



2009

PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF THE STANDING ORDERS COMMITTEE

MEMBERS OF THE COMMITTEE

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

INTRODUCTION

On the 19 November 2008 the House passed the following Resolution referring to the Standing Orders Committee the following matters for its consideration:-

STANDING ORDERS COMMITTEE: REFERENCE TO. – That the House, in order to improve the operation and efficiency of the House and the accountability of the Government of the day, instructs the Standing Orders Committee to prepare a report and draft Standing Orders for the House to consider including the following:—

- (a) extension of Question Time each sitting day to ninety minutes, the first sixty minutes to be set aside for Questions from non-Government Members and the second thirty minutes to be set aside for Questions from Government Members;
- (b) time limits for Questions and answers to Questions asked without notice be set, to allow more Members to ask Questions of Ministers each sitting day;
- (c) a 60 calendar day deadline for replies to Notices of Questions, including the ability of the Member giving the notice to stand after Question Time and seek an explanation from the responsible Minister in the House if the 60 day deadline is not met;
- (d) adoption of Right of Reply provisions for citizens to respond to statements made in the House, similar to those of the Legislative Council and the Australian Senate; and
- (e) any other matters which the Committee considers would improve the operation and efficiency of the House of Assembly, and the accountability of the Government of the day.

That the Committee report to the House as soon as possible, and no later than 26 February 2009.

The next day the House passed a second Resolution referring further matters to the Committee for investigation and Report:-

STANDING ORDERS COMMITTEE: REFERENCE TO. – That in order to enable all Members of the House to have increased opportunities to debate matters at sittings of the House the following matters be referred to the Standing Orders Committee for investigation and report:—

- (1) Extension of Private Members Time.
That Private Members time commence at twelve o'clock noon on Wednesday instead of half-past three o'clock and that the time be allocated on the same percentage basis as for the Forty-sixth Parliament,

provided that the allocation of time will be re-considered at the commencement of each Parliament taking into account the membership of the House and that no party receive less than thirty minutes allocation.

(2) Creation of a new category of House of Assembly Business.

That a new business period be created to be known as House of Assembly Business which can be held on Tuesdays and Thursdays. House of Assembly Business would be for a period of three hours to debate Motions which have been given notice of by Ministers which have to mature in accordance with Standing Orders.

A vote may be called for on the first item to be debated if that matter is being debated when the time for House of Assembly Business expires.

Notice of the intention to have a House of Assembly Business session on any Tuesday or Thursday would be given by a Minister at the commencement of the sitting day when the Speaker calls for Notices of Motion and would include not only the intention to have House of Assembly Business on that day but also include the matter or matters to be debated and the time it would commence but no later than 3.00 pm.

(3) Consideration of which of the current Sessional Orders, some of which have been in place since 1989 and others since 1994, should be adopted as Standing Orders.

The Committee shall have the power to send for persons and papers and have leave to adjourn from place to place and to sit during any adjournment exceeding fourteen days and is to report by 26 February 2009.

The Committee voted to allow the Leader of the Tasmanian Greens, Mr Nick McKim MP to attend the Committee to participate in its proceedings as an observer so that the three Parties represented in the House also be represented at the Committee.

REPORT

The Resolutions of the House were Tabled and taken into consideration at the first meeting of the Committee. The Sessional Orders were given consideration first. The majority of them had been in place since 1994, but some dated back to 1989 and others are more recent innovations.

The operation of the majority of the Sessional Orders has been accepted and supported over many years by the House. They have also been maintained through changes of Government and there was little debate over most of them and they were recommended to be made into Standing Orders. The Sessional Orders to be made into Standing Orders which are not mentioned in the body of this report, as well as those commented on, are included in Appendix One.

Standing Orders

The Committee considered the matter of Citizens Right of Reply. The working Arrangements of Parliament Joint Select Committee in its Report No 6 (Paper No. 5 of 1999) recommended that each House of the Tasmanian Parliament adopt such a practice and also recommended the procedure. The Committee decided to recommend the procedures outlined in the Report be put in place and the practice be adopted to ensure that aggrieved citizens can initiate action in respect of remarks made in the House or its Committees.

