

18. Witnesses

Introduction

- 18.1. The Legislative Assembly and its committees have the general power to call for persons, papers and records, that being a power derived from the House of Representatives under the Self-Government Act.
- 18.2. The Assembly can invite or even summon witnesses to appear at the bar of the chamber to contribute to its inquiries or deliberations. Although both the Senate and the House of Representatives have examined witnesses at the bar of their respective chambers, it is now very unusual for a parliamentary chamber to bring witnesses before it when acting in an inquisitorial role.¹

Summoning of witnesses, including members

- 18.3. Standing orders 255 and 256 embody the power of the Assembly and its committees to compel the attendance of witnesses and deal with the failure or refusal of a witness to attend. These powers were powers of the House of Representatives when the Self-Government Act was passed and are, therefore, powers of the Legislative Assembly.² The form of a summons is not specified, but the Assembly could elect to follow precedents in other parliaments. Failure to appear before a committee and to give evidence, having been ordered to do so, may constitute a contempt and the committee must report the matter to the Assembly (committees themselves are not empowered to make findings of contempt).³ As noted in Chapter 17: Committees, there have been two occasions when committees have issued summons.⁴

1 In 1975, the Senate summoned a number of senior public servants to the bar of the Senate to answer questions and provide documents in connection with the Senate's examination of what became known as the overseas loans affair. All those summoned cited prior ministerial claims of Crown privilege on their behalf and declined to answer any substantive questions. See *Odgers'*, pp 471-473. Note that the power of the Senate to summon witnesses was not at issue. The only occasion on which the House summoned witnesses to the bar was in 1955, in connection with a privilege matter—the Browne and Fitzpatrick case. See *House of Representatives Practice*, pp 111-112. An interesting precedent comes from the House of Commons in the early 19th century, when the former mistress of the then Duke of York was summoned before the House to be questioned with regard to claims that the Duke, then Commander in Chief [the 'Grand Old Duke of York'], had been involved in corruptly selling commissions in the Army. As a result of the details revealed in her lengthy cross-examination—she was described by William Wilberforce as 'elegantly dressed, consummately impudent and very clever ... [she] clearly got the better of the tussle'—the Duke resigned his position; see A Wright and P Smith, London, 1902, *Parliament Past and Present*, p 391.

2 See s 24 of the Self-Government Act. However, by reason of s 24(4) of that Act, the Assembly is not empowered to imprison or fine a person.

3 See standing order 277(m).

4 See Chapter 17: Committees, under the heading 'Power to send for persons, papers, records'.

- 18.4. Both House of Representatives and Senate committees have ordered witnesses to appear, but only rarely. A witness who is reluctant to appear will usually accept an invitation when the power to order an appearance is explained. Witnesses have occasionally asked to be ‘ordered’ to appear for their own protection. They wanted to make it clear that they were required to give evidence—for example, where their evidence related to ‘matters subject to a requirement of confidentiality’.⁵
- 18.5. The Assembly has never required a member to ‘attend in the Member’s place’ to be examined by the Assembly (see standing order 257). Committees have invited members to appear on numerous occasions, particularly in their capacity as ministers, but also with regard to questions of privilege, consideration of bills sponsored by private members, and other matters. Again, the issue of compulsion has not arisen. Standing orders 256, 258 and 259 confirm that committees do not have the power to reach decisions on matters relating to the refusal of members or witnesses to appear and answer questions. These matters must be reported to the Assembly, which then decides on a course of action. When an MLA appears before an Assembly committee, they do so as a witness and not as a member and are subject to the same obligations as any other witness.
- 18.6. The House of Representatives and the Senate have the power, via s 49 of the Constitution, to administer oaths or affirmations to witnesses appearing before committees and thus the Assembly also has that power (via the Self-Government Act). The practice of swearing witnesses before committees has been declining in the Commonwealth Parliament since the 1980s and the practice was never adopted in the Legislative Assembly. Prior to their appearance, witnesses appearing before a committee are given a statement to read concerning their obligation to tell the truth and the application of parliamentary privilege to committee proceedings. Before evidence is given, the chair of a committee will ask a witness to confirm that they have read the statement.

Offences by witnesses

- 18.7. Standing order 277(1) establishes a number of offences that may be committed by witnesses. Witnesses before the Assembly or a committee shall not:
- without reasonable excuse, refuse to make an oath or affirmation or give some similar undertaking to tell the truth when required to do so;
 - without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or
 - 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.⁶

5 *House of Representatives Practice*, pp 651-652; *Odgers*, p 423.

