



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

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**Standing Orders Committee**

**Second Report of the 10<sup>th</sup> Assembly**  
including  
Routine of Business and related Orders  
Acting Speaker

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October 2005

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the Northern Territory  
October 2005

# **LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

## **Standing Orders Committee**

Office of the Clerk  
Legislative Assembly of the Northern Territory  
Parliament House  
Darwin NT 0800  
Telephone: (08) 8946 1450  
Email: [ian.mcneill@nt.gov.au](mailto:ian.mcneill@nt.gov.au)  
URL: <http://www.nt.gov.au/lant/parliament/committees/so/>

## **Members of the Committee as at October 2005**

The Honourable Paul Henderson MLA - Chairman  
The Honourable Jane Aagaard MLA  
Mr James Burke MLA  
Dr Richard Lim MLA  
Mrs Fay Miller MLA  
Mrs Loraine Braham MLA

## **Committee Secretariat**

Mr Ian McNeill, Secretary  
Ms Jane Gunner, Research/Administrative Officer

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## **Membership of the committee at the time of tabling of the Report:**

### **The Honourable Paul Henderson MLA - Chairman**

Appointed 16 August 2005  
Australian Labor Party  
Member for Wanguri: First elected 31 July 1999  
Leader of Government Business  
Minister for Business and Economic Development  
Minister for Police, Fire and Emergency Services  
Minister for Regional Development  
Minister for Defence Support  
Minister for Essential Services

### **The Honourable Jane Aagaard MLA**

Appointed 16 August 2005  
Australian Labor Party  
Member for Nightcliff: First elected 18 August 2001  
Speaker of the Legislative Assembly  
*Other Committees:* House

### **Mr James Burke MLA**

Appointed 16 August 2005  
Australian Labor Party  
Member for Brennan: First elected 18 June 2005  
*Other Committees:* Legal and Constitutional Affairs, Subordinate Legislation

### **Dr Richard Lim MLA**

Appointed 16 August 2005  
Country Liberal Party  
Member for Grotorex: First elected 4 June 1994  
Opposition Whip  
*Other Committees:* Public Accounts

### **Mrs Fay Miller MLA**

Appointed 16 August 2005  
Country Liberal Party  
Member for Katherine: First elected: 14 October 2003  
Deputy Leader of the Opposition  
*Other Committees:* Legal and Constitutional Affairs; House; Subordinate Legislation; Youth and Sport; Select Committee on Substance Abuse.

### **Mrs Loraine Braham MLA**

Appointed 16 August 2005  
Independent  
Member for Braitling: First elected 4 June 1994  
*Other Committees:* Legal and Constitutional Affairs; Select Committee on Substance Abuse.

## Recommendations

The Standing Orders Committee recommends:

1. The adoption of the following changes to Standing Orders 8, 9 and 10:

### **Standing Order 8—APPOINTMENT OF DEPUTY SPEAKER AND CHAIRMAN OF COMMITTEES**

- (a) Insert new paragraph 1 -

At the commencement of each Assembly, or whenever the office becomes vacant, a Member shall be appointed by the Assembly to be the Chairman of Committees and Deputy Speaker of the Assembly to take the Chair of all Committees of the Whole. The Deputy Speaker to be Acting Speaker at any time the Speaker is absent or unable to perform the function of the Speaker in accordance with section 25 of the *Northern Territory (Self-Government) Act*.

- (b) Amend all references to “Chairman” to read “Chairman/Deputy Speaker”

### **Standing Order 9—ABSENCE OF SPEAKER**

Amend Standing Order 9 to read as follows -

Whenever the Assembly is informed by the Clerk of the absence of the Speaker the appointed Deputy Speaker shall, subject to any other order of the Assembly, perform the duties of the Speaker during that absence.

### **Standing Order 10—ABSENCE OF THE SPEAKER AND DEPUTY SPEAKER**

Amend Standing Order 10 to read as follows -

Whenever the Assembly is informed by the Clerk of the absence of both the Speaker and Deputy Speaker, the Members present, if a quorum, shall proceed to elect, subject to any other order of the Assembly, an Acting Speaker to perform the duties of the Speaker during that absence.

When a Speaker has not been appointed by the Assembly the Administrator for the Northern Territory may appoint a Speaker in accordance with s.26 of the *Northern Territory (Self-Government) Act*.

2. The adoption of Sessional Orders relating to Ministerial Reports, Programming of Questions, Routine of Business and Speech Time Limits as Standing Orders.