Following the use of lecterns at the Table of the House during the Regional Sitzings in 2006 and 2008 and when the House sat in temporary accommodation within Parliament House in 2008, it was decided to incorporate lecterns to the new Chamber design. Accordingly, the use of the lecterns needed to be regulated. The Committee agreed that an amendment to the Standing Orders was needed that requires Members who use the lecterns to use the one closest to their place in the Chamber. Further, when a point of order is taken or there is some other intervention, the Member speaking at the lectern should either resume their seat or sit at one of the chairs at the Table of the House.

The Committee next considered the "House of Assembly Business Session" where a period could be declared by the Government within already existing Government Time that would be for Motion given notice of by Ministers. This would be instead of Government legislation for a period of up to three hours on a Tuesday and/or a Thursday. It recognizes that the functions of the House not only include legislation but it is also the forum of the State where significant matters can be raised and legislation development can be debated on the floor of the House. The Committee agreed with establishing such a session, but recommended the name be Government General Business.

The Committee considered the differing time limits applying to the following debates:-

- (a) Matters of Public Importance;
- (b) Motion to adjourn Debate;

- (c) Motion to challenge Speaker's ruling;
- (d) Motion for Third reading – recommittal;
- (e) Motion for granting of leave; and
- (f) Motion to note a Ministerial Statement.

The Committee recommended that for each such Question the Standing Orders be amended to provide for a time limit of 7 minutes per Member with the whole debate not to exceed 35 minutes thus providing consistency in these areas.

The Committee recommended that the Sessional Order relating to Private Members Business be amended to reflect the Resolution referred to it by increasing the time for Private Members Business from a starting time of 3.30 pm on Wednesdays (finishing time of 6.00 pm) to a new starting time of 12 midday. For the current Parliament the percentage of time allocated to each of the Parties continue to be the same, so that the Opposition would receive 50% of the time, the Tasmanian Greens 30% and the Government Private Members 20%. On this basis the new time limits would be 2 hours 15 minutes for the Opposition, 1 hour 20 minutes for the Tasmanian Greens and 55 minutes for Government Private Members. In addition the existing two weekly rotation would remain. Finally it was agreed that the allocation of time be reconsidered after each General Election for the House so that it would reflect the makeup of the House.

The Committee considered the practice of the House with regard to Select Committees hearing evidence in public. It had been the practice of House Committees to use an interpretation of Standing Order No. 356 which allows the admission of “strangers” to allow both the giving of evidence in public which also allows the media to attend and report that evidence. This was an interpretation used by the House of Commons in the United Kingdom at the time. The Commons has since changed its Standing Orders to reflect the practice as has the Legislative Council in Tasmania. The Committee recommends the same Standing Order be adopted in the House of Assembly as in the Legislative Council to similarly codify the existing practice and as the House and the Council routinely have Joint Committees it is also accepted practice to have similar or the same provisions in both Houses Standing Orders for Committees wherever possible.

Sessional Orders

The Committee then considered the matter of successive Divisions. It often occurs that two Divisions can be held within a very short period of time, with little or no debate intervening. In these circumstances when a second Division is held the Members are all in the Chamber and all have to sit and wait whilst the Division Bells ring for two minutes. It is proposed that for a trial period, the Bells not be rung under such circumstances, and provided that no Member objects, the Speaker can then exercise a discretion to order the doors to be locked and the Division immediately proceeded with. This provision is to be trialed until 2 July 2009.

There was considerable debate over Question Time, that is Questions without notice. The main issue was the length of both Questions and Answers. There was consideration given to limiting the Questions to one minute and answers to 4 minutes which would mean there would be 12 questions asked in the one hour available. This was regarded by some of the Members of the Committee as being too restrictive on occasions. The Committee decided to recommend for a trial period which is to end on 2 July next that there be a minimum number of questions asked by the Parties. The Speaker is to ensure that the Opposition should ask 6, the Tasmanian Greens 3 and the Government Backbenchers 3. This is a minimum number only as if time permits, there can be more than 12 questions asked. If at the expiration of one hour those minimums have not been met, Question Time is to continue until they are. The Committee also agreed that although they did not want a rule to this effect, the Speaker should take as a guide one minute to ask a question and 4 minutes to answer in determining the length of questions and answers.

The Committee considered points of order being raised particularly in Question Time and at other times more generally. The Committee noted that a great many of these points of order were raised only as a way to interrupt the debate to respond to a matter in the debate made by the member who has the call. May's Parliamentary Practice, 23rd Edition at page 452 says

"The Speaker has deprecated the practice of Members raising points of order on political issues which have nothing to do with the Chair..."

