



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Standing Orders Committee

Third Report of the 10th Assembly
including
Standing Orders and Orders relating to Committees

February 2006

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the Northern Territory
February 2006

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Standing Orders Committee

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Members of the Committee as at February 2006

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, Environment and Sustainable Development

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; Sport and Youth, Select Committee on Substance Abuse, Environment and Sustainable Development

Mrs Loraine Braham MLA

Appointed 16 August 2005
Independent
Member for Braiting: 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 proposed changes to the Standing Orders relating to Assembly Committees.

Standing Orders relating to Assembly Committees

Introduction

The Committee at its meeting on 1 December 2004 agreed that a review of existing Standing, Sessional and Other Orders be undertaken by the Clerk in conjunction with staff of the Legislative Assembly Committee Secretariat for presentation to the Standing Orders Committee of proposed options for Standing Orders relating to Committees.

The purpose of the review was to restructure and rewrite Standing Orders where necessary to reflect contemporary Committee practice, in particular the less formal and more flexible approaches to the gathering of information and providing public input into Committee activities.

A Working Group from the Legislative Assembly, comprising three groups of officers was convened. Each group was assigned a range of materials and collated relevant Standing and other Orders of the Legislative Assembly, and for comparison, provisions of relevant Orders of the House of Representatives and Senate of the Commonwealth Parliament.

A final drafting process followed with a view to drafting new and revised material in a more 'reader friendly' style.

The following general drafting principles were applied:

- The use of the present tense wherever possible;
- Starting with general statements and then going on to particular detail; and
- Starting with the more important elements and progressing to less important elements.

Due care was taken to faithfully reflect the meaning and intention of the existing Standing Orders.

However the opportunity was taken to remove some obsolete provisions.

A draft Review Report was provided to the Committee at its meeting on 30 November 2005. The Committee agreed that the final report of the Working Group be circulated to members of the Committee during the Christmas recess for consideration.

At its meeting on 15 February 2006 the Committee discussed the report and agreed to the following proposed changes to Standing Orders.

A Translation Table for proposed changes to Standing Orders by reference to proposed numbers is at Attachment A.

An Explanatory Table of proposed changes to Standing Orders as they relate to Committees including the existing Standing Order, the proposed Standing Order together with the comments on proposed changes is at Attachment B.

Recommendation

The Standing Orders Committee recommends the adoption of the following changes to Standing Orders:

Standing Order 260—APPOINTMENT

All committees, be they Standing, Select or Sessional, shall be appointed on motion, and shall, unless otherwise ordered, consist of the mover and other Members to be nominated; but if there be more nominations than places available on a committee, Members shall be appointed by ballot.

Standing Order 261—DAY FOR REPORT

For every committee other than a Standing Committee, a day shall be fixed for the reporting of its proceedings to the Assembly, by which day the final report of the committee shall be presented by the Member chairing the committee, unless further time be moved and granted; but the Assembly may at any time prior to such day receive the final report of the committee.

Standing Order 262—DISCHARGE

- (a) Members may be discharged from attending a committee, and other Members appointed, either by nomination or ballot, after notice has been given.
- (b) Special arrangements are required for a change in membership when the Assembly is not sitting and is not expected to meet for at least two weeks. The relevant Whip or Independent member must nominate any appointment or discharge of a Member of a committee in writing to the Speaker. The change in membership shall take effect from the time the Speaker receives the written nomination. At the next sitting, the Speaker shall report the change to the Assembly and the Assembly shall resolve the membership of the committee

Standing Orders 263—SPEAKER AND DEPUTY SPEAKER ON COMMITTEES

The Speaker and Deputy Speaker shall only be appointed to a committee if a Standing or other order requires the appointment, or if the office holder consents.

Standing Order 264—MEMBER WITH PECUNIARY INTEREST NOT TO SIT ON INQUIRY

No Member may sit on a committee if that Member has a particular direct pecuniary interest in a matter under inquiry by the committee. If the eligibility of a Member to sit on a committee is challenged, the committee may report the matter to the Assembly for resolution.