3. That Speech Time Limits for Ministerial Reports be amended to read:  
“Opposition Member and one Independent Member each 2 minutes”
4. That Standing Order 94—Discussion of a Matter of Public Importance be amended as follows:
  - 94 (1) to allow for support by four Members, including the proposer, and delete “and before the Business of the Day has been called on,”; and
  - 94 (2) “that discussion be concluded” be inserted in place of “that the Business of the Day be called on,”

The amended Standing Order to read as follows:

- 94 (1) A Member may propose to the Speaker that a definite matter of public importance be submitted to the Assembly for discussion. The Member proposing the matter shall present to the Speaker at least two hours before the time fixed for the sitting of the Assembly, and on the day for presentation, a written statement of the matter proposed to be discussed and if the Speaker determines that it is within the competence of the Assembly and is otherwise in order he shall communicate the matter to a Minister and to the Leader of the Opposition as soon as practicable. After “Ministerial Statements” the Speaker will read the matter proposed to be discussed to the Assembly. The proposed discussion must be supported by **four** Members, including the proposer, rising in their places as an indication of approval. The Speaker shall then call upon the Member who proposed the matter to speak.
- (2) At any time during the discussion, a motion may be made by a Member “**that discussion be concluded**” and such motion shall be put forthwith and decided without amendment or debate and, if agreed to, the Business of the Day shall be proceeded with immediately. A motion under Standing Order 78 (closure) or Standing Order 72 (adjournment) will not be in order.
- (3) In the event of more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Speaker, is the most urgent and important and no other proposed matter shall be read to the Assembly on that day.

## **Appointment of Acting Speaker**

### **Introduction**

The *Legislation Repeal Bill 2005* which passed the Assembly on 13 October 2005 provides for the repeal of the *Legislative Assembly (Speaker) Act* as that Act is in conflict, in part, with the *Northern Territory (Self-Government) Act* of the Commonwealth. The *Northern Territory (Self-Government) Act* includes provision for the appointment of an Acting Speaker by the Legislative Assembly at s.25(i).

The attached proposed amendments to Standing Orders 8, 9 and 10 provide for the appointment of an Acting Speaker in the absence of the Speaker. A copy of existing Standing Orders 8, 9 and 10 (Attachment A) are attached together with a briefing memorandum by the Deputy Clerk, Capt. David Horton, dated 20 September 2005 (Attachment B).

### **Recommendation**

The Standing Orders Committee recommends the adoption of the following changes to Standing Orders 8, 9 and 10:

#### **Standing Order 8—APPOINTMENT OF DEPUTY SPEAKER AND CHAIRMAN OF COMMITTEES**

- (a) Insert new paragraph 1 -

At the commencement of each Assembly, or whenever the office becomes vacant, a Member shall be appointed by the Assembly to the Chairman of Committees and Deputy Speaker of the Assembly to take the Chair of all Committees of the Whole. The Deputy Speaker to be Acting Speaker at any time the Speaker is absent or unable to perform the function of the Speaker in accordance with section 25 of the *Northern Territory (Self-Government) Act*.

- (b) Amend all references to "Chairman" to read "Chairman/Deputy Speaker"

#### **Standing Order 9—ABSENCE OF SPEAKER**

Amend Standing Order 9 to read as follows -

Whenever the Assembly is informed by the Clerk of the absence of the Speaker the appointed Deputy Speaker shall, subject to any other order of the Assembly, perform the duties of the Speaker during that absence.

## **Standing Order 10—ABSENCE OF THE SPEAKER AND DEPUTY SPEAKER**

Amend Standing Order 10 to read as follows -

Whenever the Assembly is informed by the Clerk of the absence of both the Speaker and Deputy Speaker, the Members present, if a quorum, shall proceed to elect, subject to any other order of the Assembly, an Acting Speaker to perform the duties of the Speaker during that absence.

When a Speaker has not been appointed by the Assembly the Administrator for the Northern Territory may appoint a Speaker in accordance with s.26 of the *Northern Territory (Self-Government) Act*.

## Routine of Business and related Orders

### Background

In 2001, and again in June this year, the Legislative Assembly passed a range of Sessional Orders (Attachment C) relating to Ministerial Reports, the Routine of Business and related matters.

In some cases the adoption of those Sessional Orders has had a consequential effect on the conduct of other business of the Assembly (eg Matter of Public Importance (SO94), Attachment D).