6 The Assembly has treated the possibility of misleading evidence as a serious matter. In determining

- 18.8. Standing order 277(m) provides that a person shall not, without reasonable excuse, refuse or fail to attend before the Assembly or a committee when ordered to do so; or 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.
- 18.9. Standing order 277(n) provides that ‘A person shall not wilfully avoid service of an order of the Assembly or of a committee’. Standing order 277(o) provides that ‘A person shall not destroy, damage, forge or falsify any document required to be produced by the Assembly or by a committee’.

Protection of witnesses

Immunity

- 18.10. Witnesses appearing before the Assembly and its committees receive the same protection as that provided by the Commonwealth Parliament. Witnesses are protected against legal action in the courts for anything said in meetings of the Assembly and its committees. This protection also applies to a submission presented to, and received by, a committee, and a document prepared incidental to a witness’s appearance before a committee.⁷ For more information, see Chapter 2: Parliamentary privilege—The powers and immunities of the Assembly under the heading ‘Freedom of speech, immunity from impeachment or questioning’.

Contempt

- 18.11. The Parliamentary Privileges Act sets out clearly that witnesses may not be subjected to pressure or penalty in relation to evidence they may give to committees.⁸ Similarly, standing orders 277(j) and 277(k) provide that interference with a witness may be treated as a contempt of the Assembly. These matters are discussed more fully in Chapter 2: Parliamentary privilege—The powers and immunities of the Assembly. In the Ninth Assembly, the Acting Speaker wrote to a number of media organisations after witnesses had been ‘aggressively pursued

whether a contempt has been committed, Assembly privileges inquire have had regard to practices of the Commonwealth Parliament, requiring that a clear intention to mislead the Assembly needs to be established. In its report, *Evidence of Mr Mark Sullivan to the Select Committee on Estimates 2009-10*, p 2, the 2010 Select Committee on Privileges noted that:

The practice of the Assembly (and of the Commonwealth Houses) has been to use their powers to investigate and punish contempts sparingly. In the particular case where a witness may have given false or misleading evidence legislatures now also require clear evidence of a “culpable intent”. The wording of standing order 277(l)(iii) follows that of the Privileges Resolution of the Senate. Thus it is useful to have regard to the Senate’s view on the approach adopted in dealing with misleading evidence. The Senate Privileges Committee has generally confined its investigations to “serious matters potentially involving significant obstruction of the Senate ...” and “... now regards a culpable intention on the part of the person concerned as essential for the establishment of contempt”.

7 Parliamentary Privileges Act, s 16.

8 Parliamentary Privileges Act, s 12.

by members of the media outside the committee rooms' following the giving of their evidence. The Acting Speaker observed that:

Aside from the negative effects this may have on a vulnerable witness in their personal capacity, such treatment is also likely to discourage other witnesses from coming forward and thereby impede committees in their inquiries. Impeding committees or interfering with witnesses may also constitute a contempt and should be avoided.⁹

- 18.12. Media organisations were put on notice that, if the behaviour continued, the Speaker may be required to exercise her powers over the Assembly precincts to exclude the offending parties.

General arrangements for dealing with witnesses

- 18.13. Standing order 264A contains a large number of procedures that Assembly committees must observe in dealing with witnesses.
- (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) A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears.
- (l) 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.
- (m) 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.
- (n) 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.

Questioning

- 18.14. In general, committees have a relatively informal approach to questioning. The chair may open the questioning of a witness before inviting other members to put questions or may invite a member with a particular interest in the matter before the committee to ask questions. The chair must ensure that members have equal opportunity to question witnesses.
- 18.15. Committees would normally resolve any differences of opinion in private. When a committee member or a witness objects to a question or to the way in which the committee is conducting its business or when a procedural matter arises in the course of a hearing, unless the question can be resolved quickly and amicably, the committee must adjourn its public session and meet in private to resolve the matter.

