conducted, the Deputy Chair shall chair the meeting in accordance with standing order 226.”.

Proposed amendment 149

Standing order 230, after “of” (third occurring), insert “taking and”.

Standing order 240 – Power to send for persons, papers and reports – committee to call

The committee considered that it was more appropriate for the committee to direct the secretary, not the Presiding Member, to send for persons, papers and reports.

Proposed amendment 150

Omit “The Presiding Member of a committee”, substitute “A committee”.

Standing order 241 – Publication of evidence and other documents – Amendment in accordance with Privileges Committee report 2003

Standing order 241 sets out the procedure to be observed by committees in relation to documents presented to them and proceedings and reports of committees. In 2003, a privileges report suggested that the standing order be clarified to make it clear when proceedings of the committee can be discussed and released. The suggested standing order is largely based on the equivalent House of Representatives standing order.

Proposed amendment 151

Standing order 241, omit the standing order and heading, substitute the following standing order and heading:

“Disclosure of proceedings, evidence and documents

241. (a) A committee may receive and authorise publication of evidence given before it or documents presented to it;
- (b) A committee’s evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a member of the committee or Assembly employee if necessary in the course of their duties) unless they have been:
- (i) reported to the Assembly; or
 - (ii) authorised by the Assembly or the committee;
- (c) A committee may resolve to:
- (i) publish press releases, discussion or other papers or preliminary findings; or
 - (ii) divulge evidence, documents, proceedings or reports on a confidential basis to persons for comment where it is clearly necessary to assist the committee in its inquiry; and
- (d) A committee may resolve to authorise a Member of the committee to give public briefings on matters related to an inquiry. An authorised Member may not disclose evidence, documents, proceedings or reports which have not been authorised for publication. The committee shall determine the limits of the authorisation.”.

Standing order 242 – Unauthorised disclosure of proceedings, documents or evidence

From time to time all legislatures invariably have to deal with possible contempts which involve the unauthorised disclosure of committee proceedings. Both the House of Representatives and the Senate have adopted a procedure that requires the committee, in the first instance, to undertake certain action before it is dealt with further in the respective Chambers of the Federal Parliament. It is suggested that a similar procedure be adopted at the Legislative Assembly.

Proposed amendment 152

Standing order 242, omit the standing order and heading, substitute the following standing order and heading:

“Unauthorised disclosure of proceedings, documents or evidence

242. The Assembly adopts the following procedures to be followed by committees in respect of matters on which such committees may wish action to be taken:

- (a)
 - (i) a committee affected by any unauthorised disclosure of proceedings or documents of, or evidence before, that committee shall seek to discover the source of the disclosure, including by the chair of the committee writing to all Members and staff asking them if they can explain the disclosure;
 - (ii) the committee concerned should come to a conclusion as to whether the disclosure had a tendency substantially to interfere with the work of the committee or of the Assembly, or actually caused substantial interference;
 - (iii) if the committee concludes that there has been potential or actual substantial interference it shall report to the Assembly and the matter may be raised with the Speaker by the Chair of the committee, in accordance with standing order 276.
- (b) Nothing in this resolution affects the right of a Member to raise a matter of privilege under standing order 276.

Standing Order 243 Disclosure of documents of the Assembly and its committees

The House of Representatives passed a resolution which deals with documents that are in the custody of that House and which had not been already published by the House or its committees and which had been in the custody of the House for at least ten years.

Whilst it is not usual for persons to seek such documents, it is suggested that such a procedure will be useful in determining a process for dealing with such requests.

Proposed amendment 153

Standing order 243, omit the standing order and heading, substitute the following standing order and heading:

“Disclosure of documents of the Assembly and its committees

- 243.** That, unless otherwise ordered, the Speaker is authorised to permit any person to examine and copy evidence submitted to, or documents of, committees which are in the custody of the Assembly, which have not already been published by the Assembly or its committees, and which have been in the custody of the Assembly for at least 10 years:
- (a) provided that if such evidence or documents were taken in camera or submitted on a confidential or restricted basis, disclosure shall not take place unless the evidence or documents have been in the custody of the Assembly for at least 15 years, and, in the opinion of the Speaker, it is appropriate that such evidence or documents be disclosed;
 - (b) provided further that the Speaker report to the Assembly the nature of any evidence or documents made available under this resolution and the person or persons to whom they have been made available;
 - (c) persons who gave evidence in camera, either written or oral, as far as practicable, shall be advised of the release of that evidence.

