



PARLIAMENT OF TASMANIA

**REPORT OF THE
STANDING ORDERS COMMITTEE
ON**

Operation of Sessional Orders

Brought up by the Leader of the House and ordered by the House of Assembly to be printed.

MEMBERS OF THE COMMITTEE

Hon. Michelle O'Byrne MP (Chair)
Hon. Nic Street MP
Hon. Eric Abetz MP
Mr Vica Bayley MP
Mr Simon Behrakis MP
Dr Shane Broad MP
Ms Anita Dow MP

1. INTRODUCTION

- 1.1 On 17 September 2024 the Committee resolved to conduct a review of the operation of the current Sessional Orders at the conclusion of the 2024 sitting year.
- 1.2 The Committee initiated this review of the Sessional Orders on the basis that significant changes were agreed to by the House at the commencement of the 51st Parliament, which coincided with the increase in the size of the House to 35 Members. As these changes were agreed to by the House prior to the Committee being appointed, the Committee did not have an opportunity to review these changes.
- 1.3 On 23 October 2024 the Speaker wrote to all Members seeking feedback on the operation of the Standing and Sessional Orders. A further invitation to provide feedback was sent on 4 March 2025.
- 1.4 At its meeting on Tuesday 11 March 2025 the Committee took into consideration:
 - a summary of the Sessional Orders adopted at the commencement of the 51st Parliament, including feedback received and potential issues for consideration, and
 - a research report on procedures for consideration of Private Members' business including a review of practice in jurisdictions across Australia and New Zealand.
- 1.5 The Committee reviewed each Sessional Order alongside these documents.
- 1.6 Each of the relevant Sessional Orders and any issues or potential issues identified are set out below.

2. REDUCTION OF TIME LIMITS FOR DEBATE

- 2.1 To account for the increased number of Members of the House, time limits under Standing Order 115 for substantive items of business were reduced from 40/30 minutes (Premier and party leaders and Member in charge of Bill or motion/all other Members) to 30/20 minutes. Time limits for Members to contribute to procedural debates was reduced from 7 minutes to 5 minutes per Member.
- 2.2 The Committee received no feedback in relation to this change. The Committee has observed no negative impacts of this change.

3. INCREASE OF DAYS REQUIRED FOR A BILL TO MATURE

- 3.1 Standing Order 192 now provides that a Bill cannot be called on for second reading until three days after tabling (increased from two days).
- 3.2 This has positively impacted the House's ability to scrutinise legislation by allowing for increased time for consideration before debate.
- 3.3 The Committee received no feedback in relation to this change. The Committee has observed no negative impacts of this change.

4. CHANGES IN SITTING TIMES

- 4.1 The automatic adjournment time pursuant to Standing Order 18 was changed from 6.00 pm on Tuesday, Wednesday and Thursday to 7.30 pm on Tuesday and Wednesday and 5.00 pm on Thursday.

- 4.2 The Committee received no feedback in relation to this change. The Committee has observed no negative impacts of this change.

5. CHANGES TO THE ADJOURNMENT OF THE HOUSE PROCEDURE

- 5.1 Standing Order 18 now provides that the motion for the adjournment of the House requires a vote of the House which can be resolved in the Affirmative or Negative. Previously the adjournment of the House was automatic at the automatic adjournment time or when moved by a Minister.
- 5.2 This constitutes a significant change to previous practice, however is in line with Standing Orders that were in place prior to 1998.
- 5.3 There have been no instances of the House voting against the motion for the adjournment in this parliament to date.
- 5.4 The Committee has received no feedback in relation to this change. The Committee has observed no negative impacts of this change.
- 5.5 However, the Committee did note the desirability of providing, where possible, some predictability in the parliamentary schedule and in particular the proposed adjournment time, and the potential for this sessional order to impact on this.
- 5.6 The Committee resolved to continue to monitor the application of this Sessional Order.

6. CHANGES TO QUESTION TIME

- 6.1 The Committee considered the changes which included:
- allocation of Questions - Removal of the ability for government backbenchers to ask questions
 - reinstatement of supplementary questions
 - introduction of constituency questions.

