



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

**Standing Orders Committee**

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**STANDING ORDERS COMMITTEE REPORT TO THE  
LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY  
ON MATTERS OF QUESTION TIME REFORM, INFANT CARE  
AND RIGHT OF REPLY**

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**MARCH 2016**



## **STANDING ORDERS COMMITTEE REPORT TO THE LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY ON MATTERS OF QUESTION TIME REFORM, INFANT CARE AND RIGHT OF REPLY MARCH 2016**

This report of the Standing Orders Committee contains two recommendations arising from Committee consideration of the matters at the February and March 2016 meetings of the Committee (Annexure 1) and an annexure (Annexure 2) registering the concerns of the Committee Chair about a recommendation not included which was resolved by a majority of the members of the Committee to be deferred for further consideration and report at a later time.

### **Committee Members**

Hon John Elferink MLA (Chair)  
Hon Kezia Purick MLA  
Hon Gary Higgins MLA  
Mr Gerry Wood MLA  
Ms Natasha Fyles MLA  
Ms Lauren Moss MLA

### **Committee Secretary**

The Clerk of the Legislative Assembly

## **1. Proposed Reform of Question Time – Report of a Reference from the Legislative Assembly to the Standing Orders Committee**

### **Matter Considered by the Standing Orders Committee**

The Member for Nelson, Mr Wood, on 18 November 2015, moved a motion agreed to by the Assembly as follows:

*The Assembly considers a new model of*

#### **1 Ministerial Reports**

- (1) *On each sitting day at 2pm Ministers will be permitted to provide three minute oral reports.*
- (2) *No more than eight such Ministerial Reports may be given on any one sitting day*

#### **2 Question Time**

- (1) *At the conclusion of Ministerial Reports, any Member who is not a Member of the government may ask oral questions without notice to a Minister during question time.*

- (2) *Question time will last until 12 questions and any supplementary questions (which if asked must be directly relevant to the answer given) have been answered by Ministers and any further questions have been asked of Members or the Speaker and been answered*
- (3) *The opposition party will be allocated a total of eight questions and Members not aligned with a political party will be allocated a total of four questions. A non-party aligned Member may defer their opportunity to ask a question to another member who is not a member of the government.*

### **3 Questions to Ministers**

- (1) *Questions may be asked of Ministers on matters relating to their portfolio responsibilities or related to public affairs by any member who is not a Government Member.*
- (2) *Questions may be no longer than one minute each in duration; answers may be no longer than three minutes each. Supplementary questions may be no longer than 30 seconds each and answers to supplementary questions may be no longer than 60 seconds each.*

### **4 Questions to other Members**

*At the conclusion of questions to Ministers any member may rise and ask another Member a question relating to a bill, motion, or other public matter connected with the business of the House in which that member is concerned.*

### **5 Questions to the Speaker**

*At the conclusion of all other questions being asked during Question Time any member may rise and ask the Speaker a question relating to any matter for which the Speaker is responsible.*

### **6 Questions on Notice**

- (1) *A member must give a question on notice to the Clerk in sufficient time, in the opinion of the Speaker, to enable it to be published in the next issue of the question paper.*
- (2) *The question must be in writing and signed by the member.*
- (3) *The reply to a question on notice must be given by delivering it to the Clerk within 30 days of receipt by the Minister. A copy must be given to the member who asked the question, and both the question and the answer must be printed in Hansard.*

### **7 Language of Questions**

*The Speaker may require the language of a question to be changed if it seems to him or her that it is unbecoming or is in breach of the Standing Orders or conventions of the Assembly.*

### **8 Content of Questions**

- (1) *A Member asking a question must not:*
  - (a) *offer argument or an opinion on the matter;*
  - (b) *give facts or names of persons, except when strictly necessary to explain the question;*
  - (c) *be critical of the character of a member or allege misconduct by that member*

(2) *All questions must be direct, succinct and seek factual information.*

## **9 Content of Answers**

(1) *All answers to questions must:*

(a) *be direct, factual and succinct;*

(b) *not introduce matter extraneous to the question nor debate the matter to which the question relates.*

*and*

*The Orders outlined in this motion be referred to the Standing Orders Committee for further consideration by the Committee to then report to the Assembly on best practice for Question Time with a view to adoption of new Standing Orders*

*and*

*The Standing Orders Committee must report to the Assembly by no later than the last scheduled sitting day of the second sitting week of 2016.*

## **Consideration of the Proposals**

At its meeting on Wednesday 10 February 2016 the Standing Orders Committee examined the proposal noting that the effect would be to replace previous Chapter Twelve of the Standing Orders or Chapter Eight of the new Standing Orders.