Standing order 246 – Witnesses’ right to advice – The right of advisers to represent witnesses

Standing order 246 sets out the requirement that witnesses before a committee may not be represented by counsel or advisers unless ordered by the Assembly but a

witness may consult with counsel or advisers while giving evidence. This standing order has caused some problems in the past especially with relation to advisers. The problems relate to the status of consultants or contractors engaged by organisations (such as non-government agencies) that may engage a consultant for a period to undertake a particular project. A committee may be interested in hearing about that project either at the time or at some time after the consultant has completed her/his work. The organisation can be placed in a difficult position as often the best person to speak on the issue on its behalf is the consultant or adviser who undertook the work. A similar situation can occur with consultants engaged by commercial organisations such as developers.

The purpose of this standing order is to prevent persons invited to appear before committees from sending a legal or other representative in their place or having such a person speak for them at a hearing. This reflects the practice that committees may determine their programs and call for persons as they see fit. It is also intended to prevent committee hearings becoming too legalistic particularly where counsel might try to introduce practices which are unnecessary or inappropriate to committee proceedings. It is suggested that the standing order be amended to allow committees to hear from advisers. Of course, it is always up to the committee to determine who they wish to hear evidence from.

Proposed amendment 154

Standing order 246, omit standing order, substitute the following standing order:

“246. Witnesses before a committee may not be represented by legal counsel unless so ordered by the Assembly but a witness may consult with legal counsel or advisers while giving evidence.”.

Standing order 246A – Statement – Clarification of standing order and addition of discussion paper

Standing order 246A was adopted in 1995 to provide for when a committee wishes to inform the Assembly of issues in relation to an inquiry but does not want to present a report. When the standing order was adopted in 1995 it required that any statement being made by the committee’s Chair be dealt with in the same fashion as a draft report but did provide that the committee may dispense with this requirement should it resolve accordingly. The practice of committees in recent years is to not

treat statements in the same fashion as draft reports and so it is considered that the standing order should be amended to reflect this practice.

Standing order 246B (which was also adopted in 1995) provides that a committee can present a discussion paper on any inquiry under its terms of reference and that the standing orders in relation to a report also apply to a discussion paper. Again, the practice of committees in recent years is not to formally consider discussion papers in the same manner as draft reports and it is suggested that the standing order be amended to reflect this.

In addition, there have been instances where there has been a need to release a discussion paper when the Assembly is not sitting in order to progress the inquiry being undertaken by the committee. This can have the effect of generating discussion and interest in the committee's inquiry and result in a report being finalised and presented to the Assembly in a more efficient manner. Accordingly, it is suggested that a committee be given the power to release discussion papers concerning an inquiry under consideration or a matter within its terms of reference when the Assembly is not sitting with the proviso that the Chair must present the discussion paper at the next meeting of the Assembly.

Proposed amendment 155

Standing order 246A and 246B, omit the standing order and headings, substitute the following standing order and heading:

"Statement and discussion paper

246A. A committee may resolve to make a statement to the Assembly or to release a discussion paper generally on matters within a committee's resolution of establishment or which relates to a particular inquiry being undertaken by the committee.

If the committee resolves that a statement should be made to the Assembly or a discussion paper released concerning an inquiry under consideration or a matter within its terms of reference, the Chair may make such a statement to the Assembly. The committee is authorised to release a discussion paper when the Assembly is not sitting but must present the discussion paper at the next meeting of the Assembly. The discussion paper must be signed by the Chair."

Standing order 248 – Consideration of draft report

Proposed amendment 156

Standing order 248, omit the standing order, substitute the following standing order:

248. At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once. Copies shall be circulated in advance to each Member of the committee. The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. A Member objecting to any portion of the report shall move an amendment at the time the paragraph to be amended is under consideration.

Standing order 251 – Dissenting report – Inclusion of additional comments

Standing order 251 provides that a Member may dissent from all or part of the draft report and that such a dissenting report shall be added to the report agreed to by the committee. The practice of the Assembly over many years has been to allow Members to make additional comments rather than a formal dissenting report and it is suggested that the standing order be amended to reflect this long-standing practice. This allows Members who may agree with all of the committee's recommendations but not necessarily with some aspects of the report to lodge additional comments rather than submit a dissenting report.

Proposed amendment 157

Standing order 251, omit the standing order and substitute the following standing order:

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

Standing order 252 – Signing of report – Consequent amendment to proposed amendment 120 – Additional comments

Standing order 252 provides that the report shall be signed by the Presiding Member and any dissenting report signed by the relevant Member. If the amendments suggested previously in relation to the title of Presiding Member (see proposed amendment number 144) and the proposed amendment in relation to additional comments above are agreed to, this standing order as a consequence will need to be amended.

