



2009

PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF THE STANDING ORDERS COMMITTEE

Question Time, Divisions, Notices of Motion and other matters

MEMBERS OF THE COMMITTEE

Hon. Michael Polley MP (Chair)
Brenton Best MP
Rene Hidding MP
Hon David Llewellyn MP
Brett Whiteley MP

REPORT

Sessional Orders

The Committee recommended in its Report of 26 February 2009 that Sessional Orders be established in respect of a minimum number of Questions to be asked in Question Time and Successive Divisions and the operation of the Sessional Orders be reviewed by the Committee after a trial period which ended on 2 July.

The Sessional Orders agreed to by the House are as follow:

Sessional Order 99A (Minimum number of Questions)

99A. Notwithstanding the provisions of Standing Order 98, the Speaker shall ensure that a minimum number of questions without notice to be asked shall be six by the Opposition, three by the Tasmanian Greens and three by Government Private Members.

Sessional Order 201A (Divisions)

191A If a second Division is demanded following an earlier Division and limited or no intervening debate has taken place the Speaker may, if there is unanimous agreement, order the doors to be locked and the vote taken.

The Committee first considered the minimum number of Questions allocated to the Parties in the House. It was agreed the Sessional Order assisted with the conduct of business, as it provided a guarantee of a minimum number of questions without notice regardless of whether or not the period of one hour had expired. There were very few occasions in the trial period when questions had to be asked after the expiry of one

hour which demonstrated that the discipline which the Sessional Order imposed worked well. In addition, the average number of questions asked in 2008 was 12, but had risen to 14 in 2009 during the trial period. The Committee considered the trial period had showed that the Sessional Order had achieved the objective which had been sought.

There was also general agreement that the practice of the Speaker allowing a maximum time of one minute for questions and four minutes for answers had assisted with the operation of Question Time. The Committee did not want this provision to be codified in the Standing Orders as it is accepted that there will be occasions when it is the general will of the House that it may take more than four minutes to give the answer to a question, so it should remain within the discretion of the Speaker how this practice is to be used.

There was only one instance of there being successive Divisions during the trial period. However, the Committee agreed that it was a logical and time saving process and should be retained.

Printing of Notices of Motion

Standing Order 86 requires that “Every notice of Motion shall be printed and circulated prior to the hour fixed for the sitting of the House.”

The Committee considered this Standing Order in view of the very large number of Notices of Motion which currently are printed daily on the Notices of Motion and Orders of the Day Paper for four to five weeks and then published on the Notices of Motion Paper. There are 639 Notices of Motion as at 18 August 2009. The cost of re-publishing the Notices on such a regular basis is very high, at the current rate of Notices of Motion being given it is in the order of \$40,000 per year.

The Committee noted that the requirements of Standing Order No 86 can be met by publishing Notices for one day only, but suggests three sitting days therefore effectively one week. Further, the House should cease printing the Notice of Motion Paper and have all remaining Notices published on the Internet. The Web address of all the remaining Notices would be printed on the Notice Paper so they would remain freely available.

Other matters

The Committee noted that as a result of the large number of amendments which were made to the Standing Orders in February, a number of redundant Standing Orders and those inconsistent with modern practice were discovered. They are:

- (a) **SO 41** (Adjournment): Redundant and should be repealed.
- (b) **SO 149 (6)** (Limitation of Debate on Urgent Bill or Motion) Leave out paragraphs (a) and (b) in Part 6 as they refer to legislation which no longer exists.
- (c) **SO 268 (2)** (Motion for Third reading) Leave out “five” and insert “seven”, and leave out “thirty” and insert “thirty-five” to make the time limits in this Standing Order consistent with all other time limit for procedural motions,
- (d) **SO 328 (1)** (No appropriation unless recommended by Governor) Leave out “Consolidated Revenue Fund” and insert “Consolidated Fund” and leave out “Loan Fund” and insert “Consolidated Fund”, to make the references to existing legislation.
- (e) **SO 362** (Procedure on Public and Semi-Public Bills) Leave out “or Semi-Public Bill” as this category of Bill was repealed in the February changes.

Recommendations

The Committee recommends Sessional Orders 99A and 201A, as set out in the Report, be made Standing Orders.

The Committee recommends that the requirements of Standing Order No 86 can be met by publishing Notices on the Notices of Motion and Orders of the Day paper for one day only, but recommends three sitting days, effectively one week, to cease printing the Notice of Motion Paper and have all remaining Notices published on the Internet. The Web address of all the remaining Notices would be printed on the Notice Paper so they would remain freely available.

The Committee recommends the repeal of Standing Order 41 and the proposed amendments to Standing Orders 149(6), 268(2), 328(1) and 362 as set out in the Report.

M. R. POLLEY MP
CHAIR OF THE COMMITTEE

18 August 2009