Public servants appearing as witnesses before committees

- 18.16. Public servants are a special category of witness. They play a key role in the accountability of the executive to the legislature. Public servants have a duty to act with honesty and integrity in their dealings with Assembly inquiries and should be familiar with the material contained in the ACT Government *Guidelines for Officials: Participation in Assembly and Other Inquiries*. The guidelines state:

Public servants (officials) play an important role in assisting ministers to fulfil accountability obligations to legislatures by providing information about the factual and technical characteristics of policies and their administration.¹⁰

- 18.17. It is accepted that public servants cannot be asked questions that require them to offer an opinion on the merits or otherwise of government policy,¹¹ although they may be asked to explain a policy or describe alternatives that have been considered. Questions seeking opinions on the merits of policies should be directed to ministers.
- 18.18. Public servants should also be given the opportunity to take questions on notice or to refer them to senior officers or their minister.
- 18.19. However, individual public servants should not, of their own volition, decline to provide information to Assembly committees. Such a decision should be made in consultation with the responsible minister and the reasons for it provided to the committee.¹²

10 Chief Minister, Treasury and Economic Development Directorate, *Guidelines for Officials: Participation in Assembly and Other Inquiries*, September 2019, p 4.

11 See standing order 264A(1) and *Odgers'*, p 568.

12 With the exception of independent statutory officers, ministers generally appear alongside officials at committee hearings.

- 18.20. There may be occasions where a minister or public official seeks to withhold information from a committee on the grounds of public interest immunity. Continuing resolution 8A sets out the procedure for making and assessing such claims. For more information, see Chapter 17: Committees, under the heading ‘Power to send for persons, papers and records’.
- 18.21. In a small community like the ACT, it is not uncommon for public servants to appear in a personal capacity to give evidence on some issue of concern to them as citizens. However, in such cases, it is important that the official makes clear to the committee the capacity in which they appear and discloses any potential, perceived or actual conflicts of interest that may arise where the matters at hand potentially straddle personal and professional domains.
- 18.22. The *ACT Government Guidelines for Officials: Participation in Assembly and Other Inquiries* state:
- ... officials should pay heed to their duties under the PSM Act. An officer who is appearing before a committee in a personal capacity should make it clear to the committee the basis on which they appear.
- It is particularly important for senior officials to give careful consideration to the impact, by virtue of their positions, of any comment they might make. Indeed, heads of agencies and other senior officers need to consider carefully whether it is possible for them realistically to claim to appear in a personal capacity, particularly if they are likely to be asked to comment on matters which fall within their area of official responsibility.¹³
- 18.23. There may be circumstances where a public servant wishes to appear before a committee to give evidence in relation to their responsibilities as a public servant—for example, as a ‘whistleblower’ exposing some misuse of executive power.
- 18.24. The Assembly would protect a witness from any overt attempt to impose a penalty in these circumstances. As noted above, any attempt to interfere with a witness, including the infliction of any penalty or injury or the deprivation of any benefit, on account of any evidence given or to be given before the Assembly or a committee, may be treated as a contempt by the Assembly.¹⁴
- 18.25. Public servants appearing before Assembly committees, particularly estimates committees, which tend to be wide ranging and adversarial, will often find themselves defending their agencies. It is perfectly acceptable to represent a directorate or agency position as long as that does not involve misleading the committee or withholding information. It is also reasonable to take advantage of the protections available to public service witnesses. However, agencies must not ‘coach’ public service witnesses to seek to manipulate the processes of the

13 Chief Minister, Treasury and Economic Development Directorate, *Guidelines for Officials: Participation in Assembly and Other Inquiries*, September 2019, p 10.

14 See standing order 277(k).

committee, or to delay or impede its inquiries—for example, taking questions on notice when the information is readily available and there is no valid reason for not providing it to the committee. Nor should witnesses be drawn into political debates—for example, by offering gratuitous information about the practice of a previous government. With the exception of statutory officers, it is the practice that ministers appear with officials at public hearings and it is the expectation that political questions will fall to ministers to answer.

- 18.26. The Assembly's estimates committee faced these types of issues in 2003, when a minister declined to answer questions from members, although the information was available to him and no issues of confidentiality had arisen. The minister acknowledged that he simply wished to present the information in a forum and manner of his own choosing, which he did at a later time on the same day. A subsequent privileges committee inquiry made a finding of contempt against the minister. The minister acknowledged in the course of the inquiry that he had an obligation to provide the information to the committee.
- 18.27. At the same hearings a document came to light on the letterhead of an agency appearing before the committee. The document had been widely circulated within the agency. It contained a list of 'suggested tactical approaches' in dealing with questions in the estimates committee's hearings. Some parts of the document were unexceptionable, merely reminding public servants of their rights and obligations when appearing before a committee. However, it also included advice, characterised as 'flippant and glib', on how to seek to manipulate the proceedings, avoid answering questions, present information selectively and make party political points. A finding of contempt of the Assembly was made against agency officers who were the authors of the document.¹⁵ They were subject to internal agency disciplinary proceedings and seminars were conducted within the agency to familiarise officers with their obligations to the Assembly. The Assembly itself imposed no penalty on the officers.
- 18.28. To date, the procedural questions associated with summoning public service witnesses in the face of opposition by a minister, and the scope of ministerial claims to public interest immunity, have not been tested in the Assembly.