Standing Order 265—QUORUM

Subject to Standing Order 270A, in all committees, a majority of the committee shall form a quorum, unless otherwise ordered; and, if at any time a quorum be not present, the Member chairing shall suspend the proceedings of the committee until a quorum be present, or shall adjourn the committee.

Standing Order 266—MEETING LAPSES

If a quorum be not present within 15 minutes from the time appointed for the meeting of a committee, any Member present may retire after recording their name with the Secretary attending the committee who shall convene a meeting for another time.

Standing Order 267— MEETINGS

Notice of first and subsequent meetings shall be given by the Secretary attending the committee:

- (a) pursuant to resolution of the committee;
- (b) on instruction of the Member chairing the committee; or
- (c) upon a request by a quorum of Members of the committee.

Standing Order 268—ELECTION OF MEMBER CHAIRING

- (a) Every committee, at its first meeting, before the commencement of business, shall elect one of its number to be the Member chairing the committee, provided that a Member chairing has not been appointed pursuant to the committee's Terms of Reference.
- (b) The Member chairing shall have two votes: a deliberative and a casting vote.

Standing Order 269—RECORDS OF PROCEEDINGS AND DOCUMENTS

- (a) The Secretary shall record the proceedings of the committee or subcommittee in the Minutes of Proceedings. The minutes shall be confirmed by the committee or subcommittee and then signed by the Member chairing.
- (b) Documents presented to the committee or subcommittee shall be recorded in the Minutes of Proceedings.

Standing Order 270A— PROCEEDINGS AND SITTINGS OF COMMITTEE

- (a) A committee or subcommittee may conduct proceedings using any means approved by the Assembly and in the following manner:
 - (i) in private meeting;
 - (ii) by hearing witnesses, either in public or in private; and
 - (iii) in the form of any other meeting, discussion or inspection conducted under the practice of committees of the Assembly.
- (b) A committee may resolve to conduct proceedings using audio-visual or audio links with members of the committee or witnesses not present in one place. If audio-visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location.
- (c) A committee or subcommittee may conduct proceedings at any time or place as it sees fit, except whilst the Assembly is sitting.

- (d) A committee or subcommittee shall not meet during sittings of the Assembly except by order of the Assembly.

Standing Orders 270B—POWER TO CALL FOR WITNESSES AND DOCUMENTS

- (a) A committee or subcommittee may call for witnesses to attend and for documents to be produced.
- (b) The Member chairing a committee or subcommittee shall direct the Secretary of the committee or subcommittee to invite or summon witnesses and to request or require documents to be produced as determined by the committee or subcommittee.

Standing Order 270C—POWER TO MAKE USE OF RECORDS OF PREVIOUS COMMITTEES

A committee or subcommittee may consider and make use of the evidence and records of similar committees appointed during previous Assemblies.

Standing Order 271—EXAMINATION OF WITNESSES

- (a) The examination of witnesses before a committee shall be conducted by the Members of the committee in accordance with procedures agreed to by the committee and subject to the rules of the Assembly.
- (b) The examination of witnesses shall be recorded in a transcript of evidence.

Standing Order 272—STRANGERS ADMITTED

When a committee is examining witnesses, strangers may be admitted but shall withdraw if requested by the Member chairing the committee or any Member of the committee and shall always withdraw when the committee is deliberating

Standing Order 273—MEMBERS ADMITTED

A Member of the Assembly, although not a member of a committee, may participate in its public sessions and question witnesses, unless the committee orders otherwise, but shall not vote and shall always withdraw when the committee is deliberating or taking evidence *in camera*.

Standing Order 274—PUBLICATION OF EVIDENCE

- (a) A committee or subcommittee may authorise publication of evidence given before it or documents presented to it.
- (b) A committee's or subcommittee's evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a Member of the committee or a parliamentary employee assigned to the committee) unless they have been:
 - (i) reported to the Assembly; or
 - (ii) authorised by the Assembly, the committee or the subcommittee.

(c) A committee may resolve to:

- (i) publish media releases, discussion papers or other documents or preliminary findings; or
- (ii) divulge evidence, documents, proceedings or reports on a confidential basis to persons for comment.

