



2003

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**Parliament of Tasmania**

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**JOINT SELECT COMMITTEE**

**WORKING ARRANGEMENTS OF THE  
PARLIAMENT**

**REPORT NO. 11**

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**ISSUES OF PARLIAMENTARY  
PROCEDURE**

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**MEMBERS OF THE COMMITTEE**

Hon Michael Aird MLC (Chair)  
Hon Sue Smith MLC  
Hon Don Wing MLC

Hon Paul Lennon MHA  
Hon Sue Napier MHA  
Hon Paula Wriedt MHA

## INTRODUCTION

The Committee was established by both Houses of the Tasmanian Parliament at the commencement of the First Session of the Forty-fourth Parliament on 7 October 1998. The Terms of Reference for the Committee are set out below.

## TERMS OF REFERENCE

That a Joint Select Committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of either House and with leave to adjourn from place to place, and with leave to report from time to time, to inquire into and report upon —

- (1) Measures for reform which may improve the performance and efficiency of the Parliament and its Members having particular regard to, but not confined by, a consideration of —
  - (a) the Statement of Principles agreed to by resolution of the Legislative Council on the 3rd and 4th day of September 1997;
  - (b) the procedures for the resolution of dispute and deadlocks between both Houses including standing order provisions and Parliamentary custom and conventions;
  - (c) the system of Statutory Standing, Joint Sessional and Joint Select Committees of both Houses, their roles, functions and relevance to contemporary Parliamentary practice;
  - (d) whether a separate Appropriation Act for —
    - (i) the Parliament;
    - (ii) the Auditor-General's office;
    - (iii) the Ombudsman's Office;
    - (iv) the Electoral Office;is desirable.
  - (e) and any other matters incidental thereto.
- (2) That the Committee be authorised to disclose or publish, as it thinks fit, any evidence or document presented to it prior to such evidence being reported to either House.
- (3) That the Committee finalise its report by 31 March 1999.\*

\*Since the initial establishment of the Committee, it has been reconstituted as necessary following prorogations to allow for the continuation of its enquiries. The latest re-establishment of the Committee occurred on 12 March 2002.

The Committee has tabled the following reports to date –

Report No. 1	Estimates
Report No. 2	Parliamentary Standing Committees
Report No. 3	Government Business Enterprises and Government Corporations Scrutiny Committees
Report No. 4	Review of the Estimates Committees Process November 1998
Report No. 5	Arrangements for the Opening of Parliament
Report No. 6	Citizen's Right of Reply
Report No. 7	New Parliamentary Committee System
Report No. 8	Committee Meeting Times and Resources
Report No. 9	Selection of Government Businesses for Scrutiny
Report No. 10	Acknowledgement of Traditional People

## REASONS FOR THIS REPORT

The Committee has recently considered three issues concerning Parliamentary procedures.

1. On 27 May 2003 the Chairman of the Parliamentary Standing Committee of Public Accounts, Hon A W *Fletcher* MLC wrote to the Chairman of the Joint Select Committee on the Working Arrangements of Parliament requesting consideration of debate on reports tabled in Parliament and enclosing a Parliamentary Research Service paper on the subject.
2. On 25 September 2003 *Peg Putt* MHA, Greens Opposition Leader forwarded a copy of a letter addressed to the Hon *Paula Wriedt* MHA, Leader of Government Business in relation to the adjournment of reply to Premier's Address.
3. On 31 October 2003 the Joint Select Committee on the Working Arrangements of the Parliament tabled Report No. 9 on the Selection of Government Businesses for Scrutiny in the Legislative Council. A further issue in relation to the date and days for the scrutiny hearings for each House was raised.

## **Debate on Parliamentary Committee Reports**

### **Legislative Council**

The current arrangements in the Legislative Council allow Chairs of Committees or other Members to move a motion “that consideration of the report and its noting be made an order of the day for Tuesday next”.

The motion to note is then placed on the Notice Paper to be moved during Private Members’ time on the next Tuesday.

If there is insufficient time on the proposed Tuesday, the Leader of the Government in the Legislative Council will discuss with the Member concerned to allow the noting of the Report to take place at another suitable time in the sitting week.

The number of Committee Reports tabled (not including Estimates Committees) in the Legislative Council since 2000 are as follows :

### **2000**

#### **No. of Reports**

6 Industrial Relations, Aboriginal Lands, Public Accounts – Trust Bank, Working Arrangements No. 9, Post School Options for Young Adults with Disabilities, GBE.