Allocation of Questions

- 6.2 The ratio of questions between the parties and any independents is established by way of sessional order at the commencement of each session, having regard to the composition in the House.
- 6.3 The Sessional Orders adopted at the commencement of this Parliament represented a change in past practice as no questions were allocated to Government backbenchers.
- 6.4 The Committee has received no feedback in relation to this change.

Supplementary questions

- 6.5 Supplementary questions were a feature of the Standing Orders from 1983. However, the introduction of minimum allocations of Questions to each party and any independent Members in 2010 (Sessional Order 48A) changed the way that supplementary questions were dealt with.
- 6.6 As noted in a Speaker's ruling on 8 May 2014, the introduction of minimum number of questions Sessional Order resulted in a purported supplementary question usually being counted as a new question as part of that party or Member's allocation.
- 6.7 Given the above practice, supplementary questions fell into disuse and eventually, the Standing Order allowing for Supplementary Questions was

suspended until the commencement of this Parliament, where the current Sessional Order was introduced:

46 Supplementary Questions

At the discretion of the Speaker, once supplementary Question may be asked immediately by the Member who asked the original question to elucidate an answer.

6.8 Given that the clear intention of the House was to allow for supplementary questions over and above the minimum allocation to Members under Sessional Order 48A, this new Sessional Order has been interpreted in this way.

6.9 As supplementary questions constitute a change in practice, the Speaker made the following statement on 15 May 2024 as to how supplementary questions would be treated:

"Before I call on questions, and given this is our first session, I will take a little latitude and make a statement about the new Sessional Orders regarding supplementary questions and how I intend to rule in relation to them. Bear in mind that members have the capacity to raise issues with the Standing Orders Committee if they believe this needs to be adapted at any stage. Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the answer. It is not orderly to ask a supplementary question of another minister. Any supplementary question must be directed to the minister initially answering the question. When a minister has asked that a question be put on notice or said that they will seek further information to inform the House, a supplementary question will not be asked."

6.10 No feedback has been received by the Committee in relation to Sessional Order.

6.11 The Speaker is regularly required to rule on the admissibility of supplementary questions. There have been no instances of such rulings being challenged in the House.

6.12 The Committee noted the following:

- The positive impact for Members asking a question that they are able to be given an opportunity to clarify matters or press for a further response.
- The potential difficulty in interpretation for a Speaker in considering whether a question constitutes a new question or a supplementary question.

6.13 The Committee resolved to continue to monitor the operation of this Sessional Order.

Constituency questions

6.14 The new Sessional Orders introduced Constituency Questions for the first time, enabling Members to raise matters relating to their local communities and requiring a written response by the Minister within 30 days.

6.15 The Committee received feedback noting that Independent Members infrequently use their allocation of questions. The feedback included a proposal that the order be amended to allow other Members to seek the call to ask constituency questions where their allocation has been forfeited.

6.16 Under the first iteration of this Sessional Order adopted at the commencement of the 51st Parliament, the allocation was as follows:

Two Government Members;
Two Opposition Members;
One Green Member;
One JLN Member; and
Two for **any other Member**.

- 6.17 When the Sessional Order was reviewed with the changed composition of the House following two Members leaving the JLN party to become Independent Members, the allocation of two for any other Member was removed and replaced with: **Three to be allocated at the Speaker's discretion between the JLN Member and Independent Members.**
- 6.18 The Committee noted the feedback received and was supportive of the ability of Members to utilise any unused Constituency Questions from the Independent allocation.

Recommendation 1

The Committee recommends that Sessional Order 48C be amended to allow other Members to seek the call where nominated crossbench Members have waived the opportunity to ask constituency questions. (See Appendix 1)

7. SCHEDULING OF PRIVATE MEMBERS' BUSINESS

- 7.1 The Committee received feedback from Independent Members noting that their time is consistently scheduled near the end of the sitting day, an arrangement they view as inequitable and a negative impact on their ability to fulfil other parliamentary and community responsibilities outside of the Chamber.
- 7.2 The Members requested that the schedule be adjusted to share the later time slots across the House regardless of party affiliation.
- 7.3 The Committee resolved to accommodate this request.

Recommendation 2

That Standing Order 42(b) be amended to ensure equitable rotation of times allocated to Independent Members' business (see Appendix 1).