When notice of the Motion was given in the Assembly, the motion applied to replacing the previous Standing Orders, however it was subsequently debated in the context of the existing Standing Orders and referred to the Committee in that context.

The Committee noted a prepared side by side comparison as follows.

New Standing Orders were adopted by the Assembly for use from 1 December 2015 and have come into effect.

Chapter Eight is substantially the same as previous Chapter Twelve except that there were minor reforms to wording and matters such as the rules relating to questions.

The Committee also noted that these proposed reforms are much more substantial than those the Committee considered in the 2014 and 2015 redrafting exercise.

## **Proposal One**

### ***Ministerial Reports***

(1) *On each sitting day at 2pm Ministers will be permitted to provide three minute oral reports.*

(2) *No more than eight such Ministerial Reports may be given on any one sitting day*

The Committee noted that this proposal replaces the ability for Members of the Government to ask Ministers questions which are now referred to as 'Dorothy Dix' questions. There is no comparative Standing Order in existence in the Northern Territory.

## **Proposal Two**

## **Question Time**

- (1) *At the conclusion of Ministerial Reports, any Member who is not a Member of the Government may ask oral questions without notice to a Minister during question time.*
- (2) *Question time will last until 12 questions and any supplementary questions (which if asked must be directly relevant to the answer given) have been answered by Ministers and any further questions have been asked of Members or the Speaker and been answered*
- (3) *The opposition party will be allocated a total of eight questions and Members not aligned with a political party will be allocated a total of four questions. A non-party aligned Member may defer their opportunity to ask a question to another member who is not a member of the Government.*

This proposal would replace parts of existing Standing Order 106 which relates to the rules of Question time:

### **106 Question Time and Questions to Ministers**

- (1) *Question Time will occur according to the adopted Routine of Business and be conducted in conformity with the Standing Orders.*
- (2) *The global time limit for Questions is approximately one (1) hour. This period may be increased or decreased at the discretion of a Minister.*
- (3) *Questions may be put to a Minister relating to public affairs, to proceedings pending in the Assembly, or to any matter of administration for which they are responsible.*
- (4) (a) *Questions must be succinct, concise and direct and not exceed one minute.*  
  
(b) *One supplementary question may be asked per Question Time by a non-Government Member and it must be asked immediately by the same Member who asked the original question. The supplementary question may not exceed 30 seconds and the answer not exceed one minute.*

The Committee noted the main differences are:

- Splits Standing Order 106 into two
- No *Dorothy Dix* questions allowed
- One hour global time replaced by 12 question limit to Ministers and an unspecified number of questions to a Member or the Speaker (see proposal four and five below)
- Unlimited supplementary questions but they must specifically arise from the answer already given not be pre-prepared
- The one minute time limit on question asked is moved to the next proposed Standing Order

## **Proposal Three**

### **Questions to Ministers**

- (1) *Questions may be asked of Ministers on matters relating to their portfolio responsibilities or related to public affairs by any member who is not a Government Member.*
- (2) *Questions may be no longer than one minute each in duration; answers may be no longer than three minutes each. Supplementary questions may be no longer than 30 seconds*

*each and answers to supplementary questions may be no longer than 60 seconds each.*

This proposal takes the following elements from Standing Order 106:

#### **106 Question Time and Questions to Ministers**

- (1) *Question Time will occur according to the adopted Routine of Business and be conducted in conformity with the Standing Orders.*
- (2) *The global time limit for Questions is approximately one (1) hour. This period may be increased or decreased at the discretion of a Minister.*
- (3) *Questions may be put to a Minister relating to public affairs, to proceedings pending in the Assembly, or to any matter of administration for which they are responsible.*
- (4) (a) *Questions must be succinct, concise and direct and not exceed one minute.*  
(b) *One supplementary question may be asked per Question Time by a non-Government Member and it must be asked immediately by the same Member who asked the original question. The supplementary question may not exceed 30 seconds and the answer not exceed one minute.*