### **2001**

6 Public Accounts – Intelligent Island, Public Accounts – Southern Patient Services, Bass Strait Air Transport Interim, Community Development – Personal Relationships, GBE A and B.

### **2002**

6 Public Accounts – Flintstone Drive, Working Arrangements No. 8, Sub-Leg Committee, Bass Strait Air Transport, GBE A and B.

### **2003**

8 Impacts of Gaming Machines, Environment, Resources and Development – CNG as a Vehicle Fuel, Public Accounts – School Bus Safety, Community Development – Custodial Grandparents, Public Accounts – Federal Hotels Agreement, Standing Orders, GBE A and B.

## House of Assembly

Committee reports are tabled at the time allocated in the Standing Orders for the tabling of papers, immediately after Question Time and after Ministers and the Clerk of the House have tabled papers. The Member tabling a report observes the following procedure – “I have the honour to bring up the report of the ..... Committee. I move that the report be received and printed”. This question is not debated.

If a report was to be debated, a Member would need to give Notice of Motion for the report to be noted at a later time. It would depend on whether the Member moving the motion was a Government or an Opposition Member as to when the debate would take place.

The following shows the reports tabled in the House since 2000 :

### **2000**

#### **No of Reports**

- 9 Public Works – Queechy High School Redevelopment; Public Works - Royal Derwent Hospital/Willow Court Centre Redevelopment; Public Works - Mount Field National Park Visitor Centre Development; Public Works - Hastings Caves State Reserve Visitor Centre Development; Public Works - South-Arm Secondary Road – Acton Road to Bayview Road – Road Safety and Traffic Management Works; Public Works - Channel Highway—Algona Road to Margate Road Widening and Safety Improvements, Public Accounts - Sale of the Trust Bank, Working Arrangements of the Parliament No. 7, Public Works - Intensive Psychological Support Unit.

### **2001**

- 13 Public Works - Sorell Causeway Bridge Replacement and Associated Works; Tasman Highway at Paradise Gorge – Black Bridge to Orford; Public Accounts - Skills Development Fund, Intelligent Island Program; Joint Select Committee - Gene Technology; Public Works - RFA East Coast Interpretation Centre Development; Public Works - Riverside Primary School Redevelopment and Replacement of Parts of School; Public Works - TAFE Tasmania Tasman Complex Redevelopment Phase 2; Public Works - Reece High School Infrastructure and Establishment Costs for the Rebuilding of the School; Public Accounts - Southern Patient Transport Services; Public Works - Bass Highway – Black River Bridge – Bridge Replacement and Realignment of its Approaches; Public Works - Arthur Highway – Sorell to Murdunna Pavement Widening and Shoulder Sealing; Public Works - Bass Highway – Detention River Bridge – Bridge Replacement and Realignment of its Approaches; Public Works -

Tasmania Police Academy Refurbishment; Community Development - Legal Recognition of Significant Personal Relationships.

### **2002**

- 3 Public Works - Deloraine District Hospital Redevelopment; Working Arrangements of Parliament No 8; Public Works - Cradle Mountain Tourist Road Sealing from the Visitors Centre to Dove Lake including the Waldheim Spur.

### **2003**

- 5 Public Works - Design, Construction, Financing and Operation of the Meander Dam; Public Works - Cradle Mountain Services Mains and Walking Track Development; Public Accounts - Review of Issues Relating to School Bus Safety; Public Works - Prisons Infrastructure Redevelopment Program, Stage C; Public Accounts -Inquiry into the Federal Hotels Agreement.

### **Summary of other States**

1. Most jurisdictions provide specific times on sitting days for the consideration of committee reports, generally referred to as the take note debate.
2. In most jurisdictions the time set aside need not occur in Private Members' Time.
3. Tabling members are sometimes permitted to make brief statements at the time of presenting a report as in Queensland.
4. In the Victorian Legislative Council, the ACT and the Northern Territory, there are opportunities to debate the report immediately after tabling.

The Committee noted, in particular, the Victorian Legislative Assembly and Legislative Council models which provide :

#### **"1. Legislative Assembly**

Committee reports are generally tabled by the Chair of the relevant committee (s. 40 Parliamentary Committees Act 1968 – SO 217)

Sessional Order 17 (adopted by way of resolution on 26/02/03) provides that members may make statements on committee reports on sitting Wednesdays immediately after the grievance debates or matters of public importance have been dealt with. Thirty minutes is allocated for debate or until 6 members have spoken, whichever is the shorter time. The time limit for each member is 5 minutes.

The member presenting a report of the Standing Orders Committee may move for consideration of the report at the next sitting (SO 217A(a) ). If the report has not been considered within 12 days of tabling, it becomes the first

order of the day on the next sitting day, or the day after where a grievance debate is listed as the first order of the day (SO 59).