Members of the judiciary called as witnesses

- 18.29. The independence of the courts from executive or legislative interference is an important aspect of the democratic doctrine of the separation of powers. One manifestation of this separation is the care with which the relationship between the legislature and the judiciary is managed. Legislative Assembly standing order 54 prohibits the use of offensive language against a member of the judiciary and, by convention, members do not reflect on specific decisions of courts. The

15 Both these matters were dealt with by the Select Committee on Privileges, *Possible unauthorised dissemination of committee material, standing order 71 (Privilege), Minister's refusal to answer questions in committee hearing and distribution of ACT Health document*, November 2003.

Assembly has also tended to be cautious in applying continuing resolution 10, relating to sub judice principles, and has avoided references to matters that are before the courts (see Chapter 11: Rules of debate and the maintenance of order).

- 18.30. It is accepted that parliaments may scrutinise the administration of the courts that come within their jurisdiction. For example, it is not uncommon for officials responsible for the administration of the courts to appear before Assembly estimates committees. Committees have also received submissions from ACT magistrates on matters relating to both the administration of the courts and the interaction of the courts with government services in the ACT. The accepted practice of the Assembly is that members of the judiciary or magistracy may be invited, but are not required, to participate in committee inquiries.
- 18.31. The public accounts committee of the Sixth Assembly, when examining an Auditor-General's report into the administration of the courts, sought submissions from both the Chief Justice of the ACT Supreme Court and the ACT Chief Magistrate. The Chief Justice declined to provide a submission, but the Chief Magistrate and another magistrate did; they also appeared and gave evidence at hearings of the committee.
- 18.32. The Standing Committee on Justice and Community Safety, when inquiring into the Children's Services (Amendment) Bill 1998, received a submission and heard evidence from the Chief Magistrate on the issue of whether the ACT should have special magistrates for hearing cases in the Children's Court.
- 18.33. For more information, see Chapter 7: The courts, under the heading 'Complaints about judicial officers'.

Adverse mention procedures

- 18.34. In March 2008, the Assembly adopted adverse mention procedures that were based on resolutions similar to those agreed to by the Senate. The procedures are as follows:
 - 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.
 - 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.

- Where evidence is given which reflects adversely on a person and action of the kind referred to in 264A(a) is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee.¹⁶
- 18.35. In the Sixth Assembly, the Select Committee on Estimates 2006-2007 incorporated into a public hearing transcript a statement provided by a private individual disputing evidence that had been given by the Attorney-General concerning a report that had been drafted by the individual.¹⁷
- 18.36. In the Seventh Assembly, during the Standing Committee on Public Accounts inquiry into government procurement, a witness made a number of allegations about a Canberra-based company. In written correspondence the company strongly denied the claims and asked that its response be placed on the record. The committee incorporated commentary on the issue in its report and also attached the company's correspondence.¹⁸

Appearances before the Legislative Assembly chamber

- 18.37. No witnesses have ever been summoned to appear before the bar of the Assembly. However, in 1997 after the publication of the report *Bringing Them Home*,¹⁹ the Assembly passed a resolution apologising 'to the Ngun(n)awal people and other Aboriginal and Torres Strait Islander people in the ACT'.²⁰ A further resolution was passed by the Assembly to invite representatives of 'the Aboriginal and Torres Strait Islander Community from the ACT and surrounding region' to address the Assembly on the report and related matters. The motion was in two parts: the first part contained the invitation to the representatives to appear and the second part dealt with procedures for the actual meeting.²¹ On the day on which the representatives of the local Aboriginal community appeared, a further motion was passed authorising the recording of proceedings by television networks.²² The meeting took the form of a series of statements by the representatives appearing at the bar. No questions were asked and no debate took place.
- 18.38. A government proposal in 1995 to invite the Secretary of the Trades and Labour Council of the ACT (the peak trade union body) to appear before the Assembly and answer questions with regard to an enterprise bargaining agreement was not pursued.²³ A number of matters would need to be considered in the event that