And further

The Deputy Speaker deprecated a growing practice of interruptions of debate by Members who, when the Member who is speaking refuses to give way, think that the only way that they can get their word in is by raising a point of order. He [the Deputy Speaker] stated in his opinion such interruptions constituted fraudulent points of order and should be stopped.

The practice of taking such points of order is clearly against the spirit and the letter of the Standing Orders and if Members persist in using such a doubtful tactic the Committee urges the Speaker to order this practice be stopped.

Other Matters

There were two other matters considered by the Committee. The first was the introduction of countdown timer clocks to the Chamber. Advice is being sought from the appropriate heritage consultants and at the time of this report had not been received by the Committee.

The second was a protocol regarding the size and detail of Questions on Notice. This matter was under preparation at the time of this report.

Both these matters will be considered when the Committee meets following the trial of the temporary rules regarding Question Time and successive Divisions.

Finally, if the House accepts the recommendations of this Committee that the Standing Orders be renumbered to incorporate the changes and presented to His Excellency the Governor in accordance with the provisions of the Constitution Act 1934 in the revised form.

RECOMMENDATIONS

The Committee has considered the matters referred to it and has agreed to the following recommendations:-

- (1) That the changes to the Standing Orders, inclusive of Sessional Orders and other initiatives agreed to by the Committee be those in Appendix One
- (2) That the Sessional Orders agreed to by the Committee and to expire on 2 July 2009 be those in Appendix Two.
- (3) That the Standing Orders and Rule of the House be renumbered to incorporate the amendments made to the Standing Orders.

M.R. Polley MP
CHAIR

26 February 2009

APPENDIX ONE

PROPOSED NEW STANDING ORDERS

1. USAGE OF OTHER PARLIAMENTS

Standing Order No. 1 to be amended by leaving out the words “in force when these Standing Orders receive the approval of the Governor.” and inserting “and of other Australian Parliaments in force for the time being,”

2. SITTING AND ADJOURNMENT OF THE HOUSE

Standing Order No. 26 is repealed and the following new Standing Order is inserted:-

26. - (1) The time for the ordinary meeting of the House shall be at Ten o'clock a.m. on Tuesdays, Wednesdays and Thursdays, and adjournment of the House shall be at Six o'clock p.m.
- (2) Whenever this House or a Committee of the whole House shall be sitting at the time specified for the adjournment in accordance with clause (1) of this Sessional Order, the business then before the House shall stand adjourned.
- (3) A Motion for the adjournment of the House may be made at any other time, but not to interrupt any business then before the House, and may only be moved by a Minister.
- (4) When the House adjourns in accordance with clause (2) of this Sessional Order or the adjournment is moved in accordance with clause (3) of this Sessional Order, the Speaker shall then call for adjournment issues, when any member may speak to any matter for seven minutes.
- (5) After these issues have been debated for a maximum period of one hour, the House shall stand adjourned, without Question being put, until the next sitting day.

3. QUORUM

Standing Order No. 28 is amended by leaving out "Fourteen" and inserting "Ten".

4. ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE:

After Standing Order No. 30 the following new Standing Order be inserted:

30A. At the commencement of the following sitting days:-

- (a) the first day of sitting after an election;
- (b) the first day of sitting for the calendar year;
- (c) the first day of the budget sittings; and
- (d) the first day of the Spring sittings

the Speaker makes the following statement:

"We acknowledge the traditional people of the land upon which we meet today, the Mouheneener people."

5. MATTERS OF PUBLIC IMPORTANCE

Standing Order No. 38 (Motion for Adjournment of the House to discuss definite matter of urgent public importance) is repealed and the following new Standing Order No. 38 (Matters of Public Importance) is inserted:-

- 38. - (1) When the Speaker calls for Notices of Motion, any member may give notice of a motion to note a matter of public importance to be raised after questions and formal business have been dealt with and before the business of the day is called on.
- (2) One such matter per day may be raised and Members may speak for not more than seven minutes each and debate on each matter shall be restricted to a total of thirty-five minutes.
- (3) At the commencement of each Parliament, priority shall be determined by the House as to the allocation of days between the Opposition and any other party or independent member, to raise a matter of public importance.