The Committee noted that the main differences are:

- The questions relating to public affairs are no longer qualified in terms of in the existing Standing Orders that they should be constrained to public affairs relating to matters within their own administration
- A question to Ministers no longer allows for questions relating to proceedings pending in the Assembly

#### **Proposal Four**

##### **4 Questions to other Members**

*At the conclusion of questions to Ministers any Member may rise and ask another Member a question relating to a bill, motion, or other public matter connected with the business of the House in which that Member is concerned.*

This proposal replaces Standing Order 107:

##### **107 Questions to Members who are not Ministers**

*Questions may only be put to a Member who is not a Minister if the question relates to the timing, procedure or clauses of a bill, motion, or other public matter connected with the business of the Assembly which the Member has charge of*

The Committee noted that the main differences are:

- The operation of the new proposal is less narrow
- Adopts the terminology 'House' instead of 'Assembly' which indicates it is taken from another jurisdiction as all NT Standing Orders now use the term 'Assembly'
- Places this possibility at the end of questions to Ministers not at any time during Question Time

## **Proposal Five**

### **5 Questions to the Speaker**

*At the conclusion of all other questions being asked during Question Time any Member may rise and ask the Speaker a question relating to any matter for which the Speaker is responsible.*

The Committee noted that this is substantially the same as existing Standing Order 116; it merely moves the opportunity to the end of questions to Ministers:

### **116 Questions to Speaker**

*A question may be put to the Speaker at Question Time relating to any matter of administration for which the Speaker is responsible.*

## **Proposal Six**

### **6 Questions on Notice**

- (1) A Member must give a question on notice to the Clerk in sufficient time, in the opinion of the Speaker, to enable it to be published in the next issue of the question paper.*
- (2) The question must be in writing and signed by the Member.*
- (3) The reply to a question on notice must be given by delivering it to the Clerk within 30 days of receipt by the Minister. A copy must be given to the Member who asked the question, and both the question and the answer must be printed in Hansard.*

This proposal would replace existing Standing Orders 113 and 114:

### **113 Written Questions for Lodgement on the Question Paper**

A Member asking a question on notice will deliver it to the Clerk or to the Table Office. The Question must be in writing and signed by the Member and the Clerk will place the question on the Question Paper in the order received.

### **114 Replies to Questions**

- (1) A reply to a written question must be delivered to the Clerk. A copy of the reply will be provided to the Member who asked the question, the question and reply will be printed in the Parliamentary Record.
- (2) A Minister should respond to a written question within 30 days of receipt. If a Minister does not answer the question within 30 days the Member who asked the question may at the conclusion of Question Time ask the Speaker to write to the Minister seeking reasons for the delay.

The main points of difference noted by the Committee were that these are mainly in drafting style and:

- The deletion of the requirement the Clerk places the question in the order received which would remain the practice in any case
- The word 'Hansard' is used instead of 'Parliamentary Record'

## **Proposal Seven**

### **7 Language of Questions**

*The Speaker may require the language of a question to be changed if it seems to him or her that it is unbecoming or is in breach of the Standing Orders or conventions of the Assembly.*

This reflects the rule in existing Standing Order 112:

#### **112 Power of Speaker**

*The Speaker may direct that the language of a question be changed if it is not in conformity with the Standing Orders.*

House of Representatives Standing Order 101 is framed in a similar but more descriptive manner. The Assembly version reflects Standing Order 73 (3) in the Senate: *The President may direct that the language of a question be changed if it is not in conformity with the standing orders*

The recent redraft removed the word “unbecoming” because the Standing Orders already cover the use of language.

The main differences noted are:

- Reinserts words deleted by Standing Orders Committee during recent review

## **Proposal Eight**

### **8 Content of Questions**

(1) *A Member asking a question must not:*

- offer argument or an opinion on the matter;*
- give facts or names of persons, except when strictly necessary to explain the question;*
- be critical of the character of a member or allege misconduct by that member*

(2) *All questions must be direct, succinct and seek factual information.*

Whereas previous (pre December 2015) Standing Order 112 prohibited the use of epithets or ironical expressions in questions, these prohibitions have been deleted in Standing Order 109 as adopted.