(d) A committee may resolve to authorise a Member of the committee to give public briefings on matters related to an inquiry. An authorised Member may not disclose evidence, documents, proceedings or reports which have not been authorised for publication. The committee shall determine the limits of the authorisation.

(e) Evidence taken by, documents presented to, minutes of proceedings and reports of a committee that have not been reported to the Assembly shall not, unless authorised by the Assembly or the committee, be disclosed or published by any Member of such committee or by any other person.

Standing Order 275—POWER TO REPORT FROM TIME TO TIME

By leave of the Assembly, a committee may present to the Assembly, from time to time, progress reports of its proceedings with or without the evidence received.

Standing Order 276—DRAFT REPORT CONSIDERED

(a) The Member chairing a committee shall prepare a draft report and present it to the committee at a meeting convened for report consideration.

(b) The report may be considered at once if copies have been circulated in advance to each member of the committee. The report shall be considered paragraph by paragraph. When consideration of the chapters of the report is completed, the appendices shall be considered in order.

(c) After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.

(d) A Member objecting to any portion of the report may vote against it or move an amendment when the particular paragraph or appendix is under consideration.

(e) A Member protesting about the report or dissenting from all or part of it may add a protest or dissenting report from the main report.

Standing Order 277—ALTERNATIVE DRAFT

If any Member, other than the Member chairing the committee, submits a draft report to the committee, the committee shall first decide upon with which report it will proceed.

Standing Order 278— ADOPTION OF REPORT

When a committee has settled consideration of a draft report or reports, it shall resolve to adopt a report or the report.

Standing Order 279—ENDORSEMENT OF REPORT AND PAPERS

- (a) Every report of a committee shall be signed by the Member chairing the committee;
- (b) any papers laid before the committee shall be endorsed by the Secretary of the committee;
- (c) any protest or dissenting report shall be signed by the member or members protesting or dissenting.

Standing Order 280—PRESENTATION AND TABLING OF REPORT

- (a) The report of a committee shall be presented to and tabled in the Assembly by the Member chairing the committee, who may make a Tabling Statement.
- (b) Special arrangements are required for times when the Assembly is not sitting and a committee has completed a report of an inquiry. The committee may send the report to the Speaker or Deputy Speaker if the Speaker is unavailable. When the Speaker or Deputy Speaker receives the report:
 - (i) the report may be published; and
 - (ii) the Speaker or Deputy Speaker may give directions for the printing and circulation of the report.

The Member chairing the committee must then present the report to the Assembly as soon as possible.

Standing Order 281—ACTION ON REPORT

Upon presentation of a report, the Member chairing the committee or a Member nominated by the Member chairing the committee shall move without notice “that the report be printed” and may move “that the report be noted” or “that the report be adopted”.

Standing Order 283—PAYMENT OF CERTAIN WITNESSES - DELETE



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
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Attachment A:

Committee Standing Orders Translation Table: Showing correspondence between the proposed Standing Orders and the existing Standing Orders as at February 2006

Existing SO No	Proposed SO No	Recommended for Change
260	260	Yes
264	261	Yes
261	262	Yes
262	263	Yes
263	264	Yes
265	265	Yes
266	266	Yes
267	267	Yes
268	268	Yes
269	269	Yes
270 & 270A	270A, 270B, 270C	Yes
271	271	Yes
272	272	Yes
273	273	No
274	274	Yes
275	275	Yes
276 & 277	276	Yes
278	277	Yes
279		Yes – Delete



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	278	Yes – New
280	279	Yes
281	280	Yes
282	281	Yes
283		Yes – Delete

Attachment B:

EXPLANATORY TABLE: PROPOSED CHANGES TO STANDING ORDERS AS THEY RELATE TO COMMITTEES.