16 See standing order 264B.

17 Select Committee on Estimates 2006-2007, transcript of evidence, Canberra, 20 June 2006, p 212.

18 Standing Committee on Public Accounts, *Inquiry into ACT Government Procurement*, November 2010.

19 A report into the removal of Aboriginal children from their families.

20 MoP, No 92, 17 June 1997, p 687; Assembly Debates, 17 June 1997, pp 1602-1617.

21 MoP, No 94, 19 June 1997, pp 705-706.

22 MoP, No 98, 26 August 1997, pp 735-736.

23 "'Obscure' order may be invoked', *The Canberra Times*, 12 December 1995.

a witness was called before the Assembly bar to answer questions, including the questioning procedure to be followed; whether the witness was permitted to consult legal counsel or other advisers; and the status of any documents presented by the witness. Under the 1995 proposal, all members were to have been permitted to question the witness, the witness was to have been allowed to consult counsel during the hearing, and any document produced by the witness was to have been deemed tabled.²⁴

- 18.39. In 1995 and 1996, there was some discussion about introducing the practice of regularly inviting representatives of community groups to address the Assembly from the bar on matters of public interest. The proposal was an election commitment of the then government, which was elected in 1995. The government remained undecided about whether the ACT should take a strictly ‘parliamentary’ approach to its conduct of business or develop a less formal model by adopting aspects of municipal council practice. It is common in local government for members of the public to address their local councils from the floor.
- 18.40. In 1996, proposed amendments to the standing orders to allow such a procedure were referred to the Standing Committee on Administration and Procedure.²⁵ It was proposed that time be set aside in every second sitting week for addresses from the public. The administration and procedure committee would consider applications to appear and recommend to the Assembly which groups to invite. The committee noted in its report that such a procedure was unheard of in other parliaments.²⁶ In view of this:

The Committee’s prime consideration ... was whether there was a need to establish such a procedure. It was of the view that there was already an effective avenue through which the community’s interests can be voiced – the Committee system.²⁷

- 18.41. The standing committee noted that the committee system provided for a diverse range of inquiries to be undertaken and offered a variety of avenues for public access. In its view, the proposal did not address the needs of a ‘clientele that is currently disenfranchised’. It concluded that the proposal ‘did not offer any advantage ... over the existing committee system and ... might detrimentally impact on the effectiveness of the work done by Assembly committees’.²⁸

24 A draft motion to invite the Secretary of the Trades and Labour Council to appear before the Assembly proposed to vary the procedure set out in standing order 262 by naming a member other than the Speaker who would be given the call to ask the first questions of the witness and stating that all members would have the right to direct questions to the witness.

25 MoP, No 43, 28 March 1996, p 298.

26 Where individuals have been invited to address a legislative chamber, it has been in exceptional circumstances, not as a regular procedure.

27 Standing Committee on Administration and Procedure, *Addresses to the Assembly—Proposed temporary orders*, 25 September 1996, p 3.

28 Standing Committee on Administration and Procedure, *Addresses to the Assembly—Proposed temporary orders*, 25 September 1996, p 5.

- 18.42. A number of other objections were raised during consideration of the proposal. It was argued as a matter of principle that such a proceeding would diminish the role of members as representatives of their constituents. The committee was concerned about the prospect of extending absolute privilege to the content of addresses to the Assembly and the potential for disorder. It was noted that witnesses invited to appear before parliamentary committees are responding to specific terms of reference and usually make some written submission in the first instance, thus giving the committee a sense of what their oral evidence would be.
- 18.43. A member of the committee dissented from the report and supported the proposal. The member argued that the proposed procedure would offer members of the community who were dissatisfied with a committee report the opportunity to take their case to the whole Assembly and that, generally, additional avenues of communication between the community and the Assembly would tend to strengthen the institution. The member also disputed whether the practical difficulties of ensuring responsible use of privileged freedom of speech and maintaining order were likely to be any greater for members of the public addressing the Assembly than for the elected members.²⁹ The committee's report and the dissenting report were tabled in the Assembly in September 1996 and debated, but no further action was taken on the proposal.

²⁹ Standing Committee on Administration and Procedure, *Addresses to the Assembly—Proposed temporary orders*, 25 September 1996, Dissenting Report.