Proposal number eight above seeks to further edit the Standing Orders and simplify requirements such as these by replacing Standing Order 109 as adopted:

#### **109 Manner and Form of Questions**

*The following rules apply to questions —*

(1) *Questions cannot be debated.*

(2) *Questions should not contain:*

- statements of fact or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated*
- arguments*
- inferences*



- (d) *imputations*
- (e) *insults, or*
- (f) *hypothetical matter.*

(3) *Questions should not ask Ministers:*

- (a) *for an expression of opinion*
- (b) *to announce new policy of the government, but may seek an explanation regarding the policy of the government and its application, or*
- (c) *for a legal opinion.*

(4) *Questions should not refer to proceedings in Committee not reported to the Assembly.*

(5) *Questions may not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may be challenged only on a substantive motion and questions critical of the character or conduct of other persons must be asked in writing.*

The main differences noted by the Committee are:

- Question may not offer an opinion but could ask for one
- No prohibition on a question asking a Minister to announce a policy which is intriguing because that aspect of the existing Standing Orders is an attempt to limit the 'Dorothy Dix' being misused but is rarely applied in the Northern Territory, yet if it were not applied and Dorothy Dix questions were abolished, arguably a Member could seek an announcement
- Part (c) of the proposal is similar to parts (b) to (f) of the existing requirements but not as detailed.

## **Proposal Nine**

### **9 Content of Answers**

(1) *All answers to questions must:*

- (a) *be direct, factual and succinct;*
- (b) *not introduce matter extraneous to the question nor debate the matter to which the question relates.*

This proposal replaces existing Standing Order 110:

#### **110 Answers to Questions Without Notice**

(1) *Answers will be concise and directly relevant to the question asked.*

(2) *No answer will exceed three minutes.*

This (existing) Standing Order replaced previous Standing Order 113 and removed the bold emphasis on the words and deleted the word 'succinct'.

*An answer shall be **succinct, concise and directly** relevant to the question*

The reason for the three words in bold was a decision of the Standing Orders Committee Report to the Assembly which was adopted on 26 November 2010 on the basis of the recommendations in the *Third Report of Standing Orders Committee, 11th Assembly*.

The House of Representatives Practice says that it is the established practice of the House that Ministers cannot be required to answer questions and the matter of relevance is explored in detail at page 568.

Worth noting is the distinction that where there is no limit in the Assembly, in the House of Representatives only one point of order relating to relevance may be raised for each answer.

The requirement of 'direct' relevance entered the House of Representatives Standing Orders in 2010. The idea is to give the Speaker greater authority in a difficult area and gives the Speaker the opportunity to require a Minister to be less wide ranging in their responses.

The interpretation of relevance in the Territory is traditionally broad and given the Member asking cannot usually resist the long preamble to the question, the Speaker will usually allow an answer which addresses the preamble and the short question at the end.

Standing Order 104 in the House of Representatives is:

- (a) An answer must be directly relevant to the question
- (b) A point of order regarding relevance may be taken only once in respect of each answer, and
- (c) The duration of each answer is limited to three minutes.

The main differences are:

- The three minute time limit is removed
- Reintroduces the word 'succinct' which was only recently deleted by a decision of the Assembly
- Reverts to wording which is arguably less precise

## **Omissions**

The existing Standing Orders at Chapter Eight contain 106 to 116, a total of eleven Standing Orders which results in some of the existing rules not being duplicated. These could remain in a newly redrafted chapter if incorporation were considered desirable.

The Committee noted that the proposal omits the following existing Standing Orders:

### ***111 Repeating Questions Already Answered***

A question which has been answered cannot be asked again during the same Question Time period.

### ***115 Answers to Questions Asked on the Same or Previous Days and Responses to Matters raised in Adjournment***

At the conclusion of Question Time, after the request that 'all further Questions be placed on the Question Paper', Ministers may answer or give supplementary answers to:

- (1) Questions asked on the same day during Question Time
- (2) Questions Asked on previous days during Question Time
- (3) Questions raised during the debate on the motion for the Adjournment of the Assembly.

The total time taken for the giving of all such answers by all Ministers will not exceed 10 minutes.

The Committee gave brief consideration to the proposal submitted, and reports to the Assembly that the proposed changes are not supported.