EXISTING STANDING ORDER	PROPOSED STANDING ORDER	COMMENTS ON PROPOSED CHANGES
<p>260. APPOINTMENT</p> <p>All select committees shall be appointed on motion, and shall, unless otherwise ordered, consist of the mover and other Members to be nominated; but if there be more nominations than places available on a select committee, Members shall be appointed by ballot.</p>	<p>260. APPOINTMENT</p> <p>All committees, be they Standing, Select or Sessional, shall be appointed on motion, and shall, unless otherwise ordered, consist of the mover and other Members to be nominated; but if there be more nominations than places available on a committee, Members shall be appointed by ballot.</p>	<p>Generic applicability to ALL committees, not just Select Committees.</p> <p>It is noted that there is no provision at present in the Standing Orders for the Estimates Committee, which, to date has been established by substantive motion, as though a Select Committee, for the specific purpose of examining the Appropriation Bill.</p>
<p>264. DAY FOR REPORT</p> <p>On the appointment of every committee, a day shall be fixed for the reporting of its proceedings to the Assembly, by which day the final report of the committee shall be presented by the Chairman, unless further time be moved for and granted; but the Assembly may at any time prior to such day receive the final report of the committee.</p>	<p>261. DAY FOR REPORT</p> <p>For every committee other than a Standing Committee, a day shall be fixed for the reporting of its proceedings to the Assembly, by which day the final report of the committee shall be presented by the Member chairing the committee, unless further time be moved and granted; but the Assembly may at any time prior to such day receive the final report of the committee.</p>	<p>Standing Committees specifically excluded from this SO because they are ongoing and report from time to time whereas other committees are subject to the orders of the Assembly.</p>

<p>261. DISCHARGE</p> <p>Members may be discharged from attending a committee, and other Members appointed, either by nomination or ballot, after notice has been given.</p>	<p>262. DISCHARGE</p> <p>(a) Members may be discharged from attending a committee, and other Members appointed, either by nomination or ballot, after notice has been given.</p> <p>(b) Special arrangements are required for a change in membership when the Assembly is not sitting and is not expected to meet for at least two weeks. The relevant Whip or Independent member must nominate any appointment or discharge of a Member of a committee in writing to the Speaker. The change in membership shall take effect from the time the Speaker receives the written nomination. At the next sitting, the Speaker shall report the change to the Assembly and the Assembly shall resolve the membership of the committee.</p>	<p>This takes into account change of membership when the Assembly is not sitting and provides certainty for interim arrangements.</p>
<p>262. NOT TO BE CHOSEN</p> <p>Except with his consent, the Speaker or the Chairman of Committees shall not be chosen to serve on a select committee.</p>	<p>263. SPEAKER AND DEPUTY SPEAKER ON COMMITTEES</p> <p>The Speaker and Deputy Speaker shall only be appointed to a committee if a Standing or other Order requires the appointment, or if the office holder consents.</p>	<p>This slight change is to reflect the new title for Chairman of Committees (ie Deputy Speaker) and removes gender-specific language.</p>

<p>263. PERSONAL INTEREST</p> <p>No Member may sit on a committee if he is personally interested in the inquiry before such committee.</p>	<p>264. MEMBER WITH PECUNIARY INTEREST NOT TO SIT ON INQUIRY</p> <p>No Member may sit on a committee if that Member has a particular direct pecuniary interest in a matter under inquiry by the committee. If the eligibility of a Member to sit on a committee is challenged, the committee may report the matter to the Assembly for resolution.</p>	<p>This change clarifies the nature of “personal interest”, making it specifically a direct financial interest in line with established practice in the House of Representatives and Senate of the Commonwealth Parliament and adds a provision for a challenge to the eligibility of a member to sit on an inquiry to be resolved by the Assembly. This interpretation was accepted and applied during the 9th Assembly.</p>
<p>265. QUORUM</p> <p>In all select committees a majority of the committee shall form a quorum, unless otherwise ordered; and, if at any time a quorum be not present, the Chairman shall suspend the proceedings of the committee until a quorum be present, or shall adjourn the committee.</p>	<p>265. QUORUM</p> <p>Subject to Standing Order 270A, in all committees, a majority of the committee shall form a quorum, unless otherwise ordered; and, if at any time a quorum be not present, the Member chairing shall suspend the proceedings of the committee until a quorum be present, or shall adjourn the committee.</p>	<p>This change removes specific reference to a Select Committee and takes into account the provision for presence by audio or audio-visual link, which is addressed in proposed SO 270A, and also reflects the quorum provisions agreed to by the Assembly during the 10th Assembly.</p>
<p>266. MEETING LAPSES</p> <p>If, within 15 minutes from the time appointed for the meeting of a committee, there is not a quorum, the Members present may retire, and their names shall be recorded in the Minutes; and the Clerk of the committee shall issue notices for the next meeting.</p>	<p>266. MEETING LAPSES</p> <p>If a quorum be not present within 15 minutes from the time appointed for the meeting of a committee, any Member present may retire after recording their name with the Secretary attending the committee who shall convene a meeting for another time.</p>	<p>This change reflects the department's structure in that a Secretary is responsible for recording proceedings of a committee and for convening meetings etc.</p>

