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## **From The Tables\***

### **Robyn Smith**

#### ***Australian Parliament***

Speaker Peter Slipper announced he would stand aside on 21 April following allegations and legal proceedings in the Federal Court originated by former staffer, James Ashby. Following a brief statement by the Speaker on 8 May, Speaker Slipper vacated the chair, which was assumed by Deputy Speaker Anna Burke. This remained the situation for the duration of the reporting period whilst the court and other matters brought by Ashby were resolved. Speaker Slipper continued to perform other roles associated with the Office of the Speaker, such as administrative matters and receiving official delegations.

The troubled Member for Dobell, Craig Thomson, moved to the cross-bench after his Labor Party membership was suspended in April, although this move is unlikely to affect his support for the government. Meanwhile, following release of a report by Fair Work Australia into the Health Services Union, Thomson made a statement to the House of Representatives, which gave rise to referral to the Privileges Committee by the Manager of Opposition Business on 21 May for allegedly deliberately misleading the House. The Committee has yet to report.

On 7 February, Speaker Slipper announced trial changes to Question Time whereby supplementary questions (lasting up to 20 seconds) and answers (lasting up to 1½ minutes) would be allowed on the basis of one supplementary question by the Leader of the Opposition or his delegate, and up to one additional supplementary question by an opposition member, including the Leader of the Opposition, each day. Up to two supplementary questions could be asked by government private members each day; and one supplementary question could be asked each week by a non-aligned member. More than one supplementary question could be asked to an original question. The intent was to make Question Time more spontaneous. On 22 March, Speaker Slipper declared the trial a success and sought comment from Members.

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\* *From the Tables* is compiled from material supplied by each House/jurisdiction for *Parliament Matters*, the biannual newsletter of the Australian and New Zealand Association of Clerks at the Table (ANZACATT).

Also in February, Standing Orders were amended to include a reduction in the times allowed for questions (30 seconds, down from 45 seconds) and answers (3 minutes, down from 4 minutes). A corresponding change in the House order of business was also agreed to, indicating that the question time would finish at approximately 3.10pm, rather than approximately 3.30pm

### ***Australian Capital Territory***

A trial of 'Rostered Ministers questions' (in addition to regular Question Time) has been underway in the ACT but in February was deemed to have been unsuccessful, giving rise to the omission of the Temporary Order which provided for the trial.

On 23 February the Speaker introduced the Legislative Assembly (Office of the Legislative Assembly) Bill 2012 which provides for an Office of the Legislative Assembly (previously known as the Secretariat), a clearly defined legislative remit setting out the particular functions it is to perform to support the Assembly. It also sets out detailed procedures for the appointment and suspension of the Clerk and provides for a separate appropriation for the Assembly. The bill took effect from 1 July.

The Assembly adopted a number of Temporary Orders as Standing Orders in March. Some of the orders adopted were: a requirement for Ministers to be concise and directly relevant in answering questions without notice; a bill introduced in the Assembly cannot be passed in the same sitting period; an independent legal arbiter be appointed by the Speaker in cases where the Assembly requires documents to be tabled and the Executive claims privilege; and the chair of a committee may, without notice, ask a relevant Minister for an explanation as to why the committee has not received an explanation or statement in relation to a Government response to a committee report that has not been received within three months and, when an explanation or statement has been given by the Minister, allows the Chair to move a motion without notice. 'That the Assembly takes note of the explanation', as well as moving a motion in the event that the Minister fails to make a statement or give an explanation.

In late March, the Speaker, as Chair of the Standing Committee on Administration and Procedure, presented a report on Officers of the Parliament which recommended that the Auditor-General and, at a later stage, the Ombudsman become Officers of the Parliament.

### ***New South Wales***

In April, the Parliament passed an amendment to the *Local Government Act 1993* to prohibit a person from holding the dual roles of a Member of Parliament and a Councillor or Mayor of a council for any significant period of time.

A separate Parliament (Appropriation) Bill in was abandoned in the 2011 budget, which, among other issues such as the independence of the legislature from the

Executive Government, clouded the issue of the Legislative Council's powers in relation to parliamentary appropriations. Following strong representations to the Executive Government from the Presiding Officers and the Clerks, the Parliament (Appropriation) Bill was restored in the 2012 budget.

At the commencement of the sittings in February 2012, a number of sessional orders were adopted by the Legislative Assembly. A new routine of business was adopted to accommodate a three day sitting week and there were consequential changes to a range of procedures to implement the three-day sitting week. Other orders included for provision for 'community recognition notices' and for the Speaker to exclude a member disorder for up to three hours and a reversion from a 2007 decision to 'reform' the Committee of the Whole process by reference to 'agreement in principle' and the 'passing of the bill'.

On 5 March the President of the Legislative Council referred to the Procedure Committee an inquiry into the procedures for the giving, moving and publication of notices of motions, with particular reference to the need for additional rules regarding the nature and content of notices, whether the length or number of notices given by a member should be limited, the nature of motions that result in a letter of congratulations or condolence from the President, mechanisms for enhancing the accessibility of the work of members, and alternative mechanisms for members to raise matters of a community and constituency nature. That Committee reported on 21 June but did not make any recommendations for reform because it did not reach consensus.

In February 2012, the Legislative Council referred to the Privileges Committee an inquiry into the operation of the right of reply process over the past 15 years, with particular reference to the possible introduction of an appropriate time limit on requests for a right of reply arising from a request for a right of reply to statements made in the House over 15 years ago. The Committee found it was reasonable for requests for a right of reply to be lodged within 12 months of the relevant comments being made in the House, unless the applicant can show exceptional circumstances to explain the delay and that there was no need to change to the relevant standing orders.