8. PRIVATE MEMBER'S BUSINESS - BILLS

- 8.1 The ability for a Member to call for a vote on an item of Private Members' Business was introduced in 1994. Under Standing Order 42, a Member can indicate at the commencement of the debate that a vote will be required on a Bill at the conclusion of their Private Members' Business time that day.
- 8.2 Previous Speaker's rulings provide that an indication that a vote is required that day is only able to be withdrawn by the Member in charge of the item of business with unanimous leave of the House.
- 8.3 Prior to the introduction of the current Sessional Orders, an indication that a vote is required on a Bill was interpreted as only a vote up to the second reading.
- 8.4 As noted by a Speaker's ruling on 11 December 1997 by Speaker Madill:
"All through this session the Chair has been consistent in applying the sessional orders for Private Members' Business by allowing motions to be put at the end of the time for debate and bills up to the second reading

... The House has supported this approach and no member has raised any objection. If I am expected now to depart from this approach I urge the House to consider very carefully the terms of any sessional order to be proposed next year. For an important bill to be forced through in half an hour is in my view most undesirable."

- 8.5 As noted in the Companion to the House of Assembly Standing Orders & Rules, at page 72, the Speaker's ruling highlights the risk "that in some circumstances, the basic principle that all members be afforded an opportunity to contribute to debate on a Question may be put at risk by the precipitous use of what are effectively guillotine provisions of the Standing Order."
- 8.6 The Sessional Order adopted at the commencement of the 51st Parliament provide for a process whereby if a Committee stage of a Bill is required following a Member's Private Member's Time where their Bill has successfully passed the second reading, the Committee stage must occur at the end of that day, with a maximum further 1.5 hours allocated to it.
- 8.7 This effectively means that a Bill can be agreed to by the House in one sitting day and in as little as 2.5 hours total debate time, regardless of complexity or whether there are multiple amendments to be proposed.
- 8.8 This is less than the minimum time that would be required under the guillotine procedure for a Government Bill (SO116 requires a minimum of 3 hours to be allocated to a Bill where it is declared urgent, and a positive decision of the House is required in respect of the declaration of urgency and allocation of time). The guillotine for Government Bills is very rarely used and where it is it is usually after a protracted debate.
- 8.9 It is fundamental to the legislative process that the House have appropriate time to scrutinise and debate Bills, and the opportunity for Members to move amendments in the Committee stage.
- 8.10 As noted above, the risks to ensuring sufficient legislative debate on Private Members Business has existed since the ability to call for a vote on an item of business was introduced in 1994 however the issue has been further highlighted by the current sessional orders.
- 8.11 In the current parliament to date, five Private Members' Bills have already passed the House.
- 8.12 A jurisdictional comparison indicates that most other jurisdictions do not make a distinction between private members bills and government bills and there is not the ability to truncate debate on a Bill in the same way.
- 8.13 The Committee considered several options to resolve the issue.

Option 1 – Removal ability to call for a vote on a Bill

- 8.14 The Committee considered removing the ability for Members to call for a vote on Private Members' Bills, thereby removing the guillotine and the risks to parliamentary scrutiny described above.
- 8.15 Such a change would remove the distinction between private member's bills and government bills and a bill would proceed through the normal debate until concluded – i.e. where necessary across multiple weeks of private members time allocations, or alternatively for other time in the parliamentary schedule to be put aside for the debate of such Bills.

Option 2 – Mechanism to extend time for Committee of the whole House

- 8.16 The Committee considered a mechanism whereby the House can extend the time available for the Committee stage where it becomes apparent that

there are amendments to be moved that cannot be adequately dealt with during the time allocated.

Option 3 – Adjournment of debate on Private Members' Bills

- 8.17 The Committee considered a process whereby the House can adjourn debate on a Bill rather than requiring unanimous leave for the mover to withdraw the indication that a vote is required.
- 8.18 While this would allow a mechanism for further debate where a majority of the House considers that the Bill requires further debate, this does go against the purpose of the ability to call for a vote.
- 8.19 Having deliberated upon the options presented, the Committee recommends as follows:

Recommendation 3

That the Committee continue to monitor the application of the Sessional Order and consider making a recommendation as part of the ongoing review of Standing and Sessional Orders.