Proposed amendment 158

Standing order 252, omit all words after “report”, substitute “or additional comments shall be signed by the relevant Member or Members”.

Standing orders 253 and 254 – Presentation of report – Ability of Deputy Chair to present report in Chair’s absence and move relevant motion

Standing order 253 provides that a report of a committee shall be presented to the Assembly by the Presiding Member together with the minutes of proceedings. It is unclear as to what should occur when the Chair is absent from the Assembly and a report is required to be tabled. The standing orders relating to the powers of the Deputy Chair relate primarily to when the committee is meeting and not to when the Chair is required to take action in the Assembly. It is suggested that this be clarified.

It is also suggested that the Deputy Chair should also be able to move the relevant motion when a report has been presented.

Proposed amendment 159

Standing order 253, omit “Presiding Member”, substitute “Chair, or, in the absence of the Chair, the Deputy Chair,”.

Proposed amendment 160

Standing order 254, omit “Presiding Member or any other Member of the committee”, substitute “Chair, or, in the absence of the Chair, the Deputy Chair,”.

Standing order 256 – Recusant witness – Plain English amendment

Standing order 256 provides that if a witness fails or refuses to attend or give evidence, the Assembly, on being *acquainted therewith* (emphasis added) shall deal with the matter. It is suggested that this quaint language be replaced with the word “advised”.

Proposed amendment 161

Standing order 256, omit “acquainted therewith”, substitute “so advised”.

Standing order 259 – Committee not to entertain charges against Members – Change to allegations

The committee considered this standing order and decided that instead of charges, allegations was a better description of what the standing order intended.

Proposed amendment 162

Omit in the heading “charges”, substitute “allegations” and omit in the standing order “charges”, substitute “makes allegations against the conduct of”.

**Standing order 260 – Where intended witness is in prison –
Omission of standing order**

Standing order 260 provides that when a witness is in the custody of a prison, the witness may be brought for examination before a committee under a Speaker’s warrant. This standing order has never been used and in the event that a prisoner was required to give evidence it is suggested that the committee would do so by way of the power given to it to use audio links/audio visual communication. Accordingly it is suggested that this standing order be omitted.

Proposed amendment 163

Standing order 260, omit the standing order.

New Standing order 264A – Protection on witnesses – Adverse mention procedures

Although the Assembly has adopted a Citizen's right of reply procedure, the procedure does not apply to committee proceedings. Consequently, there is the possibility that someone may be adversely mentioned in committee proceedings and not have an avenue of redress. It is suggested that the Assembly adopt procedures to be observed by Assembly committees for the protection of witnesses which are modelled on the equivalent Senate resolution. This basically gives protection to witnesses and applies the adverse mention procedure, which allows a right of reply to any evidence that may be adverse to them.

Proposed amendment 164

Insert the following new standing order and heading:

“Protection of Witnesses – Adverse mention procedures

264A. In their dealings with witnesses, all committees of the Assembly shall observe the following procedures:

- (a) A witness shall be invited to attend a committee meeting to give evidence. A witness shall be summoned to appear (whether or not the witness was previously invited to appear) only where the committee has made a decision that the circumstances warrant the issue of a summons.
- (b) Where a committee desires that a witness produce documents relevant to the committee's inquiry, the witness shall be invited to do so, and an order that documents be produced shall be made (whether or not an invitation to produce documents has previously been made) only where the committee has made a decision that the circumstances warrant such an order.
- (c) A witness shall be given reasonable notice of a meeting at which the witness is to appear, and shall be supplied with a copy of the committee's terms of reference, a statement of the matters expected to be dealt with during the witness's appearance, and a copy of these procedures. Where appropriate a witness shall be supplied with a transcript of relevant evidence already taken.
- (d) A witness shall be given opportunity to make a submission in writing before appearing to give oral evidence.

(e) Where appropriate, reasonable opportunity shall be given for a witness to raise any matters of concern to the witness relating to the witness's submission or the evidence the witness is to give before the witness appears at a meeting.

(f) A witness shall be given reasonable access to any documents that the witness has produced to a committee.

(g) A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard in private session, and shall be invited to give reasons for any such application. If the application is not granted, the witness shall be notified of reasons for that decision.

(h) Before giving any evidence in private session a witness shall be informed whether it is the intention of the committee to publish or present to the Assembly all or part of that evidence, that it is within the power of the committee to do so, and that the Assembly has the authority to order the production and publication of undisclosed evidence.

(i) A Chair of a committee shall take care to ensure that all questions put to a witness are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a Member of a committee requests discussion of a ruling of the Chair on this matter, the committee shall deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted.

