



## LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

### 13<sup>th</sup> Assembly Standing Orders Committee

#### Report of the Standing Orders Committee Inquiry into Recommendations referred by the Assembly on 9 May 2017 as a consequence of the Assembly's Consideration of the Report of the Select Committee on Opening Parliament to the People

##### **Committee Members**

Hon Natasha Fyles MLA (Chair)  
Hon Kezia Purick MLA  
Mr Gary Higgins MLA  
Mr Paul Kirby MLA  
Ms Ngaree Ah Kit MLA  
Mrs Robyn Lambley MLA

##### **Committee Secretary**

The Clerk of the Legislative Assembly

##### **Background**

On Tuesday 9 May 2017, the Assembly agreed to adopt certain recommendations of the Select Committee on Opening Parliament to the People (SCOPP) and refer others to the Standing Orders Committee for inquiry and report on procedural matters.

The Standing Orders Committee was specifically referred recommendations 1, 2, 4, 19, 23 and 26 from the SCOPP Report.

##### **Consideration of SCOPP Recommendations 1, 2 and 4**

SCOPP recommendations one, two and four were recommended to the Assembly as follows:

*SCOPP Recommendation 1: The Committee recommends that the Assembly adopts the proposals set out in its Green Paper for establishing portfolio based scrutiny committees and referring Bills to those committees, subject to the further recommendations set out below, by agreeing to the draft Sessional Orders at Appendix B of this report.*

*SCOPP Recommendation 2: The Committee recommends that the Assembly establish two portfolio scrutiny committees with seven Members with the membership of the committees reflecting the composition of the Assembly.*

SCOPP Recommendation 4: *The Committee recommends that there be portfolio scrutiny committees called the:*

- a) *Justice and Families Committee that covers the portfolios of Children, Attorney-General and Justice, Health, Housing and Community Development, Education, and Territory Families; and*
- b) *Finance and Planning Committee that covers the portfolios of Chief Minister, Aboriginal Affairs, North Australia, Police, Fire and Emergency Services, Trade, Business and Innovation, Treasurer, Infrastructure, Planning and Logistics, Essential Services, Public Employment, Primary Industry and Resources, Environment and Natural Resources, Tourism and Culture and Corporate and Information Services.*

## **Standing Orders Committee Recommendation No 1**

The Standing Orders Committee recommends that the implementation of these SCOPP recommendations is progressed by establishing three committees.

A committee called the *Social Policy Scrutiny Committee* and a committee called the *Economic Policy Scrutiny Committee* comprising five Members each (three Government, one Opposition and one Independent) and, as far as practicable, reflecting the political composition of the Assembly to be established to inquire and report on:

- Matters referred by the Assembly or a Minister
- Bills referred by the Assembly
- Compliance with fundamental legal principles for Bills

On the motion of the Member in charge of a bill, the Assembly will refer each bill presented to the Assembly to one of the scrutiny committees or declare the bill to be urgent.

The allocation of responsibility of a bill to a certain committee will be by motion of the Member introducing the bill.

The Standing Orders Committee recommends the third committee take on functions contemplated by the SCOPP where the roles of the Public Accounts Committee and the Subordinate Legislation Committee were proposed to be absorbed into the recommended scrutiny committees.

Instead, these functions, which are now allocated to separate committees by Standing Orders 176 and 177 would be combined into a newly constituted Public Accounts Committee.

In relation to the specific draft Sessional Orders for implementation of all of the SCOPP recommendations and any other variations contained in this report, the Standing Orders Committee recommends that all the Sessional Orders attached to this report at Annexure A are adopted.

## **Consideration of SCOPP Recommendation 19**

SCOPP Report Recommendation 19: *The Committee recommends that the Estimates committee*

- a) *hold 60 hours of hearings*
- b) *determine the proportion of those hours to occur on the Appropriation Bill and Government Owned Corporations in June and on Annual Reports in November during the days allocated in the Assembly meeting schedule.*

The Standing Orders Committee agrees with the holding of 60 hours of hearings and recommends the Assembly adopt a resolution annually to establish an Estimates Committee.