6. PRIVATE MEMBERS BUSINESS

Standing Orders 49 and 52 are repealed and the following new Standing Order No. 49 (Private Members Business) is inserted:-

- 49. - (1) Private Members business will have priority from 12.00 pm till 6.00 pm on Wednesdays.
- (2) Private Members business which has been on the Notice Paper for the period required by the Standing Orders be called on by the Leader of the Opposition, Leader of the Tasmanian Greens and the Government Whip respectively.

- (3) At the commencement of each Parliament, it shall be determined by the House that the times within Private Members Business shall be allocated in accordance with a weekly rotation broadly reflective of the Private Membership of the House, but no allocation shall be made of a period less than 30 minutes.
- (4) The Member calling on an item of Private Members' Business may, in doing so, state that at the conclusion of the time for the debate on that day, the matter be voted upon.

7. GOVERNMENT GENERAL BUSINESS

After Standing Order Number 51 the following new Standing Order 51A (Government General Business) is inserted:

- 51A. – (1) Government General Business may be held on Tuesdays and Thursdays for a maximum period of three hours to debate Motions which have been given notice of by Ministers which have matured in accordance with Standing Orders.
- (2). A vote may be called for on the first item to be debated if that matter is being debated when the time for House of Assembly Business expires.
 - (3) Notice of the intention to have a Government General Business session on any Tuesday or Thursday is to be given by a Minister when the Speaker calls for Notices of Motion and is to include the intention to have Government General Business on that day and the matter or matters to be debated and the time it would commence but no later than 3.00 pm.

8. PREMIER'S ADDRESS

After Part 9 of the Standing Orders the following new Part 9A is inserted:

Part 9A

PREMIER'S ADDRESS

- 52A. - (1) The Premier shall make an Address to the House of Assembly within the first six sitting days of any calendar 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 on the Table of the House a copy of the Address and the Speaker shall propose the Question "That the Address be noted".

- (3) Debate on the Question "That the Address be noted" shall take precedence over Private Members' Business.
- (4) Provided that if in the same calendar year the Governor has opened Parliament and delivered an Address and an Address-in-Reply debate has taken place in accordance with Standing Order 22, this provision does not apply.

9. PETITIONS

After Standing Order No. 73 insert the following new Standing Order 73A (Government Response to Petitions):-

- 73A. - (1) The text of each Petition which the House has received shall be communicated to the Premier by the Clerk of the House.
- (2) A Government response to each Petition shall be laid before the House within 15 sitting days of its communication to the Premier.

10. ELECTRONIC PETITIONS

After Standing Order 73A insert the following new Standing Orders 73B, 73C, 73 D and 73E (Electronic Petitions (E-Petitions))

73B. Electronic petition ("E-Petition:)

- (1) An E-petition is a petition:
 - (a) in the correct form, stating a grievance and containing a request for action by the House;
 - (b) sponsored by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period"); and
 - (c) persons may elect to indicate their support of ("join the petition") by electronically providing their name, address (including postcode) and signifying their intention to join the petition.
- (2) The posted period for an e-petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website.

- (3) The member sponsoring the e-petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to sponsor the e-petition.
- (4) Once published on the Parliament's Internet Website an e-petition cannot be altered.
- (5) Only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the House shall be published on the Parliament's Internet Website at the same time.
- (6) Once the posted period for an e-petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the House by the Member who sponsored the e-petition.
- (7) An e-petition published on the Parliament's Internet Website, but not presented to the House prior to the dissolution of the Parliament, may be presented to the subsequent Parliament to become a petition of the subsequent Parliament.
- (8) An e-petition cannot be sponsored after the dissolution of the Parliament and until the new Parliament has been summoned and members sworn.

73C. General Rules for E-Petitions

- (1) Persons must join an E-petition by filling out their correct details and personally agreeing to join the e-petition, and by no one else, except in case of incapacity from sickness.
- (2) A person cannot sign or join the same e-petition more than once.

73D. Duties and powers of the Clerk and Speaker regarding E-petitions

- (1) The Clerk may decline to publish an e-petition on the Parliament's Internet Website not in conformity with these Orders and advise the sponsoring member accordingly.
- (2) The Clerk or a member may seek a ruling from the Speaker about the conformity of any petition with these Orders.
- (3) The Clerk is authorised to create and maintain an appropriate Internet Website on which to publish electronic petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these Orders.