9. PRIVATE MEMBERS' BUSINESS - MOTIONS

- 9.1 In 2024, the Committee discussed concerns raised by the Speaker and then Deputy Speaker in respect of the impact of the expanded number of Members in the House on debates on Motions during Private Members' Time. The Committee agreed that this should be considered as part of this review.
- 9.2 The concerns raised were that despite the reduction in speaking time allocated to each Member, in the shorter debates (e.g. with a one-hour overall time limit) it was considered difficult to allocate the call equitably due to expiry of time.
- 9.3 This is particularly the case where multiple amendments are moved, including where Members move amendments to their own motions, each of which initiates a new debate.
- 9.4 The Committee considered a jurisdictional comparison summarising relevant provisions in other jurisdictions. Relevant provisions that could address this issue included:
- removing the ability of Members to move amendments to their own motions (except by leave),
 - providing that any amendments do not result in additional speaking time, and
 - 'short form' debates with shorter speaking times than other debates.
- 9.5 The Committee considered several options in relation to this issue.

Option 1 – Further reduction in speaking time

- 9.6 The Committee considered further reducing Members' speaking time to align with the overall time limits allocated to Private Members' motions.

Option 2 - Restricting members' ability to amend their own motions

- 9.7 The Committee considered adopting a process whereby Members could table an amended Notice of Motion with the leave of the House rather than moving an amendment during debate.

Option 3 -Removing additional speaking time allocated to amendments

- 9.8 The Committee considered removing the additional speaking time allocated to amendments. Members would be required to address the substantive motion as well as the amendment within their allocated time.
- 9.9 Having deliberated upon the options presented, the Committee recommends as follows:

Recommendation 4

That the Committee continue to monitor the application of the Sessional Order and consider making a recommendation as part of the ongoing review of Standing and Sessional Orders.

10. PROCEDURE FOR COGNATE BILLS

- 10.1 The House of Assembly had not previously had a procedure to deal with cognate bills. This was introduced as Sessional Order 183A at the commencement of the 51st Parliament.
- 10.2 The procedure for cognate bills is designed for convenience to enable two related bills to proceed through the stages as one debate.
- 10.3 The Sessional Order has been used once since its introduction.
- 10.4 The Committee has received no feedback in relation to this Sessional Order and has observed no negative impacts as a result of this Sessional Order.

11. SUSPENSION OF STANDING ORDERS WITHOUT NOTICE – REMOVAL OF REQUIREMENT FOR TWO-THIRDS MAJORITY

- 11.1 Under previous Standing Orders, the suspension of standing orders without notice required a two-third majority to be successful. The purpose of this principle is to protect the minority from sudden setting aside of the House's procedures without such action having broad support of the House.
- 11.2 The current Sessional Order provides that such motion can be agreed to by simple majority.
- 11.3 While no negative effects were reported or observed with the operation of this Sessional Order, it remains the case that the usual processes of the House can be set aside with relative ease.
- 11.4 The Committee resolved to continue to monitor the operation of this Sessional Order.

12. REPEAL OF THE SAME QUESTION RULE

- 12.1 Former Standing Order 93 was repealed at the commencement of the 51st Parliament.
- 12.2 This Standing Order detailed the "same question" rule which is that no Motion or Amendment shall be proposed which is the same in substance as any Question or Amendment which, within the preceding twelve months, has been resolved in the Affirmative or Negative.
- 12.3 This is a basic and common rule of parliamentary procedure, the purpose of which is to recognise that the time of the House is a precious commodity and prevent duplication of debate.

- 12.4 The rule was not interpreted in a restrictive way and was applied in balance with the fundamental right of the House to legislate on any matter it thinks fit.
- 12.5 In practice, such a rule was rarely invoked as it is seldom the case that a motion is exactly the same as a motion that has previously been decided – i.e. because its terms are sufficiently different, is part of a different ‘package’ of proposals, or because of changed circumstances.
- 12.6 The Standing Order is also able to be suspended should a majority of Members wish to re-debate a matter that has already been decided.
- 12.7 While there have been no negative impacts reported or observed to date with the removal of this rule, it remains the case that such a rule does have a valid purpose and should be considered for reinstatement.

Recommendation 5

That former Standing Order 93 is reinstated.