Resolved on the motion of Mr Elferink:

*That the Standing Orders Committee report to the Assembly that changes are not recommended at this time and the proposal to reform Question Time be a matter for the 13<sup>th</sup> Assembly.*

### **Recommendation 1**

**The Assembly does not proceed with reforms proposed by the Member for Nelson on 18 November 2015.**

## **2. Proposed Reform of the Standing Orders to Permit Proxy Voting or Breast Feeding in the Chamber - Report of the Committee**

The Member for Drysdale, Mrs Finocchiaro approached the Speaker on 4 December 2015 and wrote to the Chair of the Standing Orders Committee on 12 January 2016 requesting the Committee give consideration to proxy voting for breastfeeding mothers in order to allow voting in a division while otherwise engaged in duties as a new mother.

The Member updated her request with communication concerning reforms to the House of Representatives Standing Orders made on 2 February 2016 by forwarding for the Committee's attention media reports on the development.

This matter remains under consideration by the Committee.

The Committee Chair has provided a letter to the Committee Secretary which at his request is annexed to this report expressing his concerns about the Committee not concluding a recommendation for report to the Assembly on the matter at its meeting on 16 March 2016 (Annexure 2).

## **3. Proposed Right of Reply Pursuant to Sessional Orders - Report of the Standing Orders Committee**

### **Matter Considered by the Standing Orders Committee**

A Citizen's Right of Reply submission to Speaker by Miss Margaret Clinch (Annexure 3) was considered by the Speaker and pursuant to Sessional Orders the submission was referred to the Standing Orders Committee.

### **Background**

Sessional Orders for the 12<sup>th</sup> Assembly permit a person who has been referred to in a debate in the Assembly to 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. On that basis, and requesting that an appropriate response be incorporated in the parliamentary record, a submission was sent to the Speaker by Miss Clinch on 5 December 2015.

The Speaker subsequently wrote to the Standing Orders Committee by letter dated 15 December 2015 and pursuant to Sessional Orders advised that she was satisfied that the matter was not obviously 'trivial, or frivolous, vexatious or offensive', and that it is practicable for

the committee to consider the submission under the procedure and therefore the Speaker was obliged to refer it to the Standing Orders Committee as no further discretion applied.

The Standing Orders Committee had the option to 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.

In a report under the procedure the Standing Orders 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.

In this instance, the Committee has determined to recommend the correspondence received by Ms Clinch be published and so incorporated.

The Standing Orders Committee was satisfied that the submission met the guidelines outlined in Sessional orders that the application was received within 3 months of the making of the statement, it is an application from a natural person who is an Australian citizen and has demonstrated they have been subject to clear, direct and personal attack or criticism, and have been damaged as a result

In considering the application, the Committee had regard to the existence of other remedies that may be available to a person referred to in the Assembly and noted there was no particular avenue available in this instance.

After this due consideration, Committee members agreed that Miss Clinch should have a right of reply and discussion ensued on options to allow the right of reply.

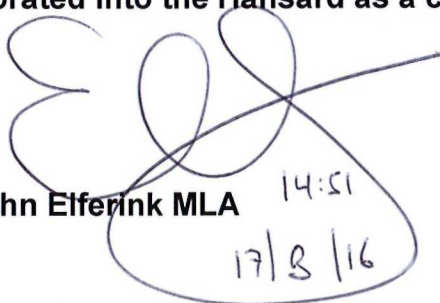
Resolved on the motion by Mr Higgins:

*That the Committee recommend to the Assembly that the letter submitted by Miss Clinch to the Speaker be incorporated into the Parliamentary Record pursuant to Sessional Order 1(7)(b) and Miss Clinch be advised of the Committee's decision.*

## **Recommendation 2**

**The Assembly agree that correspondence received from Miss Margaret Clinch be incorporated into the Hansard as a citizen's right of reply.**

Hon John Eiferink MLA  
Chair



14:51  
17/8/16

## **ANNEXURES**

1. Standing Orders Committee Minutes, Meeting 14, 10 February 2016 and Standing Orders Committee Minutes, Meeting 15, 16 March 2016
2. Correspondence from the Chair, Hon John Elferink MLA to the Committee Secretary dated 16 March 2016
3. A Citizen's Right of Reply submission to Speaker by Miss Margaret Clinch and the response from the Chair of the Standing Orders Committee