<p>267. FIRST MEETING</p> <p>The mover of a motion for a committee, if a Member thereof, shall fix the time for the first meeting of the committee; if the mover be not a Member, the Clerk shall fix the time.</p>	<p>267. MEETINGS</p> <p>Notice of first and subsequent meetings shall be given by the Secretary attending the committee:</p> <ul style="list-style-type: none"> (d) pursuant to resolution of the committee; (e) on instruction of the Member chairing the committee; or (f) upon a request by a quorum of Members of the committee. 	<p>This has been tightened to address ALL meetings of committees and, as for above, takes into account the departmental structure of a Secretary supporting the committee and convening meetings.</p>
<p>268. CHAIRMAN</p> <p>Every committee, before the commencement of business, shall elect one of its Members to be Chairman, who shall have a deliberative vote and a casting vote.</p>	<p>268. ELECTION OF MEMBER CHAIRING</p> <ul style="list-style-type: none"> (a) Every committee, at its first meeting, before the commencement of business, shall elect one of its number to be the Member chairing the committee, provided that a Member chairing has not been appointed pursuant to the committee's Terms of Reference. (b) The Member chairing shall have two votes: a deliberative and a casting vote. 	<p>Minor re-wording which maintains the existing informal practice of the Chair appointing a Deputy Chair from time to time as required.</p>