## **2. Legislative Council**

Sessional orders adopted by way of resolution (26/02/03) altered existing standing orders relating to select and other committees.

When a report is tabled it may be ordered to be printed (SOs 14.25 (1); 18.11(1) ). The member of the committee (the Chair in the case of a select committee) presenting the report may then move without notice that the report be noted and speak for up to 5 minutes. Two additional members may, with leave, speak for 2 minutes each (sessional order 26). In the case of a select committee debate may then be adjourned and a day appointed for further consideration of the report (SO 14.25(3) ).

On sitting Thursdays 30 minutes is set aside for the consideration of notices of motion relating first to reports of the Auditor-General, secondly committee reports and thirdly other reports or papers. These notices of motion take precedence of all other business in the order listed. At this time members may speak for up to 5 minutes (sessional order 13)".<sup>1</sup>

### **Options**

1. To allocate a specific time for debate on Committee reports as suggested by the Public Accounts Committee and as provided for by most other jurisdictions.
2. The current procedures remain.

The Committee also considered the option that :

In the House of Assembly the Standing and Sessional Orders be amended to provide that on Wednesdays Reports of Parliamentary Committees may be noted for a maximum period of thirty minutes from 6.00 pm, with a maximum time of five minutes per member.

This may only be done if any Parliamentary Committee Reports have been tabled since the previous Wednesday, being the most recent opportunity when this provision was available for Members to use.

At the conclusion of this period the Speaker then calls for adjournment issues which may be debated in accordance with the normal rules until 7.00 pm when the House shall stand adjourned.

The Committee could not reach agreement on this option.

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<sup>1</sup> Parliamentary Research Service, Tasmanian Parliamentary Library – Debate on Parliamentary Committee Reports.



**RECOMMENDATION :**

The Committee recommends that –

1. Legislative Council

In the Legislative Council the proposed Standing Orders be amended to provide for “Reports to be noted” as part of the Order and Conduct of Business on Tuesdays and called on immediately before “Orders of the Day”.

For example, after Prayers, the President would call for the following :

1. Presentation of Petitions
2. Notices of Question
3. Notices of Motion
4. Answers to Questions
5. Tabling of Papers
6. Reports to be Noted
7. Motions and Orders of the Day

2. House of Assembly

The current procedures remain.

### **Adjournment of State of the State Address**

The Committee considered the request of Peg Putt MHA in relation to formally providing for the adjournment of the State of the State Address following the Premier's speech until a later date to allow Members to analyse the speech and prepare a considered response.

This proposal was considered appropriate, as with the procedures followed in relation to the Address-in-Reply to the Governor's Speech.

The current procedure which has been in use since the introduction of the Premier's Address in 2000 is for the Speaker to propose the question immediately after the Premier has concluded the Address and give the call to the Leader of the Opposition. The practice could be adopted that the Leader simply move the adjournment of the debate as is the case with the Budget debate on the Second reading of the Consolidated Fund Appropriation Bill. Alternatively, the Sessional Order could be amended to provide that the Address be an Order of the Day for the next day's sitting and that the Leader of the Opposition has the call to speak first should the Leader seek to exercise that right to do so.

On each of the occasions the Premier's Address has been given, the Leader of Government Business has moved, with the agreement of all Parties, that debate on the Question "That the Premier's Address take precedence over Private Members Business". Given there has been all-party agreement with this motion it is a reasonable measure to include in future Sessional Orders relating to the debate on the Address.

### **RECOMMENDATION :**

The Committee recommends that -

1. The practice be established, in a manner similar to the debate on the Budget - that the Leader of the Opposition be given the call by the Speaker when the Question is proposed "That the Premier's Address be noted" and then to move immediately to adjourn the debate until tomorrow; and
2. The House of Assembly sessional orders be amended to provide that debate on the Premier's address take precedence over Private Members' Business.

### **Timing of Government Businesses Scrutiny Committees**

As a result of Report No. 9 on the Selection of Government Businesses for Scrutiny, the Committee discussed the timing of the Government Businesses Scrutiny Committee hearings and the establishment of a set date and days for each House to conduct these hearings.

### **RECOMMENDATION :**

The Committee recommends that –

- ◆ Government Businesses Scrutiny Committee hearings take place during the first week of March each year, subject to the Government's sitting timetable.
- ◆ The House of Assembly hearings be held on the Tuesday and Wednesday and the Legislative Council hearings be held on the Thursday and Friday of that proposed week.