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**  
 12<sup>th</sup> Assembly  
**Standing Orders Committee**

Meeting No. 14  
 12noon, 10 February 2016 – Litchfield Room

**MINUTES OF PROCEEDINGS**

**PRESENT**

Hon. John Elferink MLA (Chair)  
 Hon. Kezia Purick MLA  
 Hon. Gary Higgins MLA  
 Ms Natasha Fyles MLA  
 Ms Lauren Moss MLA  
 Mr Gerry Wood MLA  
 Mr Michael Tatham (Secretary)

**1 WELCOME**

The Chairman, Hon John Elferink MLA opened the meeting at 12:05pm

**2 MINUTES OF PREVIOUS MEETINGS**

*Resolved on the motion Ms Purick  
 That the Minutes of Meeting 13 of 18 November 2015 be confirmed.*

**3 Proposal to Reform Question Time**

The proposed reform of Question Time was referred to the Standing Orders Committee by a Resolution of the Legislative Assembly on Wednesday 18 November 2015. The motion included the requirement for the Standing Orders Committee to report back to the Assembly by the second sitting week of 2016.

Discussion ensued on the timing of making changes in the Assembly.

*Resolved on the motion of Mr Elferink  
 That the Standing Orders Committee report to the Assembly that changes are not recommended at this time and the proposal to reform Question Time be a matter for the 13<sup>th</sup> Assembly.*

#### 4 Consideration of Reform of the Assembly Committee System

Committee members agreed that it would be preferable to not implement the reform of the Assembly Committee System with only 10 sitting days remaining in the 12<sup>th</sup> Assembly.

*Resolved on the motion of Mr Elferink*

*That the consideration of reform of the Assembly Committee System be a matter for the Standing Orders Committee during the 13<sup>th</sup> Assembly.*

#### 5 Citizen's Right of Reply

A Citizen's Right of Reply submission to Speaker by Miss Margaret Clinch was considered by the Speaker and pursuant to Sessional Orders the submission was referred to the Standing Orders Committee.

Committee members agreed that Miss Clinch should have a right of reply and discussion ensued on options to allow the right of reply.

*Resolved on the motion by Mr Higgins*

*That the Committee recommend to the Assembly that the letter submitted by Miss Clinch to the Speaker be incorporated into the Parliamentary Record pursuant to Sessional Order 1(7)(b) and Miss Clinch be advised of the Committee's decision.*

#### 6 Proposed reforms for infant feeding and Chamber attendance during divisions

Discussion ensued on the various options for infant breast feeding in the Chamber and proxy voting by a nursing mother.

The matter was not resolved.

#### 7 OTHER BUSINESS

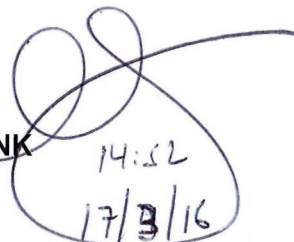
No other business

#### 8 ADJOURNMENT

The meeting adjourned at 12.25pm until a time and date to be notified to Members by the Chairman.

CONFIRMED

JOHN ELFERINK  
Chairman

  
14:52  
17/3/16



## LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

12<sup>th</sup> Assembly

### Standing Orders Committee

Meeting No. 15

12noon, 16 March 2016 – Litchfield Room

### MINUTES OF PROCEEDINGS

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**PRESENT** Hon. John Elferink MLA (Chair)  
Hon. Kezia Purick MLA  
Hon. Gary Higgins MLA  
Ms Natasha Fyles MLA  
Mr Gerry Wood MLA  
Mr Michael Tatham (Secretary)

**APOLOGIES** Ms Lauren Moss MLA

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#### 1 WELCOME

The Chairman, Hon John Elferink MLA opened the meeting at 12.05pm.

#### 2 MINUTES OF PREVIOUS MEETINGS

Discussion ensued on the proposed reforms for infant feeding and Chamber attendance during divisions.

*Resolved on the motion Mr Elferink*

*That the content in Item 6 relating to a draft recommendation be expunged from the Minutes as they do not reflect the memory of a majority of Members. The remainder of the Minutes of Meeting 14 of 10 February 2016 be confirmed.*

#### 3 CORRESPONDENCE

The Chair's correspondence was noted.