<p>269. RECORDS</p> <p>A record shall be kept in the Minutes of Proceedings of a committee of the names of Members attending each meeting, and of every motion or amendment moved, together with the name of the mover thereof; and the Chairman shall record the names of the Members voting in any division, distinguishing on which side of the question they respectively vote.</p>	<p>269. RECORDS OF PROCEEDINGS AND DOCUMENTS</p> <p>(a) The Secretary shall record the proceedings of the committee or subcommittee in the Minutes of Proceedings. The minutes shall be confirmed by the committee or subcommittee and then signed by the Member chairing.</p> <p>(b) Documents presented to the committee or subcommittee shall be recorded in the Minutes of Proceedings.</p>	<p>The existing Standing Order is limited in its application, particularly in relation to what must be included in the minutes.</p> <p>The proposed Standing Order corrects that and addresses how documents presented to a committee are noted and recorded.</p>
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<p>270. POWERS</p> <p>A committee may adjourn from time to time and the Assembly may give a committee power —</p> <ul style="list-style-type: none"> (a) to adjourn from place to place; (b) to send for persons, papers and records; or (c) to sit during any sitting or adjournment of the Assembly. <p>270A MEETINGS, VIDEO CONFERENCING</p> <p>A committee may resolve to conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one place. If an audio visual or audio link is used committee members and witnesses must be able to speak to and hear each other at the same time regardless of location.</p>	<p>270A PROCEEDINGS AND SITTINGS OF COMMITTEE</p> <ul style="list-style-type: none"> (a) A committee or subcommittee may conduct proceedings using any means approved by the Assembly and in the following manner: <ul style="list-style-type: none"> (i) in private meeting; (ii) by hearing witnesses, either in public or in private; and (iii) in the form of any other meeting, discussion or inspection conducted under the practice of committees of the Assembly. (b) A committee may resolve to conduct proceedings using audio-visual or audio links with members of the committee or witnesses not present in one place. If audio-visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location. (c) A committee or subcommittee may conduct proceedings at any time or place as it sees fit, except whilst the Assembly is sitting. (d) A committee or subcommittee shall not meet during sittings of the Assembly except by order of the Assembly. 	<p>The proposed Standing Order is more comprehensive and provides for the committee to set its own terms for sitting or the Assembly to set those terms. The proposed Standing Order specifies the various methods by which the committee may conduct its business and recognises that committees may use a variety of informal meeting styles. Also deals with the definition of ‘presence’ being facilitated by communications technology (ie audio or audio-visual link).</p>
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	<p>270B POWER TO CALL FOR WITNESSES AND DOCUMENTS</p> <p>(c) A committee or subcommittee may call for witnesses to attend and for documents to be produced.</p> <p>(d) The Member chairing a committee or subcommittee shall direct the Secretary of the committee or subcommittee to invite or summon witnesses and to request or require documents to be produced as determined by the committee or subcommittee.</p> <p>270C POWER TO MAKE USE OF RECORDS OF PREVIOUS COMMITTEES</p> <p>A committee or subcommittee may consider and make use of the evidence and records of similar committees appointed during previous Assemblies.</p>	<p>This proposed Standing Order builds on proposed Order 270A. In <i>toto</i>, Standing Order 270 deals with the powers of committees and authorises the Secretary of a committee to act in accordance with directions from the Member chairing the committee in relation to witnesses and evidence.</p> <p>The proposed wording distinguishes between summoning and requesting evidence.</p> <p>The term 'document' is intended to have the same meaning as in the <i>Interpretation Act</i> (s.19), which includes electronic and other forms of documentation.</p> <p>This establishes in the Standing Orders what has been accepted practice and deals with the notion of access to materials in the form of previous reports, etc, lapsing at the prorogation of the Assembly.</p>
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<p>271. EXAMINATION OF WITNESSES</p> <p>Unless otherwise ordered by a committee, the examination of witnesses before every committee shall be conducted as follows:</p> <p>The Chairman shall first put to the witness, in an uninterrupted series, all such questions as he may deem essential, according to the mode of procedure agreed on by the committee. The Chairman shall then call on other Members severally by name to put any other questions; and the name of every Member so questioning a witness shall be noted and prefixed to the questions asked.</p>	<p>271. EXAMINATION OF WITNESSES</p> <p>(a) The examination of witnesses before a committee shall be conducted by the Members of the committee in accordance with procedures agreed to by the committee and subject to the rules of the Assembly.</p> <p>(b) The examination of witnesses shall be recorded in a transcript of evidence.</p>	<p>The proposed Standing Order reflects current practice of Committees of the Legislative Assembly.</p>
<p>272. STRANGERS ADMITTED</p> <p>When a committee is examining witnesses, strangers may be admitted but shall withdraw if requested by the Chairman or any Member of the committee and shall always withdraw when the committee is deliberating.</p>	<p>272. STRANGERS ADMITTED</p> <p>When a committee is examining witnesses, strangers may be admitted but shall withdraw if requested by the Member chairing the committee or any Member of the committee and shall always withdraw when the committee is deliberating.</p>	<p>The only change is to “the Member chairing the committee” from “Chairman”.</p>

<p>273. MEMBERS ADMITTED</p> <p>A Member of the Assembly, although not a member of a committee, may participate in its public sessions and question witnesses, unless the committee orders otherwise, but shall not vote and shall always withdraw when the committee is deliberating.</p>	<p>273. MEMBERS ADMITTED</p> <p>A Member of the Assembly, although not a member of a committee, may participate in its public sessions and question witnesses, unless the committee or subcommittee orders otherwise, but shall not vote and shall always withdraw when the committee is deliberating or taking evidence <i>in camera</i>.</p>	<p>Minor change to wording.</p>
<p>274. EVIDENCE NOT REPORTED</p> <p>The evidence taken by, documents presented to, and proceedings and reports of a committee which have not been reported to the Assembly, shall not, unless authorized by the Assembly or the committee, be disclosed or published by any Member of such committee, or by any other person.</p>	<p>274. PUBLICATION OF EVIDENCE</p> <p>(a) A committee or subcommittee may authorise publication of evidence given before it or documents presented to it.</p> <p>(b) A committee's or subcommittee's evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a Member of the committee or a parliamentary employee assigned to the committee) unless they have been:</p> <p style="padding-left: 40px;">(i) reported to the Assembly; or</p> <p style="padding-left: 40px;">(ii) authorised by the Assembly, the committee or the subcommittee.</p> <p>[continued...]</p>	<p>The proposed Standing Order is more detailed in respect of the procedures for dealing with the release of evidence by committee members and others.</p> <p>Note that (d) and (e) respectively apply to a member of the committee and ANY person, including a member of the committee.</p>