### Recommendations

1. The adoption of Sessional Orders relating to Ministerial Reports, Programming of Questions, Routine of Business and Speech Time Limits as Standing Orders.
2. That Speech Time Limits for Ministerial Reports be amended to read:  
  
Opposition Member and one Independent Member each 2 minute
3. That Standing Order 94—Discussion of a Matter of Public Importance—be amended as follows:
  - 94 (1) to allow for support by four Members, including the proposer, and delete "and before the Business of the Day has been called on,"; and
  - 94 (2) "that discussion be concluded" be inserted in place of "that the Business of the Day be called on,"

The amended Standing Order to read as follows:

- 94 (1) A Member may propose to the Speaker that a definite matter of public importance be submitted to the Assembly for discussion. The Member proposing the matter shall present to the Speaker at least two hours before the time fixed for the sitting of the Assembly, and on the day for presentation, a written statement of the matter proposed to be discussed and if the Speaker determines that it is within the competence of the Assembly and is otherwise in order he shall communicate the matter to a Minister and to the Leader of the Opposition as soon as practicable. After "Ministerial Statements" the Speaker will read the matter proposed to be discussed to the Assembly. The proposed discussion must be supported by **four** Members, including the proposer, rising in their places as an indication of approval. The Speaker shall then call upon the Member who proposed the matter to speak.

- (2) At any time during the discussion, a motion may be made by a Member **“that discussion be concluded”** and such motion shall be put forthwith and decided without amendment or debate and, if agreed to, the Business of the Day shall be proceeded with immediately. A motion under Standing Order 78 (closure) or Standing Order 72 (adjournment) will not be in order.
  
- (3) In the event of more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Speaker, is the most urgent and important and no other proposed matter shall be read to the Assembly on that day.

## Attachments

### 8. APPOINTMENT OF CHAIRMAN OF COMMITTEES

- (1) At the commencement of each Assembly, or whenever the office becomes vacant, a Member shall be appointed by the Assembly to be the Chairman of Committees to take the Chair of all Committees of the Whole.
- (2) The Chairman shall be appointed in the following manner—
  - (a) A motion shall be moved, without notice, that a Member be appointed Chairman of Committees of this Assembly, which motion shall be seconded.
  - (b) The Speaker shall then ask if there is any further motion and, if there is not, shall say that the time for motions has expired. No member may then address the Assembly or move any motion for the appointment of a Member as Chairman, and the Speaker shall, without question put, declare the member named in the motion to have been appointed Chairman of Committees.
  - (c) If more than one motion for the appointment of the Chairman is moved and seconded, the Speaker shall, after the second motion and after each subsequent motion (if any), ask if there is any further motion and, if there is not, shall say that the time for motions has expired.
  - (d) When the time for motions has expired, debate may ensue, but it shall be relevant to the election.
  - (e) No Member shall speak for more than 5 minutes.
  - (f) At any time during the debate, a motion without notice may be moved by a Member rising in his place, and whether any Member is addressing the Chair or not, "that the question be now put", which question shall be put forthwith and decided without amendment or debate.

Upon the carrying of the question "that the question be now put", or upon the cessation of the debate otherwise, the appointment of the Chairman shall be proceeded with as provided in this Standing Order.

- (g) Before the Assembly proceeds to a ballot the bells shall be rung as for a division.
- (h) When only 2 motions for the appointment of Chairman are moved and seconded, each Member present shall deliver to the Clerk a ballot paper in writing, containing the name of the Member named in one or other of the motions for whom he votes, and the votes shall be counted by the Clerks at the Table; and the Member who has the greater number of votes shall be the Chairman of Committees.
- (j) When more than 2 motions for the appointment of Chairman are moved and seconded, the votes shall be taken in the same manner, and the member who has the greatest number of votes shall be the Chairman of Committees, provided he has also a majority of votes of the Members present; but if no Member has such majority, the name of the Member having the least number of votes shall be excluded from subsequent ballots, and a fresh ballot shall take place; and this shall be done as often as

## **Attachment A**

necessary until one member has such majority when he shall be Chairman of Committees.