The Assembly will determine the allocation of hours when it adopts the resolution.

### **Standing Orders Committee Note**

The Standing Orders Committee is still considering this matter in the context of the further hearings to be held in November 2017 and will report to the Assembly in early 2018 with recommendations.

### **Consideration of SCOPP Recommendation 23**

SCOPP Recommendation 23: *The Committee recommends that:*

- 1) *the Assembly provides that any petition conforming with Standing Orders with more than 1,000 signatures be set down on the Notice Paper as an Order of the Day to note the petition, unless the Speaker determines that it is frivolous, vexatious, has already been debated, would anticipate a debate, or should be combined with another petition, with the debate to comprise two Members speaking for up to five minutes each and two Members speaking for up to three minutes each,*
- 2) *the Assembly provides that each Minister's response to a petition tabled in the Assembly is set down on the Notice Paper for the following day only to be called on after the consideration of 'Committee reports, Auditor-General's reports and Government responses' whereupon if four Members rise in their place in support of putting the question 'that the response be noted' then the debate will proceed with two Members speaking for up to five minutes each and two Members speaking for up to three minutes each,*
- 3) *the Assembly requires that only people residing in the Northern Territory may petition the Assembly, and*
- 4) *the Standing Orders Committee investigate the options for enabling electronic petitions through the Assembly's website.*

Providing a threshold of signatures that leads to a debate of a petition has been controversial due to the difficulty of balancing access for small communities without setting the number too low for large communities.

A proposed draft recommendation instead allows any Member to move that the petition be referred to a committee which can then recommend a debate for up to 16 minutes.

The other SCOPP recommendations regarding petitions are unchanged.

### **Standing Orders Committee Note**

The Standing Orders Committee is still considering this matter and will report to the Assembly in early 2018 with recommendations.

### **Consideration of SCOPP Recommendation 26**

SCOPP Report Recommendation 26: *The Committee recommends that the Assembly refer to the Standing Orders Committee the review of procedures for Ministers to report matters to the Assembly and the debate of important issues in the Assembly including whether debates on ministerial statements should be subject to global time limits and whether there should be additional processes for debating substantive issues of public policy.*

Standing Order 117 applies to Ministerial Statements and has been suspended by Sessional Order 7. The 13<sup>th</sup> Assembly makes no provision for Ministerial Reports, last seen in the 11<sup>th</sup> Assembly.

Standing Order 117 permits Ministerial Statements to be made at any time there is no other question before the Assembly whereas Sessional Order 7 curbs that by requiring a circulation of content by 5.00 pm the evening prior to any presentation of such a Statement.

This procedure was adopted because some Members expressed a view in the 12<sup>th</sup> Assembly that late circulation of Statements hampered meaningful contribution and debate on the matters therein and the 13<sup>th</sup> Assembly has continued this approach.

## **Standing Orders Committee Recommendation No 2**

The Standing Orders Committee recommends the Assembly adopt a two tier 'Ministerial Statement' regime comprised of Ministerial Reports and Ministerial Policy Statements and Forecasts

For Ministerial Reports, it is proposed that a global time limit of two hours of debate apply to Ministerial Reports on matters raised with two hours 'notice' by way of a written copy of the report being circulated by the office of the Clerk on the given day shortly after 8.00 am for a 10.00 am start.

For Ministerial Policy Statements and Ministerial Forecasts it is proposed to retain the existing arrangements in Standing and Sessional Orders but in all likelihood these would be used for more 'landmark' statements and policy initiatives than has been the past practice.