	<p>(c) A committee may resolve to:</p> <ul style="list-style-type: none"> (i) publish media releases, discussion papers or other documents or preliminary findings; or (ii) divulge evidence, documents, proceedings or reports on a confidential basis to persons for comment. <p>(d) A committee may resolve to authorise a Member of the committee to give public briefings on matters related to an inquiry. An authorised Member may not disclose evidence, documents, proceedings or reports which have not been authorised for publication. The committee shall determine the limits of the authorisation.</p> <p>(e) Evidence taken by, documents presented to, minutes of proceedings and reports of a committee that have not been reported to the Assembly shall not, unless authorised by the Assembly or the committee, be disclosed or published by any Member of such committee or by any other person.</p>	
<p>275. PROGRESS REPORTS</p> <p>By leave of the Assembly, a committee may present to the Assembly, from time to time, progress reports of its proceedings with or without the evidence received.</p>	<p>275. POWER TO REPORT FROM TIME TO TIME</p> <p>By leave of the Assembly, a committee may present to the Assembly, from time to time, progress reports of its proceedings with or without the evidence received.</p>	<p>Only the title of the Standing Order is changed.</p>

<p>276. DRAFT REPORTS</p> <p>The Chairman of a committee shall prepare a draft report.</p> <p>277. REPORT CONSIDERED</p> <p>The Chairman shall read to the committee, at a meeting convened for the purpose, the whole of his draft report which may at once be considered, but, if requested by any Member, it shall be printed and circulated amongst the committee and a subsequent day fixed for its consideration. Unless otherwise ordered by the committee, in considering the report, the Chairman shall read it paragraph by paragraph, proposing the question to the committee at the end of each paragraph “that it do stand part of the report”. A Member objecting to any portion of the report shall move his amendment at the time the paragraph he wishes to amend is under consideration. A Member or Members may require a protest or dissent to be added to the report.</p>	<p>276. DRAFT REPORT CONSIDERED</p> <p>(a) The Member chairing a committee shall prepare a draft report and present it to the committee at a meeting convened for report consideration.</p> <p>(b) The report may be considered at once if copies have been circulated in advance to each member of the committee. The report shall be considered paragraph by paragraph. When consideration of the chapters of the report is completed, the appendices shall be considered in order.</p> <p>(c) After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.</p> <p>(d) A Member objecting to any portion of the report may vote against it or move an amendment when the particular paragraph or appendix is under consideration.</p> <p>(e) A Member protesting about the report or dissenting from all or part of it may add a protest or dissenting report from the main report.</p>	<p>The proposed Standing Order combines existing Standing Orders 276 and 277 and consolidates procedures for reporting.</p> <p>The new wording has been changed to reflect current practice (eg. The outdated reference to the practice of the Chairman ‘reading’ the report has been omitted).</p> <p>Details of adding protests or dissenting reports are more fully spelt out.</p>
<p>278. ALTERNATIVE DRAFT</p> <p>If any Member, other than the Chairman, submits a draft report to the committee, the committee shall first decide upon which report it will proceed.</p>	<p>277. ALTERNATIVE DRAFT</p> <p>If any Member, other than the Member chairing the committee, submits a draft report to the committee, the committee shall first decide upon with which report it will proceed.</p>	<p>Only change is from “Chairman” to “Member chairing”.</p>