- (k) If, after any ballot other than a ballot which takes place in accordance with paragraph (m) of this Standing Order, in which the names of only 2 Members are submitted, there is an equality of votes, the Speaker shall give his casting vote and the Member for whom he gives his casting vote shall be the Chairman of Committees.
- (m) If, after any ballot in which the names of more than 2 Members are submitted, it is impossible by reason of an equality of votes to determine which name shall be excluded from subsequent ballots—
  - (i) if there is an equality of votes for 2 Members, the Speaker shall give his casting vote and the name of the Member for whom he does not give his casting vote shall be excluded from subsequent ballots;
  - (ii) if there is an equality of votes for more than 2 Members, a special ballot shall take place at which there shall be submitted only the names of those members who have received equal votes and in which case each member shall write on his ballot paper only the names of the Members he wishes to retain. The name of the member who receives the least number of votes shall be excluded from subsequent ballots. If, by reason of a continued equality of votes, the special ballot is inconclusive, then, unless a name is withdrawn, the sitting shall be suspended for 30 minutes. When the sitting is resumed, the votes shall be taken again unless this is rendered unnecessary by a withdrawal; and
  - (iii) in the event or there still being an equality of votes, the Speaker shall declare such to be the case and shall determine by lot which of the candidates having the same number of votes shall be withdrawn, as if he had the least number of votes.
- (n) At any time after the result of the first ballot is declared, but before the commencement of any subsequent ballot, a member whose name was submitted in the first ballot may withdraw his name and all further proceedings shall take place as if a motion for his appointment as Chairman had not been moved.
- (p) Whenever a withdrawal leaves only one Member in respect of whom a motion for appointment as Chairman is before the Assembly, that Member shall be declared to have been appointed Chairman of Committees.

### **9. ABSENCE OF SPEAKER**

Whenever the Assembly is informed by the Clerk of the absence of the Speaker, the Chairman of Committees as Deputy Speaker shall, subject to any other order of the Assembly, perform the duties of the Speaker during that absence.

### **10. ABSENCE OF SPEAKER AND CHAIRMAN**

Whenever the Assembly is informed by the Clerk of the absence of both the Speaker and the Chairman of Committees, the Members present, if a quorum, may at once proceed to elect one of their number who shall, subject to any

## **Attachment A**

other order of the Assembly, perform the duties of the Speaker during that absence. Otherwise the Assembly stands adjourned to the next sitting day.

For the purposes of this Standing Order, the Clerk shall act as chairman of the Assembly until a Member is elected to perform the duties of the Speaker.



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**  
**Office of the Clerk**  
**MEMORANDUM**

**TO:** CLERK  
**FROM:** DEPUTY CLERK  
**RE:** **APPOINTMENT OF ACTING SPEAKER**  
**FILE REF:** 2005/00108

Ian

As discussed the repeal of this Speakers Act casts some doubt on the process of appointing an Acting Speaker and more importantly in conforming with Sections 25 and 26 of the Self-Government Act.

As there appears no requirement to amend the Self-Government Act, it would appear that an amendment to Standing Orders would be sufficient to legitimise the position of Acting Speaker.

In reviewing Standing Orders 8, 9 and 10, the appointment of the Chairman of Committees implies that that person is also the Deputy Speaker. Standing Order 9 further implies that in the absence of the Speaker, the Deputy Speaker shall perform the duties of the Speaker. There is however, no reference to the appointment of an Acting Speaker unless there is an assumption that the Chairman of Committees and Deputy Speaker on appointment is also seen as being appointed as Acting Speaker under Section 25(1) of the Act which states a Member can be appointed before or during any absence which is, in a sense, a dormant commission or dormant appointment that becomes effective only when the Speaker is absent or unable to perform the functions. Again absence or inability is not clearly defined by time or location

Therefore, in order to resolve the current situation it would appear that amendments to Standing Order 8,9 and 10 may well be the easiest solution. In these amendments, it would be necessary to make reference to the appointment of the Deputy Speaker in SO 8 and the Deputy Speaker as the Acting Speaker SO 9 and possibly SO10. The attachment provides a consideration for the wording which could be tested against Section 25 and 26 of the Act and subsequently the Standing Orders Committee.

For consideration and discussion as necessary.

DAVID HORTON  
Deputy Clerk

20 September 2005

## SESSIONAL ORDERS

### MINISTERIAL REPORTS

That,

- (1) On each sitting day after Petitions, Ministers may make reports on matters relating to the government of the Northern Territory and relating to policy, decisions or actions, proposed decisions, actions or matters of public interest.
- (2) Each Minister making a report shall speak for no more than 5 minutes.
- (3)\*\* A Member of the opposition **and one independent member** may **each** comment for no more than 2 minutes on a ministerial report. No other Member may speak, except that the Minister who made the statement may reply to the matters raised. The Minister's reply shall not exceed 1 minute.
- (4) The period for reports shall extend for no more than 30 minutes each sitting day.
- (5) At the conclusion of Reports or after 30 minutes, whichever is first occurring, the Speaker shall put the question that Ministerial Reports be noted, which question shall be put without further debate or amendment.

