

1999

(No. 4)



PARLIAMENT OF TASMANIA

JOINT SELECT COMMITTEE

WORKING ARRANGEMENTS OF THE PARLIAMENT

REPORT No. 5

ON THE ARRANGEMENTS FOR THE OPENING OF PARLIAMENT

*Brought up by the Deputy Premier (the Honourable Paul Lennon MHA)
and ordered to be printed*

MEMBERS OF THE COMMITTEE

Hon. *Michael Aird* MLC (Chair)

Hon. *Sue Smith* MLC

Hon. *Stephen Wilson* MLC

Hon. *Ray Groom* MHA

Hon. *Paul Lennon* MHA

Hon *Peter Patmore* 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. The principal role of the Committee is to examine and recommend to both House measures which may improve the performance and efficiency of the Parliament

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.*

*By Order of both Houses passed on 16 March 1999, Term of Reference (3), which required the Committee finalise its report by 31 March 1999, was deleted to allow the Committee to pursue further its enquiries and permit regular reports to Parliament on specific matters.

REPORT

Background

In 1997 the then Opposition introduced the Constitution Amendment (No. 2) Bill (No. 19 of 1997) into the House of Assembly which sought to provide for one only Opening per Parliament. After debate on the Second reading the bill was ordered on 27 March 1997 to be referred to the House of Assembly Select Committee on the Reform of Parliament for consideration. There was no final outcome on the issue prior to the last general election.

At the last general election the present Government stated in its election party policy that if elected it would change the manner of the annual Opening of Parliament to a more appropriate form.

Deliberations

Section 11 of the Constitution Act 1934 (25 Geo V No. 34) provides that:-

“There shall be a session of Parliament once in every year, so that a period of 12 months shall not intervene between the last sitting in one session and the first sitting in the next session”.

The Joint Select Committee on the Working Arrangements of the Parliament was advised that the Premier had written to the Governor to advise him that in future the Government proposed that there would be one formal Opening of Parliament following each general election. This practice has been adopted by other Parliaments in Australia.

The Premier also advised the Governor that the Government proposes to have an Opening by the Governor's Commissioners each year other than those specified above. The Commissioners would read the Governor's Commission declaring the Parliament to be open. There would be no speech and no ensuing debate (or Address-in-Reply). This would provide a mechanism for the clearing of the Notice Papers of both Houses by the usual prorogation.

The Governor's response to the Government's proposal was to follow constitutional convention and approve it.

In its deliberations the Committee noted the commitment given by the Government to maintain the practice of having two major (or general, grievance) debates each calendar year. One will be held during consideration of budget legislation now scheduled for May each year, and the other is a debate which would replace the present Address-in-Reply debate in the years where the Parliament is not opened by the Governor.

To facilitate and formalise the latter debate, the Committee believes that the Standing Orders of the Houses should be changed to provide for a permanent mechanism to allow the Premier to make an "Address" to the House of Assembly at the beginning of the Spring sitting of Parliament each year. A similar debate would take place in the Legislative Council following the reading of the same speech by the Leader of the Government in that House. A debate would then ensue on the question "that the Address be noted".

The Committee considered the manner of implementing the revised arrangements agreed to by the Governor and the Government; and the incorporation of some of the Committee's suggestions and makes the following recommendations.

Recommendations

The Committee recommends to the Houses:-

- (1) That there be one formal Opening of the Tasmanian Parliament (in a form similar to past Openings) following each House of Assembly General Election.

(2) That following an annual prorogation; there be an Opening of the Parliament by the Governor's Commissioners at the first sitting each calendar year. No speech or debate would be generated by such an Opening.

(3) That there be at least two major (general or grievance) debates each year, at which Members may raise any matter.

(a) The first such debate would be on the occasion of the introduction of the Budget. The following questions would then be proposed: -

(i) in the House of Assembly, "that the Consolidated Fund Appropriation Bill be now read the Second time";

(ii) in the Legislative Council, "that the Budget Papers and the Consolidated Fund Appropriation Bill be noted".

(b) The second major debate would occur at the beginning of the Spring sitting of the Parliament in the second half of the calendar year and be structured so as to replace the present Address-in-Reply debate. The Premier would make an Address to the House of Assembly, the device for debate being "That the Address be noted". Similarly in the Legislative Council the Address would be read by the Leader and a debate would follow along the same lines as the Assembly.

(4) (a) That the Legislative Council make the appropriate changes to its Standing Order No. 5 relating to the Opening of Parliament to implement the recommendations of this Report.

(b) That both Houses make appropriate changes to their Standing and Sessional Orders to implement the recommendations of the Committee in relation to the Address to be given by the Premier and Leader.

The draft Standing Orders for the consideration of the Houses appear below.

Draft Standing Order for House of Assembly

(1) The Premier shall make an Address to the House of Assembly within the first six sitting days following the 1st of September each year, reviewing the Government's past actions and its proposed policies and activities for the future.

(2) At the conclusion of the Address, the Premier shall lay upon the Table of the House a copy of the Address and the Speaker shall propose the Question "That the Address be noted."

Draft Standing Order for Legislative Council

(1) The Leader of the Government shall read the Address to the Legislative Council within the first six sitting days following the 1st of September each year, reviewing the Government's past actions and its proposed policies and activities for the future.

(2) At the conclusion of (1) above, the Leader shall lay upon the Table of the Council a copy of the Address and the President shall propose the Question "That the Address be noted."

Parliament House
4 May 1999

Hon Michael Aird, MLC,
CHAIRPERSON