13. RECOMMENDATIONS

- 13.1 Having reviewed the Sessional Orders and deliberated upon the options presented, the Committee recommends as follows:

Recommendation 1

That Sessional Order 48C be amended to allow other Members to seek the call where nominated crossbench Members have waived the opportunity to ask constituency questions. (see Appendix 1)

Recommendation 2

That Standing Order 42(b) be amended to ensure equitable rotation of times allocated to crossbench Members’ business. (see Appendix 1)

Recommendation 3

That the Committee continue to monitor the application of the Sessional Order and consider making a recommendation as part of the ongoing review of Standing and Sessional Orders.

Recommendation 4

That the Committee continue to monitor the application of the Sessional Order and consider making a recommendation as part of the ongoing review of Standing and Sessional Orders.

Recommendation 5

That former Standing Order 93 be reinstated: *The same Question not to be again proposed.*

Except as provided for in Standing Order No. 94, no Motion or Amendment shall be proposed which is the same in substance as any Question or Amendment which, within the preceding twelve months, has been resolved in the Affirmative or Negative.

14. REGULAR REVIEW OF STANDING AND SESSIONAL ORDERS

- 14.1 The Committee noted the importance of a regular cycle of review of the Standing and Sessional Orders, with the optimal time for this to occur being towards the end of a Parliament.
- 14.2 The Committee intends to conduct a review of all Standing and Sessional Orders towards the end of this Parliament. The Committee encourages all Members to raise any issues or suggestions regarding the Standing Orders with the Speaker as Chair of the Standing Orders Committee.

Hon. Michelle O'Byrne MP
CHAIR OF THE COMMITTEE
6 May 2025

APPENDIX 1

DRAFT HOUSE OF ASSEMBLY SESSIONAL ORDERS 42(b) & 48C

- (b) *Private Members Business which has been on the Notice Paper for the period required by the Standing Orders may be called on by a Member of the group which has been allocated time pursuant to the following weekly rotations:—*

WEEK ONE

<i>For 1 Hour</i>	<i>Independent Member for Braddon (Mr Garland)</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1 Hour</i>	<i>JLN Member</i>
<i>For 1 Hour</i>	<i>Government Members</i>

WEEK TWO

<i>For 1 Hour</i>	<i>Independent Member for Franklin</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1 Hour</i>	<i>Independent Member for Bass</i>
<i>For 1 Hour</i>	<i>Government Members</i>

WEEK THREE

<i>For 1 Hour</i>	<i>Independent Member for Clark</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1 Hour</i>	<i>Independent Member for Braddon (Mrs Beswick)</i>
<i>For 1 Hour</i>	<i>Government Members</i>

WEEK FOUR

<i>For 1 Hour</i>	<i>JLN Member</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1 Hour</i>	<i>Independent Member for Braddon (Mr Garland)</i>
<i>For 1 Hour</i>	<i>Government Members</i>

WEEK FIVE

<i>For 1 Hour</i>	<i>Independent Member for Bass</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1 Hour</i>	<i>Independent Member for Franklin</i>
<i>For 1 Hour</i>	<i>Government Members</i>

WEEK SIX

<i>For 1 Hour</i>	<i>Independent Member for Braddon (Mrs Beswick)</i>
<i>For 1.5 Hours</i>	<i>Greens Members</i>
<i>For 1.5 Hours</i>	<i>Opposition Members</i>
<i>For 1 Hour</i>	<i>Independent Member for Clark</i>
<i>For 1 Hour</i>	<i>Government Members</i>

48C Constituency Questions

- (1) At the conclusion of Questions without Notice, Members may ask questions to Ministers relating to constituency matters.*
- (2) The total number of Constituency Questions each sitting day is eight, allocated as follows with the order being at the discretion of the Speaker:*
 - (a) Two Government Members;*
 - (b) Two Opposition Members;*
 - (c) One Green Member;*
 - (d) Three to be allocated at the Speaker's discretion between the JLN Member and Independent Members; and*
 - (e) Any questions remaining after an allocation has been waived to be allocated to any Member seeking the call.*
- (3) The time limit for each constituency question is one minute.*
- (4) Replies to constituency questions must be given in writing by the relevant Minister to the Clerk within 30 days. The Clerk must provide the response to the Member who asked the question and electronically publish the response.*