(j) Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which objection to answering the question is taken. Unless the committee determines immediately that the question should not be pressed, the committee shall then consider in private session whether it will insist upon an answer to the question, having regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination and the reasons for the determination, and shall be required to answer the question only in private session unless the committee determines that it is essential to the committee's inquiry that the question be answered in public session. Where a witness declines to answer a question to which a committee has required an answer, the committee shall report the facts to the Assembly.

(k) 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.

(l) 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.

(m) Where evidence is given which reflects adversely on a person and action of the kind referred to in 264A (l) 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.

(n) A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears.

(o) An officer of a department of the Territory or the Commonwealth or a state shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister.

(p) Reasonable opportunity shall be afforded to a witness to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.

(q) Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the Assembly.

Standing order 267 – Manner of taking ballot – Clarification

Standing order 267 sets out the procedures when a ballot is required to be taken. The opportunity has been taken to amend the standing order to make it clearer as to which Members have been chosen by the ballot.

Proposed amendment 165

Standing order 267, after “Speaker” omit “and names of the Members having the greatest number of votes, which Members shall be declared to be chosen”, substitute “the names of the Members having the greatest number of votes, such Members shall be declared by the Speaker to be chosen”.

New Chapter 26 – Privilege and Contempt

Standing order 71 (new 276) sets out the procedure for how matters of privilege are dealt with by the Assembly. The current procedure provides a mechanism for the Speaker to make a decision on whether a matter proceeds further in the Assembly. If the matter does not, in the Speaker’s opinion, merit precedence over other business, the Speaker is required to inform the Member in writing and may also inform the Assembly. If, however, the Speaker decides to let the matter proceed, the standing order provides that the Speaker can only inform the Assembly of the decision. If the matter has been raised with the Speaker during a long adjournment session of the Assembly, then the Member who raised the matter will not know whether the

Speaker has made a decision or not and must wait until the Assembly next meets to ascertain the outcome of the matter being raised. It is suggested that the standing order be amended to allow the Member concerned to be notified by the Speaker if the matter merits precedence.

Proposed amendment 166

Move Standing order 71 to new standing order 276.

Privilege

276. Upon a matter of privilege arising:

- (a) a Member shall give written notice of the alleged breach to the Speaker as soon as reasonably practicable after the matter has come to that Member's attention;
- (b) if the matter arises from a statement published in a newspaper, book or other publication, the Member shall provide the Speaker with a copy of the newspaper, book or publication;
- (c) the Speaker will determine as soon as practicable whether or not the matter merits precedence over other business;
- (d) if, in the opinion of the Speaker, the matter does not merit precedence, the Speaker will inform the Member, in writing, accordingly, and may also inform the Assembly of the decision; and
- (e) if, in the opinion of the Speaker, the matter merits precedence, the Speaker will inform the Member who raised the matter and the Assembly of the decision, and the Member who raised the matter may move a motion without notice forthwith to refer the matter to a select committee appointed by the Assembly for that purpose.

Contempt – Matters constituting contempt – Proposed resolution of continuing effect

Under standing order 71 a Member can raise a matter of privilege. There are a range of matters that parliaments can treat as contempts, and the Senate has passed a resolution setting out, for general guidance, the types of acts that may be treated as contempts. It is considered that such a resolution by the Assembly would assist those Members that are considering whether to raise a matter of privilege, as it would enable them to ascertain whether the circumstances fitted the types of acts that are characterised in the resolution.

Proposed amendment 167

Insert the following new standing order and heading:

“Contempt – Matters constituting contempt

277. Without derogating from its power to determine that particular acts constitute a contempt, the Assembly declares, as a matter of general guidance, that breaches of the following prohibitions, and attempts or conspiracies to do the prohibited acts, may be treated by the Assembly as a contempt.

(a) Interference with the Assembly

A person shall not improperly interfere with the free exercise by the Assembly or a committee of its authority, or with the free performance by a Member of the Member’s duties as a Member.

(b) Improper influence of Member

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member’s conduct as a Member or induce a Member to be absent from the Assembly or a committee.

(c) Members seeking benefits etc.

A Member shall not ask for, receive or obtain, any property or benefit for the Member, or another person, on any understanding that the Member will be influenced in the discharge of the Member’s duties, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the Member’s independence or freedom of action as a Member, or pursuant to which the Member is in any way to act as the representative of any outside body in the discharge of the Member’s duties.

(d) Molestation of Members

A person shall not inflict any punishment, penalty or injury upon, or deprive of any benefit, on a Member on account of the Member’s conduct as a Member.