Standing Order 117 would remain suspended and Sessional Order 7 would be re-worded to reflect the new name and would read:

*When a Ministerial Policy Statement or Ministerial Forecast may be made*

*Standing Order 117 is suspended and a Minister may make a policy statement or deliver a forecast for consideration by the Assembly on matters relating to*

- *government policy*
- *a government decision*
- *the government's intention*
- *government action*

*At any time when there is no question before the Assembly provided that copies of the statement were distributed to the Members of the Assembly by 5.00 pm the day prior to the statement or forecast being made.*

*Such statements and forecasts are to be treated as confidential until delivered in the Assembly by the Minister.*

## **Other Matters Considered – SCOPP Recommendation 5**

The Assembly has already adopted SCOPP recommendation 5 as follows:

- a) *The Assembly commence sittings on Wednesdays at 2.00 pm to enable the portfolio scrutiny committees to conduct business on those morning and*

- b) *In addition to their Wednesday morning meetings, the portfolio scrutiny committees adopt the practice of holding public hearings on Bills on the Mondays of weeks in the Assembly sits as far as practicable.*

The Standing Orders Committee has reviewed this proposal and recommends to the Assembly that the Assembly rescinds this resolution and agrees instead to the following procedure.

### **Standing Orders Committee Recommendation No 3**

The Standing Orders Committee recommends the Assembly meets on Wednesdays at 10.00 am, except where a Chair of one or more of the Social Policy Scrutiny Committee, Economic Policy Scrutiny Committee and/or Public Accounts Committee has advised the Speaker by 2.00 pm on the preceding Tuesday that the Committee/s will meet on the next Wednesday morning to enable them to conduct business and

In addition to any other meetings, the scrutiny committees may hold public hearings on Bills on the Mondays of weeks when the Assembly meets.

If this recommendation is adopted by the Assembly, it will require the procedure in Standing Order 89 to ensure the Assembly is absolutely clear that it is reversing a decision it has already made and substituting it for another.

While it is a matter of practice that the Assembly may substitute decisions from time to time, given the Assembly consciously made a decision and adopted a recommendation of the SCOPP and specifically did not refer it to the Standing Orders Committee, it is incumbent on the Assembly to consciously reverse its decision on 9 May in order to substitute a new resolution proposed by the Standing Orders Committee in this report.

A rescission vote must comply with Standing Order 89 and will require seven days' notice or a suspension of this Standing Order to proceed immediately to rescind that vote and replace it with a new resolution.

Given the existing scheduled Assembly meetings in 2017, under Standing Order 89 any rescission notice given on 15 August cannot be debated prior to 10 October.

Therefore the Standing Orders Committee recommends that the Assembly suspends the notice requirements in Standing Order 89 so as to permit the rescission and replacement of the resolution adopted on 9 May with recommendation five in this Report.

### **This Report**

The Standing Orders Committee considered this report in final draft form on Wednesday 23 August 2017 and presents these three recommendations and the accompanying Sessional Orders for the Assembly's consideration.

The Committee recommends these and all other adopted SCOPP recommendations and consequential Sessional Orders commence on the resolution of the Assembly adopting these recommendations.

**Hon Natasha Fyles MLA**  
Chair



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

# THIRTEENTH ASSEMBLY

## SESSIONAL ORDERS

As adopted \_\_\_\_\_ 2017

Sessional Orders:

- 1 Routine of Business
- 2 Wednesday Question Time
- 3 Pairs
- 4 Right of Reply
- 5 Committee of Members' Interests
- 6 Prayers and Acknowledgment of Country
- 7 Ministerial Reports
- 8 When a Ministerial Policy Statement or Ministerial Forecast may be made
- 9 Order and Precedence of General Business
- 10 Matters not open to debate
- 11 Speech Time Limits
- 12 Introduction and Passage of Bills
- 13 Establishment of Subject Scrutiny Committees
- 14 Substitution of Committee Members
- 15 Other Members Participating in Committee Meetings

# SESSIONAL ORDERS FOR THE 13th ASSEMBLY

## 1. Routine of Business

Pursuant to Standing Orders 60 and 63 the Routine of Business is:

### **Tuesday and Thursday:**

1. 10:00  
Prayers and Acknowledgement of Country  
Ministerial Reports
2. Government Business – Notices and Orders of the Day
3. 14:00  
Notices  
Petitions  
Questions
4. Government Business – Notices and Orders of the Day
5. Ministerial Policy Statements and Forecasts
6. Papers
7. Consideration of Committee Reports, Government Responses and Auditor-General's Reports
8. Debates on Petitions and Responses to Petitions
9. Discussion pursuant to Standing Order 66 (Matter of Public Importance)