<p>279. RECONSIDERATION</p> <p>After the draft report has been considered, the whole or any paragraph thereof may be reconsidered and amended.</p>		<p>This is dealt with in proposed Standing Order 276 at (c).</p>
	<p>278. ADOPTION OF REPORT</p> <p>When a committee has settled consideration of a draft report or reports, it shall resolve to adopt a report or the report.</p>	<p>Existing Standing Orders are silent on adoption of a report.</p>
<p>280. REPORT SIGNED</p> <p>Every report of a committee shall be signed by the Chairman, and any papers laid before the committee shall be endorsed by the Clerk of the committee.</p>	<p>279. ENDORSEMENT OF REPORT AND PAPERS</p> <p>(a) Every report of a committee shall be signed by the Member chairing the committee;</p> <p>(b) any papers laid before the committee shall be endorsed by the Secretary of the committee;</p> <p>(c) any protest or dissenting report shall be signed by the member or members protesting or dissenting.</p>	<p>The proposed Standing Order has been reworded to reflect current practice in committees.</p>

<p>281. PRESENTATION</p> <p>The report of a committee shall be presented to the Assembly by the Chairman, and the report may be read.</p>	<p>280. PRESENTATION AND TABLING OF REPORT</p> <p>(a) The report of a committee shall be presented to and tabled in the Assembly by the Member chairing the committee, who may make a Tabling Statement.</p> <p>(b) Special arrangements are required for times when the Assembly is not sitting and a committee has completed a report of an inquiry. The committee may send the report to the Speaker or Deputy Speaker if the Speaker is unavailable. When the Speaker or Deputy Speaker receives the report:</p> <p style="padding-left: 40px;">(i) the report may be published; and</p> <p style="padding-left: 40px;">(ii) the Speaker or Deputy Speaker may give directions for the printing and circulation of the report.</p> <p>The Member chairing the committee must then present the report to the Assembly as soon as possible.</p>	<p>The proposed Standing Order creates the option of a Tabling Statement whereas the existing order is silent. Further, the proposed order deals with the situation of the Assembly not sitting for some days.</p> <p>The reference to reading the report is omitted.</p>
<p>282. ACTION ON REPORT</p> <p>Upon presentation of a report, the Chairman, or a Member nominated by him, may move without notice “that the report be noted” or “that the report be adopted”.</p>	<p>281. ACTION ON REPORT</p> <p>Upon presentation of a report, the Member chairing the committee or a Member nominated by the Member chairing the committee shall move without notice “that the report be printed” and may move “that the report be noted” or “that the report be adopted”.</p>	<p>The proposed Standing Order confirms the application of parliamentary privilege to the report, witnesses and evidence by moving that the report be printed (and this is mandated in the order by use of the word <i>shall</i> rather than <i>may</i>). The order then provides that the member chairing <i>may</i> move in respect of noting and adopting the report.</p>

<p>283. PAYMENT OF CERTAIN WITNESSES</p> <p>Payment, upon decision of the committee, may be made to any witness, regard being had to the scale of witnesses' expenses prescribed by Rules of Court made under the <i>Supreme Court Act</i> of the Northern Territory, or to persons whom the committee may deem it necessary to employ in furtherance of the inquiry with which the committee is charged; and the Chairman's certificate on the face of the account shall be sufficient authority for its payment by the Clerk of the Assembly.</p>	<p>DELETE</p> <p>Recommend that the order be deleted and the Legislative Assembly Committee Policy and Procedure Manual be amended to reflect House of Representatives practice. The Reps removed reference to payment of witnesses from their Standing Orders in 1998.</p> <p>The Reps <i>Committee Office Manual of Procedure and Practice</i> deals with witness expenses and the secondment of expert consultants, etc.</p>	<p>The existing Standing Order is cumbersome and gives rise to the potential for confusion between witnesses and seconded staff or experts.</p> <p>Committees <i>per se</i> have no statutory authority to employ anyone; it is the Department of the Legislative Assembly who would be the employer. It is, therefore, an administrative rather than Committee function.</p> <p>Payment of witnesses has been deemed by the Supreme Court to be an administrative function and references to payment have been removed from the <i>Supreme Court Act</i> and Rules. Responsibility for payment of witnesses has been transferred to the Office of the DPP, which has a policy in relation to it (witness costs in civil matters are borne by the parties to the action).</p>
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