(e) Disturbance of the Assembly

A person shall not willfully disturb the Assembly or a committee while it is meeting, or willfully engage in any disorderly conduct in the precincts of the Assembly or a committee tending to disturb its proceedings.

(f) Service of writs etc.

A person shall not serve or execute any criminal or civil process in the precincts of the Assembly on a day on which the Assembly meets except with the consent of the Assembly or of a person authorised by the Assembly to give such consent.

(g) False reports of proceedings

A person shall not willfully publish any false or misleading report of the proceedings of the Assembly or of a committee.

(h) Disobedience of orders

A person shall not, without reasonable excuse, disobey a lawful order of the Assembly or of a committee.

(i) Obstruction of orders

A person shall not interfere with or obstruct another person who is carrying out a lawful order of the Assembly or of a committee.

(j) Interference with witnesses

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Assembly or a committee, or induce another person to refrain from giving such evidence.

(k) Molestation of witnesses

A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Assembly or a committee.

(l) Offences by witnesses etc.

A witness before the Assembly or a committee shall not:

- (i) without reasonable excuse, refuse to make an oath or affirmation or give some similar undertaking to tell the truth when required to do so;
- (ii) without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or
- (iii) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

(m) A person shall not, without reasonable excuse:

- (i) refuse or fail to attend before the Assembly or a committee when ordered to do so; or
- (ii) refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Assembly or of a committee.

(n) A person shall not willfully avoid service of an order of the Assembly or of a committee.

(o) A person shall not destroy, damage, forge or falsify any document required to be produced by the Assembly or by a committee.

(p) Unauthorised disclosure of evidence etc.

A person shall not, without the authority of the Assembly or a committee, publish or disclose:

- (i) a document that has been prepared for the purpose of submission, and submitted, to the Assembly or a committee and has been directed by the Assembly or a committee to be treated as evidence taken in private session or as a document confidential to the Assembly or the committee;
- (ii) any oral evidence taken by the Assembly or a committee in private session, or a report of any such oral evidence; or
- (iii) any proceedings in private session of the Assembly or a committee or any report of such proceedings,

unless the Assembly or a committee has published, or authorised the publication of, that document, that oral evidence or a report of those proceedings.

Proposed new standing order – Contempt – Criteria to be taken into account when dealing with matters of contempt

Under standing order 276, a Member may raise a matter of privilege with the Speaker. Once a matter is raised, the Speaker must determine whether the matter merits precedence—i.e. whether the matter is sufficient for it to proceed to the Assembly, where a Privilege Committee may be established to investigate a matter. The Assembly must then decide whether the matter merits further investigation. In considering whether such a matter should proceed, the Assembly could utilise the practice of the Senate, which has used a resolution of continuing effect to set out the criteria that their Chamber can use, and it is suggested that a similar standing order would assist the Assembly.

Proposed amendment 168

Insert the following new standing order 278 and heading:

“Contempt – Criteria to be taken into account when dealing with matters of contempt

278. The Assembly will take into account the following criteria when determining whether matters possibly involving contempt should be referred to a Select Committee on Privilege and whether a contempt has been committed, and requires the committee to take these criteria into account when inquiring into any matter referred to it:

- (a) the principle that the Assembly’s power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Assembly and its committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Assembly;
- (b) the existence of any remedy other than that power for any act which may be held to be a contempt; and

(c) whether a person who committed any act which may be held to be a contempt:

- (i) knowingly committed that act, or
- (ii) had any reasonable excuse for the commission of that act.

Proposed new standing order – Criteria to be taken into account by the Speaker in determining whether a matter of privilege should be given precedence over other business

As stated above, if Member raises a matter of privilege to the Speaker under standing order 276, the Speaker must determine whether the matter merits precedence over other business. Modelled on the Senate resolution, this proposed standing order sets up guidelines which will assist the Speaker to determine whether a matter of privilege merits precedence.

Proposed amendment 169

Insert the following new standing order:

“Privilege – Criteria to be taken into account by the Speaker in determining whether a matter of privilege should be given precedence over other business

279. In determining whether a matter of privilege merits precedence over other business the Speaker shall have regard only to the following criteria:

(a) the principle that the Assembly’s power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Assembly and its committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Assembly; and

(b) the existence of any remedy other than that power for any act which may be held to be a contempt.

Proposed new standing order – Procedures for the protection of witnesses before a privileges committee

Currently the Assembly has no set procedure for instances when a matter of privilege arises, a committee is established by the Assembly for the purpose of investigating a matter, and there are issues to be dealt with where a witness may be subject to adverse comment or treatment. It is suggested that procedures for the protection of witnesses before any Privilege committee – modelled on the Senate resolution – be adopted. These would set out procedures in dealing with any matter of possible contempt that may be referred to a select committee on privilege.