### **Wednesday if committees meeting**

1. 14:00  
Prayers and Acknowledgement of Country  
Notices  
Petitions  
Questions
2. General Business – Notices and Orders of the Day
3. 19:00  
Government Business

### **Wednesday if committees not meeting**

1. 10:00  
Prayers and Acknowledgement of Country  
Ministerial Reports
2. Government Business – Notices and Orders of the Day
3. 14:00  
Notices  
Petitions  
Questions
5. General Business – Notices and Orders of the Day
6. 19:00  
Government Business

The Assembly meets on Wednesdays at 10:00, except where a Chair of one or more of the Social Policy Scrutiny Committee, Economic Policy Scrutiny Committee and/or Public Accounts Committee has advised the Speaker by 14:00 on the preceding Tuesday that the Committee/s will meet on the next Wednesday morning to enable them to conduct business

## **2. Wednesday Question Time**

Notwithstanding anything in the Standing Orders, during the conduct of Question Time on each Wednesday when the Assembly meets, no Government Member will ask a Minister or a Committee Chair a question without notice, but no single Minister may be asked consecutive questions without an intervening question being asked of a different Member who is a Minister, Committee Chair, Speaker or other Member who is able to be asked a question without notice pursuant to Standing Orders, however one Supplementary Question is permitted, in line with Standing Order 106(4)(b).

## **3. Pairs**

Unless otherwise ordered, the existence of a pair arrangement will be noted in the division lists in the Minutes of Proceedings and the Parliamentary Record when the relevant whips or non-party aligned Members have advised the Table Office that a pairing arrangement is in place.

## **4. Right of Reply for persons who are referred to in the Legislative Assembly**

(1) Where a person who has been referred to by name, or in such a way as to be readily identified, in the Assembly, makes 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 the person's privacy has been unreasonably invaded, by reason of that reference to the person;
- (b) requesting that the person be able to incorporate an appropriate response in the parliamentary record;

and if the Speaker is satisfied:

- (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Orders Committee and
- (d) that it is practicable for the Standing Orders Committee to consider the submission under this resolution,

the Speaker will refer the submission to that Committee.

- (2) The Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision will be reported to the Assembly.
- (3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any Member who referred in the Assembly to that person.
- (4) In considering a submission under this resolution, the Committee will meet in private session.
- (5) The Committee will not publish a submission referred to it under this resolution or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Assembly.



- (6) In considering a submission under this resolution and reporting to the Assembly the Committee will not consider or judge the truth of any statements made in the Assembly or of the submission.
- (7) In its report to the Assembly on a submission under this resolution, the Committee may make either of the following recommendations:
  - (a) that no further action be taken by the Assembly or by the Committee in relation to the submission; or
  - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person and the Committee, be published by the Assembly or incorporated in the *Parliamentary Record*, and will not make any other recommendations.
- (8) A document presented to the Assembly under paragraph (5) or (7):
  - (a) in the case of a response by a person who made a submission, will be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character
  - (b) will 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 paragraph (1)
    - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
- (9) The Committee may agree to guidelines and procedures, not inconsistent with this resolution, to apply to the consideration by it of submissions.
- (10) This resolution will continue in force unless and until amended or rescinded by the Assembly in this or a subsequent Assembly.

### **Procedure and Development of Guidelines**

#### *Submissions from persons referred to in debate*

A person who has been referred to in a debate in the Assembly may make a submission, claiming that he or she 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 his or her privacy has been unreasonably invaded, by reason of that reference, and requesting that an appropriate response be incorporated in the parliamentary record.

Submissions must be sent to the Speaker. If the Speaker is satisfied that the matter is not obviously trivial, or frivolous, vexatious or offensive, and that it is practicable for the committee to consider the submission under the procedure, he or she must refer it to the Standing Orders Committee.

The Standing Orders Committee may decide not to consider a submission if it considers that the submission is not sufficiently serious or that it is frivolous, vexatious or offensive. Such a decision must be reported to the Assembly.