- (4) The Clerk must dispose of all electronic personal data related to the posting and joining of an e-petition within six months after an electronic petition is printed and presented to the House.

73E. The Standing Orders and Rules for Petitions apply to E-petitions in-so-far-as they can be applied.

11. TIME LIMITS

Standing Order 138 is repealed and the following new Standing Order No. 138 (Time limits) is inserted:-

- "(138) (1) Except where otherwise expressly provided, unless by leave of the House—
- (a) when the Speaker is in the Chair, Members shall not exceed thirty minutes in speaking to any Motion or Question before the House; and
 - (b) in Committee of the whole House on a Bill, Address, or other Matter, Members shall not speak more than twice to any Question, nor for a longer period than ten minutes at a time, nor address the Committee for more than one period of time consecutively;

Provided that the following may speak for forty minutes when the Speaker is in the Chair and more than twice on any Question in Committee of the whole House:

- (i) the Premier;
- (ii) the Minister replying to any statement made in the House affecting him or any department of which he has the administration;
- (iii) the Member in charge of a Bill or Motion;
- (iv) the Leader of the Opposition or, if absent or waive the right under this proviso, the Deputy or, to the exclusion of the right of either, a Member of the Opposition whom the Leader of the Opposition or Deputy has nominated to the Speaker for the purpose in respect of the Bill, Motion, Question, or Matter being then considered by the House; and
- (v) the Leader of a Party other than the Government or the Opposition consisting of at least four Members, or if absent or waive the right under this proviso, another Member of that Party nominated by the Leader to the Speaker for the purpose in respect of the bill, Motion, Question, or Matter being then considered by the House.

- (2) On any procedural Question, no Member may speak for more than seven minutes and the debate thereon shall not exceed thirty-five minutes, but the Speaker, or as the case may be, the Chair of the Committees is entitled to put the Question as soon as the Speaker or the Chair of Committees is of opinion that the question has been sufficiently debated.”

12. AMENDMENT TO STANDING ORDER 141

141. Standing Order 141 to be amended after “Speaker” by inserting “or may address the Speaker from the lectern nearest to that member’s place”

13. READING SPEECHES

Standing Order 143 (A Member shall not read a speech) is repealed.

14. SUSPENSION OR WITHDRAWAL FROM HOUSE

Standing Order 183 is repealed and the following new Standing Order No. 183 (Suspension or withdrawal from House) is inserted:-

- “183. - (1) If the offence has been committed in the House, the Speaker may direct the Member to withdraw from the House for any period up to 24 hours or” put the Question on a Motion being made, no Amendment, Adjournment, or Debate being allowed, “That such Member be suspended from the service of the House”; and, if the offence has been committed in Committee, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the House, and the Speaker shall thereupon without a Motion being necessary, put the same Question, without Amendment, Adjournment, or Debate, as if the offence had been committed in the House itself, or the Speaker may direct the Member to withdraw from the House for any period up to 24 hours.
- (2) Where a Member is directed to withdraw from the House by the Speaker, the Member may attend for the purpose of voting in any division or being counted when attention has been drawn to the lack of a quorum, but shall withdraw when the vote has been declared or a quorum formed.”

15. AMENDMENT TO STANDING ORDER 187

187 (2) is amended by leaving out “twenty” and inserting “thirty-five” and by leaving out “five” and inserting “seven”.

16. ORDER DURING DIVISION

Standing Order 194 (Member speaking to order) is amended by leaving out the word "sitting".

17. MINISTERIAL STATEMENTS

That the following new Standing Order (Ministerial statements) be inserted after Standing Order No. 217

"PART 24

15. MINISTERIAL STATEMENTS

218. - (1) A Minister may make a statement to the House at any time when other business is not before the House.
- (2) A ministerial statement is to be confined to matters of policy or fact and must be submitted to the Speaker for perusal before it is made.
- (3) Any Member may move that a statement be noted provided that no Member shall speak for a longer period than seven minutes and the Debate thereon shall not exceed thirty-five minutes."

18. BILLS

- (1) Standing Order 218 (Classification of Bills) and Standing Orders 291 to 297 (Semi-public Bills) are repealed.
- (2) Standing Order 219 (Bills Initiated) is repealed and the following new Standing Order No. 219 (Bills Initiated) is inserted:-

229. A Public Bill (unless received from the Legislative Council) shall be initiated by a Member receiving the call and presenting it to the House by reading the short title and handing to the Clerk of the House a fair copy.