Proposed amendment 170

Insert the following new standing order:

“Procedures for the protection of witnesses before a Privileges committee

280. In considering any matter referred to it which may involve, or gives rise to any allegation of, a contempt, a committee dealing with a matter of privilege that has been referred to it by the Assembly shall observe these procedures, in addition to the procedures set out in standing order 264A. Where this standing order is inconsistent with the procedures in standing order 264A this standing order shall prevail to the extent of the inconsistency.

(a) A person shall, as soon as practicable, be informed, in writing, of the nature of any allegations, known to the committee and relevant to the committee’s inquiry, against the person, and of the particulars of any evidence which has been given in respect of the person.

(b) The committee shall extend to that person all reasonable opportunity to respond to such allegations and evidence by:

- (i) making written submission to the committee;
- (ii) giving evidence before the committee;
- (iii) having other evidence placed before the committee; and
- (iv) having witnesses examined before the committee.

(c) Where oral evidence is given containing any allegation against, or reflecting adversely on, a person, the committee shall ensure as far as possible that that person is present during the hearing of that evidence, and shall afford all reasonable opportunity for that person to examine witnesses in relation to that evidence.

(d) A person appearing before the committee may be accompanied by counsel, and shall be given all reasonable opportunity to consult counsel during that appearance.

(e) A witness shall not be required to answer in public session any question where the committee has reason to believe that the answer may incriminate the witness.

(f) Hearing of evidence by the committee shall be conducted in public session, except where:

(i) the committee accedes to a request by a witness that the evidence of that witness be heard in private session;

(ii) the committee determines that the interests of a witness would best be protected by hearing evidence in private session; or

(iii) the committee considers that circumstances are otherwise such as to warrant the hearing of evidence in private session.

(g) As soon as practicable after the committee has determined findings to be included in the committee's report to the Assembly, and prior to the presentation of the report, a person affected by those findings shall be acquainted with the findings and afforded all reasonable opportunity to make submissions to the committee, in writing and orally, on those findings. The committee shall take such submissions into account before making its report to the Assembly.

(h) Before appearing before the committee a witness shall be given a copy of this standing order.

Resolutions of continuing effect

The opportunity has been taken to review resolutions of continuing effect. Some have been omitted and included in the standing orders. Others have been amended, and some new ones added.

Authority to receive resignations of Members and Speaker – Omit paragraph regarding Speaker

Section 13 of the Self-Government Act requires that the resignation of Members and the Presiding Officer be delivered to a person authorised to receive it. In 1992, the Assembly authorised the Speaker, or, in the absence of the Speaker, the Deputy Speaker, to receive the resignation of a Member from office. It also authorised the Clerk to receive the written resignation of the Speaker. If proposed amendment 21 is agreed to then the section relating to the resignation of the Speaker will become redundant.

Proposed amendment 171

Authority to receive resignations of Members and Speaker, heading, omit “and Speaker” and paragraph 1(b), omit the paragraph.

Citizen’s Right of Reply – Time limit

This resolution provides for a right of reply for citizens or corporations adversely referred to in the Assembly. The House of Representatives has recently adopted guidelines that provide that any application under this procedure must be lodged within three months of the making of the statement, unless exceptional circumstances exist. It is suggested that the Assembly should adopt this as well.

Proposed amendment 172

Citizen’s right of reply resolution, paragraph (1), add new sub-paragraph (e):

“(e) that the submission has been received within three months of the making of the statement, unless there are exceptional circumstances, in which case the Speaker shall allow the submission to be received;”.

Declaration of Private Interests of Members – Amend to require interests to be sent to the Clerk

In the First Assembly a resolution of continuing effect was agreed to that required Members to declare to the Speaker their private interests (including those of their immediate family) within 28 days of taking an oath or affirmation as a Member. Any changes to those interests must also be made within 28 days. Access to the declarations was also set out in the resolution, with the declarations being stored by the Clerk in a secure manner and only able to be accessed once Members had received 24 hours notice.

Although the committee considered changing the regime governing the declarations to bring it into line with other jurisdictions by having all declarations tabled annually, it decided to retain the existing system. However, it decided to have the declarations sent to the Clerk rather than to the Speaker.

Proposed amendment 173

Declaration of Private Interests of Members resolution

Paragraph (1) omit “Speaker”, substitute “Clerk” (twice occurring).