When it considers a submission, the Standing Orders Committee:

- may confer with the person who has lodged it, and the Member(s) who referred to the person

- may meet in private session
- may not consider or judge the truth of any statements made in the Assembly or in the submission
- may not publish the submission or its proceedings in relation to the submission, but may present minutes of its proceedings and all or part of the submission to the Assembly.

In a report under the procedure the committee can only recommend that a response by the person, in terms agreed by the person and the committee and specified in the report, be published by the Assembly and incorporated in Hansard, or that no further action be taken by the Assembly or the committee. The committee may not make any other recommendation. A recommended response must be succinct and strictly relevant to the questions in issue and must not contain anything offensive in character. A recommended response must not contain any matter the publication of which would unreasonably adversely affect or injure a person, or unreasonably invade a person's privacy; nor may it contain material which would unreasonably add to or aggravate any such adverse effect.

The Standing Orders Committee is authorised to agree to guidelines and procedures, not inconsistent with the resolution establishing the procedure, to apply to the consideration of submissions.

#### **Adopted Guidelines**

- an application must be received within three months of the making of the statement to which the person wishes to respond unless, because of exceptional circumstances, the committee agrees to consider an application received later
- applications should only be considered from natural persons, they should not be considered if lodged by or on behalf of corporations, businesses, firms, organisations or institutions
- applications should only be considered from persons who are Australian citizens or residents
- an application must demonstrate that a person, who is named, or readily identified, has been subject to clear, direct and personal attack or criticism, and has been damaged as a result
- applications must be concise, be in the character of a refutation or explanation only and must be confined to showing the statement complained of and the person's response and must not contain any offensive material
- applications should not be considered from persons who wish to respond to a statement or remarks made in connection with the proceedings of a standing or select committee—such persons should contact the committee direct on the matter
- in considering applications, the committee will have regard to the existence of other remedies that may be available to a person referred to in the Assembly and whether they have been exercised.

#### **5. Committee of Members' Interests**

This Assembly, pursuant to section 3 of the *Legislative Assembly (Disclosure of Interests) Act 2008*, assigns the Standing Orders Committee to act as the Committee of Members' Interests for the purposes of this Act.

## 6. Prayers and Acknowledgement of Country

Standing Order 7 is suspended and prayers and an Acknowledgement of Country are conducted by the Speaker or a nominee at the commencement of each day.

The prayer is:

*Almighty God we humbly beseech thee to vouchsafe thy blessing upon this Assembly. Direct and prosper our deliberations to the advancement of thy glory and the true welfare of the people of the Northern Territory.*

*Our Father, which art in heaven, hallowed be thy name, thy kingdom come, thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil, for thine is the kingdom, and the power and the glory, forever and ever, Amen.*

The acknowledgement of country is:

*We acknowledge the traditional Aboriginal owners of the land on which this Assembly is assembled, the Larrakia people. We also acknowledge the traditional owners of the sacred lands we represent and thank them for their custodianship of country. We pay our respects to the traditional owners and their cultures, and to the elders both past and present, and other elders from other communities who may be here today.*

## 7. Ministerial Reports

- (1) On each Assembly meeting day after Prayers, Ministers may speak in the Assembly to report on matters relating to their portfolio responsibilities pertaining to Government policy; decisions; proposed decisions; actions; proposed actions; and/or matters of public interest.
- (2) A copy of the text of each Ministerial Report must be provided to the Office of the Clerk by no later than 08:00 on the day when the report will be delivered.
- (3) The Office of the Clerk will forward the delivered copy to each Member by email to the Member's NTG hosted email account as soon as practicable after it has been received. Such reports are to be treated as confidential until delivered in the Assembly by the Minister.
- (4) The Minister delivering the report may speak for 20 minutes, the first Opposition Member speaking may speak for 20 minutes and the first non political party affiliated (independent) Member speaking may speak for 20 Minutes and all other Members may speak for ten minutes.
- (5) In order for there to be a debate, the Minister will move that the Assembly take note of the Report.
- (6) The time limit for the entire debate on any Ministerial Report is two hours.
- (7) At the conclusion of two hours the Speaker will immediately put the question on any amendments and the motion moved by the Minister.
- (8) If more than one Minister submits a Ministerial Report to the Office of the Clerk for consideration on the same sitting day precedence will be determined by the order in which they were received in the office.