- (3) Standing Order 220 (Presentation of Bills) is repealed.
- (4) Standing Order 229 (Bills ordered to be read a Second time) is repealed and the following new Standing Order No. 229 (Second reading of Bills) is inserted:-

229. A Bill having been read a First time shall be listed for Second reading on a future day, provided that-

- (a) a bill for an Appropriation Act may be read a Second time whenever the House thinks fit; and
 - (b) a Minister may make the Second reading speech on a Bill as soon as it has been read a first Time, at the conclusion of which the debate stands adjourned till a future day, but not less than two days hence.
- (5) Standing Order 233 (Committal and consideration in Committee, Bill committed) is repealed and the following new Standing Order No. 233 (Committal to Committee, Bill read Third time) is inserted:-

“233. A Bill having been read a Second time may, by unanimous agreement be ordered to be read a Third time forthwith; or, committed to a Committee of the Whole House forthwith or at a later hour or on a future day, such Question being decided without Debate, or it may first be referred to a Select Committee.”

19. EVIDENCE BEFORE COMMITTEES

Standing Order 364 is repealed and new Standing Order 364 is inserted as follows:

Evidence &c., before a Committee

364. - (1) The evidence taken by any Select Committee, and documents presented to such Committee which have not been reported to the House, shall not, unless authorised by the Committee, be referred to in the House by any Member or published or disclosed by any Member or by any other person.
- (2) Paragraph (1) does not apply to –
- (a) any proceedings of the Committee that are open to the public and the news media;
 - (b) press releases or statements made by a Member of the Committee on the authority of the Committee; and
 - (c) written submissions presented to a Select Committee and authorised to be published by the Committee.
- (3) A Select Committee may, by its own Resolution, authorise the publication or disclosure of any evidence of documents presented to such Committee meeting in public.

20. CITIZENS RIGHT OF REPLY

PART 43A **Citizens Right of Reply**

Citizens Right of Reply

- 430A. – (1) A person who has been referred to in the House of Assembly by name, or in such a way as to be readily identified, may make a submission in writing to the Speaker –
- (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that person's privacy has been unreasonably invaded by reason of that reference; and
 - (b) requesting that the person be permitted to incorporate an appropriate response in the Parliamentary Debates (*Hansard*).
- (2) If, upon considering a submission under this Order, the Speaker is satisfied that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character the Speaker shall then refer the matter to the Privileges Committee which may determine –
- (a) that no further action be taken in relation to the submission; or
 - (b) that a response by the person who made the submission be incorporated in *Hansard* – and the Speaker shall inform the House of such decision.
- The response shall be incorporated into *Hansard* as an appendix to the record of debate for the next day's sitting.
- (3) In considering a submission under this Order the Committee –
- (a) may confer with the person who made the submission;
 - (b) must give notice of the submission in writing to the Member who referred in the House of Assembly to that person and then consult with the Member prior to any response being presented to the House; and
 - (c) shall not consider or judge the truth of any statements made in the House or the submission.
- (4) A response presented to the House of Assembly –
- (a) shall be succinct and strictly relevant to the issue at hand and shall not contain any matter which may be offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of –
 - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in (1) above; or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

- (5) The action of the Speaker or the Committee pursuant to the provisions of this Order shall be deemed to be final and no motion of dissent shall be permitted.
- (6) This Order shall have effect on and from the day upon which it passed the House of Assembly.
- (7) Any events prior to the passage of this Order are expressly excluded from its provisions.

21. SECONDING MOTIONS

- (1) Standing Order No. 5 is amended by leaving out “which Motion must be seconded”
- (2) Standing Order 91 (Order of the Day need not be seconded) is repealed.
- (3) Standing Order 98 (Motion not seconded) is repealed.
- (4) Standing Order 308 (A Motion need not be seconded) is repealed.
- (5) Standing Order 352 (Motion need not be seconded) is repealed.

APPENDIX TWO

Sessional Orders

To be in operation until 2 July 2009 followed by a review by the Standing Orders Committee.

New Sessional Order 87D (Minimum number of Questions)

87D. Notwithstanding the provisions of Standing Order 87B, 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.

New Sessional Order 191A

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.