Proposed amendment 174

Declaration of Private Interests of Members resolution

Paragraph 3, after “available”, insert “for perusal”.

General Purpose Standing Committees – Not a resolution of continuing effect

The resolution of 7 December 2004 establishing standing committees for the Sixth Assembly has been included in the orders of the Assembly. If the Assembly agrees to call this section resolutions of continuing effect, this resolution would not fall into that category, as it only exists for the life of the Sixth Assembly.

Proposed amendment 175

General Purpose Standing Committees, omit the resolution.

Sub judice principles – Proposed resolution of continuing effect

Subject to the discretion of the Chair and to the right of the Assembly to legislate on any matter, matters awaiting the adjudication of a court of law should not be brought forward or discussed in the Assembly. This is known as the sub judice convention.

In November 2001, the UK House of Commons passed a resolution setting out the way the sub judice convention was to be applied in that House. It is suggested that a similar resolution would be of use in the Legislative Assembly, as it would set out in detail the principles of the convention.

Proposed amendment 176

Insert the following resolution of continuing effect:

“Sub judice

That subject to the discretion of the Speaker, and to the right of the Assembly to legislate on any matter or to discuss any matter, the Assembly in all its proceedings (including proceedings of committees of the Assembly) shall apply the following rules on matters *sub judice*:

- (1) Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.
 - (a) (i) Criminal proceedings are active when a charge has been made or a summons to appear has been issued.
 - (ii) Criminal proceedings cease to be active when they are concluded by verdict and sentence or discontinuance, or in cases dealt with by courts martial, after the conclusion of the mandatory post-trial review.
 - (b) (i) Civil proceedings are active when arrangements for the hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance.
 - (ii) Any application made for the purposes of any civil proceedings shall be treated as a distinct proceeding.
 - (c) Appellate proceedings, whether criminal or civil, are active from the time when they are commenced by application for leave to appeal or by notice of appeal until ended by judgment or discontinuance.

(d) For the purposes of this resolution matters before a Coroner's Court shall be treated as matters within paragraph (1)(a).

But where a ministerial decision is in question, or in the opinion of the Speaker a case concerns issues of national importance such as the economy, public order or the essential services, reference to the issues or the case may be made in motions, debates or questions.

(2) Specific matters which the Assembly has expressly referred to any judicial body for decision and report shall not be referred to in any motion, debate or question, from the time when the resolution of the Assembly is passed until the report is laid before the Assembly.

(3) This resolution has effect unless amended or repealed by this or any subsequent Assembly."

Petitions

The committee considered the possibility of introducing a system to allow electronic petitioning of the Assembly (colloquially known as "e-petitions"). A number of Australian parliaments (Queensland and Tasmania) have already introduced such a procedure. For that type of system to be introduced here would involve resources being spend on a suitable IT system that would ensure that a secure and reliable procedure could be utilised by constituents and MLAs. For that reason the committee has not recommended changes to the standing orders at this stage, but has agreed to continue investigating the feasibility and cost of introducing such a system.

Minor typographical and other amendments

During the course of the review and during the consideration of the draft report, the committee identified a number of minor (mostly typographical) changes that it wished to make to the standing orders. Rather than make a single recommendation for each of the changes, the committee made just one recommendation for all of these small typographical changes. They are contained in recommendation 177 and show which standing orders and continuing resolutions the changes are contained in.

Proposed amendment 177

Standing Order 2(a) – Omit “do”

Standing Order 2(c) – After proposed (third occurring) omit the comma, and substitute it after the next “and” and again after “not”.

Standing Order 2(f) – Omit “be proceeded with” substitute “proceed”.

Standing Order 2(g) – After “voting”, omit “but.”

Standing Order 2(h) – After “voting”, omit “but.”

Standing Order 2(k) – After “declare” (first occurring) omit the comma and substitute it after the next and”.

Standing Order 3(b) – After the first “and” insert a comma.

Standing Order 3(c) – After “shall” (first occurring) insert a “comma”.

Standing Order 3(c) – After “proposal” (first occurring) omit the occurring commas and substitute comma after “and” (second occurring) and (third occurring)

Standing Order 3(f) – Omit “be proceeded with” substitute “proceed”

Standing Order 3(g) – Omit “but”

Standing Order 3(h) – Omit “but”

Standing Order 3(k) – After “declare” (first occurring) omit the comma, and substitute it after the next “and”.

Standing Order 9 – After “Deputy Speaker” insert a comma.

Standing Order 14 – After “Clerk” (first occurring) insert a comma.