## **8. When a Ministerial Policy Statement or Ministerial Forecast may be made**

Standing Order 117 is suspended and a Minister may make a policy statement or deliver a forecast for consideration by the Assembly on matters relating to:

- (a) government policy
- (b) a government decision
- (c) government action, or
- (d) proposed government action,

at any time when there is no question before the Assembly; provided that copies of the statement are distributed to the Members by 17:00 the day before the statement or forecast is made.

Such statements and forecasts are to be treated as confidential until delivered in the Assembly by the Minister.

## **9. Order and Precedence of General Business**

- (1) Standing Order 64 is suspended.
- (2) Members with General Business listed on the Notice Paper may re-order and postpone their own Notices and Orders of the Day so long as their re-ordering or postponement does not alter the ranking of another Member's Item on the Notice Paper to move that Member further down the ranking of Notices or Orders of the Day unless that other Member agrees.
- (3) Notification of re-arrangement of Notices or Orders of the Day will be signed by all Members impacted by the change and both the Opposition and Government Whips and provided in writing to the Clerk by 17:00 the day prior to the moving of the motion and the Clerk will circulate the Notification to all Members within one hour of receipt.

## **10. Matters Not Open to Debate**

In addition to Standing Order 39, the following matters are not open to debate:

- (a) "that the bill now be read a first time" (although a speech explaining the bill is allowed)
- (b) that amendments recommended by a scrutiny committee "be adopted as part of the bill"

## 11. Speech Time Limits

In addition to Standing Order 43 the following time limits apply:

<b>Bills</b>	
<b>Motions for managing bills (Sessional Order 12.5(1))</b>	
Mover	5 minutes
Member next speaking	5 minutes
<b>Ministerial Reports</b>	
Whole debate	2 hours
Minister, First Opposition Member and First Non Party Aligned Member speaking	20 minutes (no extensions)
All Other Members	10 minutes

## 12. Introduction and Passage of Bills

Chapter 12 of the Standing Orders is suspended and the following applies:

### **12.1 Notice and Introduction of Bills**

- (1) Before introducing a bill a Member must give notice of their intention to present a bill on the next or another sitting day.
- (2) A notice of intention to introduce a bill is a document which must specify the short title and the serial number of the bill, the day for presentation and signed by the Member.
- (3) A Member must give notice by stating its terms to the Assembly when Notices are called on in the Routine of Business and delivering a copy to the Clerk at the Table.
- (4) Except by leave of the Speaker, a Member may not give notice of intention to introduce a bill which has not been printed.
- (5) A Member who has given notice may alter its terms by notifying the Assembly and delivering to the Clerk an amended notice, either on the same day or on any day prior to that for introducing a bill, or the Member may withdraw the notice by notifying the Assembly.
- (6) On the calling on of the notice to present a bill a Member will present to the Assembly a printed copy of the bill with their signature appended.
- (7) The Standing Orders apply as if a notice of intention to present a bill were a notice of motion.

## **12.2 Title and Contents of a Bill**

Every clause of a bill presented to the Assembly must come within the title of that bill being relevant to the subject matter and purpose of the bill.

## **12.3 First Reading of a Bill**

- (1) On presenting a bill the Member will table a signed Explanatory Statement and a statement on whether the bill is compatible with Human Rights, as defined in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cwlth) unless the bill is an annual appropriation bill.
- (2) The Member will then move "That the bill now be read a first time" and give a speech explaining the bill ('explanatory speech'). This question will be put without amendment or debate.
- (3) If the question for the first reading of the bill fails, the bill shall proceed no further.

## **12.4 Only title of Bill to be read**

When the Speaker calls the Clerk to read a bill, on each occasion only the long title will be read.