### ***New Zealand***

In its last review of the Standing Orders, the Standing Orders, the Standing Orders Committee expressed concern about the increasing practice of members reading speeches in the House, and the detrimental effect this has had on lively debate. The reading of speeches was precluded until 1996, and the committee sought to reassert this rule as a convention, rather than through an explicit amendment to the Standing Orders. It has further stated that the Speaker may allow Members to read speeches in certain circumstances, such as if the material concerned is of a technical nature, or due to the relative experience of the member.

### ***Northern Territory***

In a very quiet period leading up to the August General Election, the only matter of note was a historic one in respect of the Speaker's casting vote. Section 27 of the *Northern Territory (Self-Government) Act (Cth)* provides that the Speaker has both a deliberative and a casting vote. It further provides that a tied vote is a lost vote. That being the case, no Speaker has exercised a casting vote in the Assembly since Self-Government in 1978 until 28 March when Speaker Aagaard used her casting vote to support the government's Workers Rehabilitation and Compensation Legislation Amendment Bill 2012 in the following terms: 'Honourable members, pursuant to section 27(2) of the *Northern Territory (Self-Government) Act*, I record my casting vote with the ayes. Accordingly, the question is resolved in the affirmative. In making this decision, I advise that I have listened very careful to the debate today and have received detailed briefings, including on matters raised by some members today. I am convinced the legislation is fair and required'.

### ***Queensland***

The 53<sup>rd</sup> Parliament was dissolved on 19 February and a General Election held on 24 March, which resulted in a landslide victory for the Liberal National Party under the leadership of Campbell Newman, a man who led the party without holding a seat in the Parliament.

The Parliament of Queensland and other Acts Amendment Bill 2012 was introduced on the first day of the 54<sup>th</sup> Parliament in May and, *inter alia*, effected the following changes: set formulae to determine the size and membership of portfolio committees: a change in the membership of the controversial Committee of the Legislative Assembly; creation of the new position titles of Manager of Government Business and Assistant Minister to replace Leader of the House and Parliamentary Secretary respectively; and additional salary of office for the Manager of Government Business, and Chief and Senior government Whips.

Also during the first sitting, Standing Orders were amended to change the names of portfolio committees to reflect ministerial portfolios with Ministers now responsible to a single committee.

### ***South Australia***

Upon taking office in October 2011, new Premier Jay Weatherill indicated his desire to change Sessional Orders with a view to elevating the community's perception of politicians. New orders include provision for the Speaker to direct a member to withdraw from the Chamber for a period of up to one hour, an order which has been put to use regularly during Question Time since its adoption on 29 February. Another order limits the time for answering a Question Without Notice to four minutes, with capacity for the Speaker to add time if there is undue interruption during an answer.

### ***Tasmania***

Nothing of note to report from the Tables.

### ***Victoria***

Speaker Smith gave a ruling on 3 May in respect of the form and length of notices. He ruled that notices should be no longer than 50 words and be framed as a single sentence, not containing any argument or examples in support of the substance of the motion. His ruling is reported to have ‘radically improved both the clarity of the notices as well as the efficiency of the House’.

Meanwhile, in the Legislative Council, President Atkinson ruled out of order a matter raised by a government backbencher during the adjournment debate on 13 March. While he was ruling, the member made several interjections and ultimately stormed out of the Chamber, slamming the door. Primarily due to the nature of her departure, the President suspended her for 30 minutes and directed that, given that she had already left and that the day’s sitting would shortly end, the suspension would commence the following day.

Committee work in the Legislative Council has been frustrated under the new regime. Of significant concern was the refusal by the government to provide funding new Standing Committees and the lack of new references, particularly for the Legislation Committees. At the commencement of the winter recess in late June, two of the three Standing Committees had no references, which is a result of the Government-controlled Upper House not referring matters to the Committees and defeating any Opposition of Australian Greens’ motions for referrals.

Similarly, in late 2011 the Parliament established to joint investigatory committees, the Independent Broad-based Anti-corruption Commission oversight committee and the Accountability and Oversight Committee (oversighting the FOI Commissioner and potentially the Ombudsman, amongst others, by virtue of future legislation). This brought to 14 the number of joint investigatory committees established by the *Parliamentary Committees Act 2003*. It was anticipated that the Government would increase the joint committees’ appropriation in May’s Budget to account for these decisions, but instead the appropriation was cut for the first time in the decade since joint committees have been a separate appropriation in the annual Parliament Appropriation Bill.

### ***Western Australia***

On 28 March, Speaker Woodhams closed Question Time after 43 minutes. The Opposition attempted to move dissent from the Speaker’s ruling after only three opposition questions; however the Speaker advised members that he had discretion to run question time for as long as he wanted and on that basis, he exercised discretion rather than made a ruling. Therefore, there could be no motion to dissent.

The Opposition then moved to suspend Standing Orders to allow Question Time to be recommenced for another 20 minutes. The ensuing debate touched on many issues dealing with the conduct of Question Time in the Assembly, with the Opposition criticising the use of dorothy-dixers and lengthy ministerial answers, and the Government criticising the Opposition's use of supplementary questions and constant interjections. Each side blamed the other for poor behaviour, prolixity, irrelevance and interjecting. The motion was defeated on party lines.

The Legislative Council last year had a major review of Standing Orders. Subject to a few minor amendments, a set of new Standing Orders recommended by the Procedure and Privileges Committee was adopted on 1 December 2011 with effect from 6 March this year. The new orders have operated smoothly for 27 sittings days and been well received by the Members. ▲