



2004

Parliament of Tasmania

JOINT SELECT COMMITTEE

**WORKING ARRANGEMENTS OF THE
PARLIAMENT**

REPORT NO. 13

ELECTRONIC COMMITTEE MEETINGS

MEMBERS OF THE COMMITTEE

Mr Aird MLC (Chair)
Mrs Smith MLC
Mr Wilkinson MLC
Mr Wing MLC

Mrs Jackson MHA
Mr Llewellyn MHA
Mrs Napier MHA
Ms Putt 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 7 April 2004.

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
Report No. 11	Issues of Parliamentary Procedure
Report No. 12	E-Petitions

BACKGROUND

This Committee has previously considered the use of electronic meetings and in its Report No. 7 – New Parliamentary Committee System, recommended that –

The Standing Orders of both Houses, the Evidence Act and the Parliamentary Privilege Act be amended to incorporate provision for electronic committee meetings.

Since that time the Legislative Council has inserted the following provision in its Standing Orders to allow electronic meetings to take place –

A committee is authorised to hold meetings but not take sworn evidence by electronic communication without the members of the committee being present in one place, provided that when a committee deliberates, members of the committee constituting a quorum are able to speak to, and hear, each other contemporaneously.

The House of Assembly will implement a similar change to its Standing Orders as occurred in the Legislative Council after resolving certain legal issues.

The Committee sought further legal advice from the Solicitor-General regarding the position of the three Statutory Committees, namely the Public Accounts Committee, the Public Works Committee and the Subordinate Legislation Committee.

The advice received was that as these Committees were established by Statute, not by resolution of the Houses, they are “creatures of statute”. A change to the Standing Orders of the Houses would not be sufficient authority to enable those Committees to meet by electronic means, either for deliberative meetings or to take evidence. Accordingly legislation will need to be passed to give the Statutory Committees that necessary authority.

The Committee considered various options as to how the relevant legislation could be changed. To amend the three Acts which establish the statutory committees to enable them to meet by electronic means would leave a situation where the law grants the authority to those committees to so meet, but all other Parliamentary committees would rely only on the Standing Orders for their authority to meet electronically. The alternative is to amend the Parliamentary Privileges Act to provide authority for all Parliamentary committees to hold electronic meetings, that is whether they be established by

Resolution of the House or Houses or by statute. One amending Act only would then be necessary.

The Committee also reviewed its previous recommendation that Committees could meet by electronic means to deliberate, but not to take evidence. Given the increasing demands on the time of Members the Committee is now of the opinion that the amending legislation should include provisions for the taking of evidence at electronic meetings as well as being able to deliberate.

It is essential that the principle contained in the Legislative Council Standing Order that "...members of the committee constituting a quorum are able to speak to, and hear, each other contemporaneously" and that any witness giving evidence must be given the same access to Members as well as Members having access to a witness, be maintained in any proposed legislation.

RECOMMENDATION

The Committee recommends that the Parliamentary Privileges Act be amended to provide the authority for all Parliamentary Committees, whether established by resolution or by statute, to be able to meet by electronic means for the purposes of deliberation or to take evidence.

The Committee further recommends that the principle that members of the committee constituting a quorum are able to speak to, and hear, each other contemporaneously be maintained in the legislation and that any witness giving evidence must be given the same access to Members as well as Members having that same level of access to a witness.

**Parliament House, Hobart
20 October 2004**

**Michael Aird MLC
Chair**