## **12.5 Bill's Referral to a Scrutiny Committee**

- (1) After the first reading of a bill other than an annual appropriation bill, the Member in charge of the bill is to immediately move either:
  - (a) a motion referring the bill to a particular scrutiny committee for report by a particular date, or
  - (b) "that the bill be declared to be urgent".
- (2) The date by which the committee must report must not be earlier than the first meeting day of the second set of meetings following the first reading (ie, the second resumption of meetings after a period of at least two weeks when the Assembly has not met).
- (3) The mover and one other Member may speak for up to five minutes to this motion and then the question is to be put.
- (4) This motion may be amended, but if the motion, with or without amendment, is defeated, then the bill shall proceed no further.
- (5) If the bill is declared to be urgent, the Member in charge of the bill shall move:
  - (a) "that the bill be now read a second time", or
  - (b) "that the second reading of the bill be made an order of the day for a later hour".
- (6) After the first reading of an annual appropriation bill, a Minister may move that the bill be read a second time.

## **12.6 Scrutiny Committee Reports on Bills**

- (1) A scrutiny committee's report on a referred bill may recommend whether to pass the bill and may recommend amendments to the bill that are relevant to the subject matter of the bill.
- (2) The committee must table its report on a bill by the date set by the Assembly for report.

- (3) The Assembly may change the date set for a report on a bill by motion.
- (4) Following the tabling of a report on a bill, or expiry of the date for report, the second reading of the bill will be set down on the notice paper as an order of the day.

### **12.7 Second Reading of a Bill**

On the order of the day for the second reading of a bill being called on:

- (1) If a committee report on the bill has recommended any amendments to the bill, the Member in charge of the bill may move that any or all of the amendments be adopted as part of the bill and the question shall be put without amendment or debate.
- (2) The Member in charge of the bill shall move either:
  - (a) "that the bill be now read a second time"; or
  - (b) "that the second reading of the bill be made an order of the day for a later hour (or day)".

### **12.8 After Second Reading of a Bill**

Immediately after the bill has been read for a second time the Assembly will proceed to consider the bill in detail, However if the Assembly agrees to forego this then:

- (1) a motion may be moved by a Minister or the Member in charge of the bill, that the consideration in detail stage be deferred to another either specified or unspecified time or
- (2) leave may be sought "that the bill be now read a third time".

### **12.9 Limits on Third Reading Debate**

Debate on the question a bill be read a third time is limited to consideration of the content of the clauses in the bill at that stage and may not introduce new material or canvass matters already considered during the second reading debate or the consideration in detail stage.

## **13. Establishment of Scrutiny Committees**

- (1) Standing Order 178 is suspended.
- (2) The Assembly appoints the following scrutiny committees:
  - a) The Social Policy Scrutiny Committee
  - b) The Economic Policy Scrutiny Committee.
- (3) The Membership of the scrutiny committees will be three Government Members and one Opposition Member nominated to the Speaker in writing by the respective Whip and one non-party aligned Member to be appointed by motion.
- (4) The functions of the scrutiny committees shall be to inquire and report on:
  - (a) any matter within its subject area referred to it:
    - (i) by the Assembly;
    - (ii) by a Minister; or
    - (iii) on its own motion.

- (b) any bill referred to it by the Assembly;
- (c) in relation to any bill referred by the Assembly:
  - (i) whether the Assembly should pass the bill;
  - (ii) whether the Assembly should amend the bill;
  - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
    - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
    - (B) is consistent with principles of natural justice; and
    - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
    - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
    - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
    - (F) provides appropriate protection against self-incrimination; and
    - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
    - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
    - (I) provides for the compulsory acquisition of property only with fair compensation; and
    - (J) has sufficient regard to Aboriginal tradition; and
    - (K) is unambiguous and drafted in a sufficiently clear and precise way.
  - (iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:
    - (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
    - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
    - (C) authorises the amendment of an Act only by another Act.
- (5) The Committee will elect a Government Member as Chair.
- (6) Each committee will provide an annual report of its activities to the Assembly.