Standing Order 15 – After “Clerk” (first occurring) insert a comma

Standing Order 27 – Omit the points in both p.m. and a.m. (where ever occurring)

Standing Order 28 – After “present” (first occurring); omit the comma.

Standing Order 28 – Omit “Provided that”.

Standing Order 28 – After “reasonable time”, insert a comma.

Standing Order 28 – After “time” (third occurring), omit “but”

Standing Order 31 – Omit “Provided that”.

Standing Order 31 – After “reasonable time”, insert a comma.

Standing Order 31 – After “time” (third occurring), omit “but”

Standing Order 32 – Omit “provided that”

Standing Order 32 – After “reasonable time”, insert a comma.

Standing Order 33 – After elapsed, omit “and the bells shall be rung as if in a vote”, and substitute those words after “present” (first occurring).

Standing Order 34 – Omit “Provided”, substitute “provided”.

Standing Order 34 – Omit the point in both p.m. and a.m. (Where ever occurring).

Standing Order 46 – After “Assembly” Omit “but”.

Standing Order 57 – After “used”, insert a comma.

Standing Order 58 – Omit “Provided” and substitute “provided.”

Standing Order 59 – Omit “Provided” and substitute “provided.”

Standing Order 60 – Omit “Provided” and substitute “provided.”

Standing Order 65 – After “affirmative” insert a comma.

Standing Order 74 – Omit “Provided” and substitute “provided.”

Standing Order 74 – After “called on”, omit the semicolon, substitute a comma.

Standing Order 74 – Omit the point in both p.m and a.m. (Where ever occurring)

Standing Order 76 – Omit the point in both p.m and a.m. (Where ever occurring)

Standing Order 77 – After “sitting Wednesdays” insert a comma.

Standing Order 77 – Omit “Provided” and substitute “provided.”

Standing Order 79 – After “Assembly” (second occurring) omit “and”.

Standing Order 83 – Omit the point in both p.m. and a.m. (where ever occurring).

Standing Order 83 – After “presented” (first occurring) omit “and”.

Standing Order 89 – Omit “Provided” and substitute “provided.”

Standing Order 96 – After “number of”, insert “eligible”.

Standing Order 98 – After “number of the”, insert “eligible”.

Standing Order 125 – After “78”, insert a comma.

Standing Order 131 – After “suspended” omit the comma, relocate it to after “or”.

Standing Order 132 – After “concluded”, insert a comma.

Standing Order 135 – Omit “have it; and”, substitute “are in the majority;”

Standing Order 137 – After “rescinded;” omit “but”.

Standing Order 150 – Add “by any Member”.

Standing Order 153 – Omit “have it”, Substitute “are in the majority”.

Standing Order 162 – After “equal”, insert a comma.

Standing Order 186 – After “made” omit “to”, substitute “in”.

Standing Order 188 – After “negatived “, omit the comma, relocate it to after “or”.

Standing Order 193 – Omit “parliamentary counsel, substitute “Parliamentary Counsel”.

Standing Order 207 – Omit “without question put”, substitute “without any question being put”.

Standing Order 209 – After “Speaker” (second occurring), Omit the comma, relocate it after “committees”.

Standing Order 213 – After “Member” (first occurring) omit the comma.

Standing Order 214 – Omit “Provided”, substitute “provided”.

Standing Order 222 – After “places” insert a comma.

The following resolutions of continuing effect have been amended as follows:

- (1) Omit “have”, substitute “has” and, omit “continue”, substitute “continues” in:
 - Authority to publish Hansard;
 - Authority to receive resignations of Members;
 - Code of conduct for all Members of the Australian Capital Territory;
 - Declaration of Private Interests of Members;
 - Implementation of committee recommendations in Annual report;
 - Senator for the Australian Capital Territory-Procedures for election; and
 - Title of Presiding Officer.
- (2) Broadcasting Guidelines – format resolution to the style and format of the revised standing orders.
- (3) Citizen’s Right of Reply – paragraph (7) omit “either”, substitute “one”.
- (4) Code of Conduct for all Members of the Legislative Assembly for the Australian Capital Territory –
 - Preamble, insert “to” after “Australia and”, “not” and “Parliament, and”;
 - Conflict of interest, omit “(i)”, substitute “(a)” and omit “(ii)” substitute “(b)”;
 - Conflict of interest, in 2(i) insert “as” before “a broad”;
 - Use of public resources/property or services, omit “monies”, substitute “funds”.
- (5) Declaration of Private Interests of Members – paragraph (2), after “his” insert “/her”.
- (6) Implementation of committee recommendations in all reports – omit “1995”, substitute “2004”.

Wayne Berry MLA
Presiding Member

December 2007