*\*Motion moved by Leader of Government Business (Mr Henderson), agreed to 29 June 2005.*

*\*\*Amended by Adoption of First Report of Standing Orders committee, agreed to 24 August 2005.*

### PROGRAMMING OF QUESTIONS

That,

- (1) Unless otherwise ordered and notwithstanding anything contained in the Standing Orders, at 2.00 p.m. on each sitting day the Speaker shall interrupt the business before the Assembly in order that questions can be called on, provided that:
  - (a) if a division is in progress at the time so fixed, the division shall be completed and the result announced; and
  - (b) the Speaker shall fix the time for the resumption of debate of any business under discussion and not disposed of at the time of the interruption.

*\*Motion moved by Leader of Government Business (Mr Henderson), agreed to 29 June 2005.*

### ROUTINE OF BUSINESS

That, unless otherwise ordered, and notwithstanding anything contained in the Standing Orders, the Assembly shall proceed each day with its ordinary business in the following routine:—

- (1) Prayers

- (2) Petitions
- (3) Ministerial Reports
- (4) Government Business – Notices and Orders of the Day
- (5) At 2 p.m. Notices
- (6) Questions
- (7) Government Business – Notices and Orders of the Day
- (8) Papers
- (9) Ministerial Statements
- (10) Discussion pursuant to Standing Order 94 (Matter of Public Importance)
- (11) Adjournment.

*\*Motion moved by Leader of Government Business (Mr Henderson), agreed to 29 June 2005.*

### SPEECH TIME LIMITS

That, unless otherwise ordered and notwithstanding anything contained in the Standing Orders, the maximum period for speeches and for the consideration of particular items of business shall be as follows:

The maximum period for which a Member may speak on any subject indicated in this order and the maximum period for any debate, shall not, unless otherwise ordered, exceed the period specified opposite to that subject in the following schedule:

#### In the Assembly

<b>Subject</b>	<b>Time</b>
Election of Speaker or appointment of Chairman— Each Member	5 minutes
Address-in-Reply— Each Member	30 minutes
Mover in reply	20 minutes
Ministerial Reports— Whole period for Reports	30 minutes
Minister making report	5 minutes
Opposition Member and one Independent Member	2 minutes
Minister in reply	1 minute
Discussion of a definite matter of public importance— Whole debate	2 hours
Proposer	20 minutes
Member next speaking	20 minutes
Any other Member	15 minutes
Bills—second reading— Mover	45 minutes

## Attachment C

Member next speaking	45 minutes
Any other Member	30 minutes
Mover in reply	30 minutes
<b>Bills—third reading—</b>	
Mover	10 minutes
Member next speaking	10 minutes
Any other Member	5 minutes
Mover in reply	10 minutes
<b>Debates not otherwise provided for—</b>	
Mover	30 minutes
Member next speaking	30 minutes
Any other Member	20 minutes
Mover in reply	20 minutes
<b>Motion for adjournment of the Assembly to close the business of the day—</b>	
Each Member	15 minutes
<b>In committee</b>	
Each question before the Chair	
Member in charge of a Bill	No limitation
Other Members	Unlimited, each speech not to exceed 10 minutes
<b>In the Assembly or in committee</b>	
Extension of time—with consent of a majority of the Assembly or of the committee a Member may be allowed to continue a speech interrupted under the foregoing provisions of this Standing Order, on motion without debate for one of period debate (except a speech on a motion for the adjournment of the Assembly)	For one period not exceeding 10 minutes

*\*Motion moved by Leader of Government Business (Mr Henderson), agreed to 29 June 2005.*

### Standing Order 94—Discussion of a Matter of Public Importance

- (1) A Member may propose to the Speaker that a definite matter of public importance be submitted to the Assembly for discussion. The Member proposing the matter shall present to the Speaker at least two hours before the time fixed for the sitting of the Assembly, and on the day for presentation, a written statement of the matter proposed to be discussed and if the Speaker determines that it is within the competence of the Assembly and is otherwise in order he shall communicate the matter to a Minister and to the Leader of the Opposition as soon as practicable. After “Ministerial Statements” and before the Business of the Day has been called on, the Speaker will read the matter proposed to be discussed to the Assembly. The proposed discussion must be supported by five Members, including the proposer, rising in their places as an indication of approval. The Speaker shall then call upon the Member who proposed the matter to speak.
- (2) At any time during the discussion, a motion may be made by a Member “that the Business of the Day be called on” and such motion shall be put forthwith and decided without amendment or debate and, if agreed to, the Business of the Day shall be proceeded with immediately. A motion under Standing Order 78 (closure) or Standing Order 72 (adjournment) will not be in order.
- (3) In the event of more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Speaker, is the most urgent and important and no other proposed matter shall be read to the Assembly on that day.