***Public Accounts Committee***

- (1) Standing Order 177 is suspended and the Public Accounts Committee appointed under that Standing Order shall continue with the following terms of reference.



- (2) The Public Accounts Committee has the following duties:
- (a) to examine the accounts of the receipts and expenditure of the Northern Territory and each statement and report tabled in the Legislative Assembly, pursuant to the *Financial Management Act* and the *Audit Act*
  - (b) to report to the Legislative Assembly with such comments as it thinks fit, any items or matters in or arising in connection with those accounts, statements or reports, or in connection with the receipt or disbursement of the moneys to which they relate, to which the committee is of the opinion that the attention of Parliament should be drawn
  - (c) to report to the Legislative Assembly any alteration which the committee thinks desirable in the form of the public accounts or in the method of keeping them or in the method of receipt, control, issue or payment of public moneys
  - (d) to inquire into and report to the Legislative Assembly on any question in connection with the public accounts of the Northern Territory
    - (i) which is referred to it by a resolution of the Assembly or
    - (ii) which is referred to it by the Administrator or a Minister
  - (e) to inquire into and report to the Legislative Assembly on any matters within the executive authority of Ministers of the Territory to which the committee is of the opinion that the attention of the Assembly should be drawn.
  - (f) the reports by statutory bodies tabled in the Assembly, including the recommendations of the Electoral Commissioner tabled under section 313 of the *Electoral Act*
  - (g) in relation to any instruments of a legislative or administrative character which the Assembly may disallow or disapprove:
    - (i) whether that instrument has sufficient regard to the rights and liberties of individuals, including whether the instrument:
      - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
      - (B) is consistent with principles of natural justice; and
      - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
      - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
      - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
      - (F) provides appropriate protection against self-incrimination; and
      - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and

- (H) does not confer immunity from proceeding or prosecution without adequate justification; and
  - (I) provides for the compulsory acquisition of property only with fair compensation; and
  - (J) has sufficient regard to Aboriginal tradition; and
  - (K) is unambiguous and drafted in a sufficiently clear and precise way.
- (ii) whether that instrument has sufficient regard to the institution of Parliament, including whether an instrument:
- (A) is within the authorising law which allows the instrument to be made; and
  - (B) is consistent with the policy objectives of the authorising law; and
  - (C) contains only matter appropriate to subordinate legislation; and
  - (D) amends statutory instruments only; and
  - (E) allows the subdelegation of a power delegated by an Act only in appropriate cases and to appropriate persons and if authorised by an Act.
- (3) The Committee will consist of six Members.
- (4) The Committee will elect a Government Member as Chair.
- (5) The Committee will provide an annual report of its activities to the Assembly.
- (6) This resolution does not change the Chair, membership, or existing inquiries of the Committee.
- (7) Standing Order 176 is suspended and the Subordinate Legislation and Publications Committee is dissolved.
- (8) The Public Accounts Committee will have access to the records of the former Subordinate Legislation and Publications Committee and may continue the consideration of any matter commenced by that Committee.

#### **14. Substitution of Committee Members**

- (1) In the case of illness or inability to attend by a Member of a committee, or where a Member decides to stand down from a committee for a period of time or for a particular inquiry,
- (a) where the Member is a Government or Opposition Member, the relevant Whip may nominate in writing to the Speaker another Member to attend that committee for a period of time or particular inquiry, or
  - (b) where the Member is not a party-aligned Member, that Member may nominate in writing to the Speaker another Member to attend that committee for a period of time or particular inquiry, with the letter of nomination being signed by both Members.

- (2) Where a Member is appointed in accordance with (1), that Member has all the rights of the Member replaced.
- (3) Where the Member substituted in accordance with (1) is the Chair or Deputy Chair, the committee will elect a Member to be the Chair or Deputy Chair for the duration of the substitution.

**15. Other Members Participating in Committee meetings**

- (1) Standing Order 193 (2) is suspended.
- (2) A Member of the Assembly, although not a member of the committee, may participate in the committee's meetings and question witnesses unless the committee orders otherwise, but may not vote.