#### 4 STANDING ORDERS COMMITTEE REPORT

Discussion ensued on Recommendation 2 of the Draft Standing Orders Committee Report:

The majority of the Committee determined that further research is required before finalising a report on infants in the chamber

*Resolved on the motion of Ms Purick*

*That the Committee acknowledge that further advice be sought about breast feeding in the workplace, the Speaker contact the Australian Breastfeeding Association and submit guidelines to the Committee.*



*Resolved on the motion of Ms Purick*

*That a letter sent to the Member for Drysdale advising that the issue is being reviewed and will be considered at future meeting of the Committee. All correspondence from the Member for Drysdale on infant feeding be included in the papers.*

The Committee agreed that the Clerk prepare a Standing Orders Committee Report for tabling in the Assembly on Thursday 17 March 2016 and the Report be revised to delete recommendation 2.

## **5 ABORIGINAL LANGUAGE**

The Chair thanked the Clerk for the Aboriginal Language Options Paper. The Committee agreed that the information in the options paper can be disseminated by Members.

## **6 ADJOURNMENT**

The meeting adjourned at 12.35pm until a time and date to be notified to Members by the Chairman.

CONFIRMED

**JOHN ELFERINK**  
Chairman

14:50

17/3/16



ATTORNEY-GENERAL  
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Mr Michael Tatham  
Clerk of the Legislative Assembly  
GPO Box 3721  
DARWIN NT 0801

Dear Mr Tatham

Please attach these words as a dissenting report to the "Standing Orders Committee Report to the Legislative Assembly of the Northern Territory on Matters of Question Time Reform Infant Care and Right of Reply"

Recommendation 2 of the Draft Committee Report suggested a New Standing Order 245 couched in the following terms:

Chamber Access for Members Only:

*"Except with the permission of the Speaker, who may exercise discretion in the case of nursing parents with young infants, only Members are permitted on the floor of the Chamber during meetings of the Assembly. On other days, the permission of the Speaker is required for a visitor to enter onto the floor of the chamber;"*

Members of the Committee objected to that proposal on the grounds that it did not reflect earlier committee deliberations. Whilst that does reflect my memory it isn't of consequence as it is not central to my dissent.

What is central to my dissent is that I then recommended that the committee should allow, subject to certain rules yet to be established, that we as a Committee should pass a resolution that at least "in principle" endorsed the notion that a woman who was breastfeeding should be allowed to do so in her workplace, in this case the Parliament.

It was the resolution of the committee that no such, "in-principle" endorsement should be made and that the matter should be deferred until the Speaker had a chance to consult more widely on the matter and that the issue should be removed from the current report.

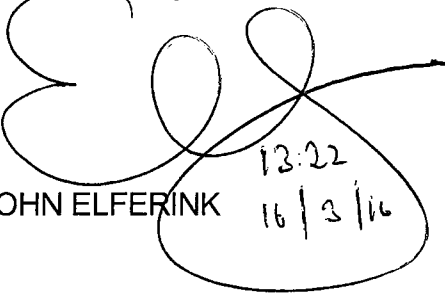
Nothing prevented the committee from supporting the right "in principle", and then consulting more widely.

I dissent from the majority decision to remove the issue from this report and to defer discussion to a later date as the committee has not attended to this matter in a timely fashion, as the Member for Drysdale, who raised this matter with us three months ago, has the right to expect.

It is the committee equivalent to stuffing the issue into a "too hard basket".

Surely it is a simple message to send.

Yours sincerely



JOHN ELFERINK  
13:22  
16/3/16

Miss M A CLINCH  
PO Box 1998,  
Darwin, NT 0801

5th December, 2015  
The Honourable Kezia Purick,  
Speaker,  
Northern Territory Legislative Assembly,  
Darwin, NT.

Right of Reply of Persons referred to in the Legislative Assembly

Dear Madam Speaker,

My submission to you, seeks an appropriate Right of Reply in the NT Legislative Assembly.

### **Introduction**

1. My name and reputation have been most adversely and hurtfully used and referred to in the Legislative Assembly, by Minister Tollner on the Parliamentary Record.

For eighteen years, I have lead a voluntary group working for better city, suburban, country and rural planning in the NT. This is PLan: the Planning Action Network. My name and reputation are inevitably strongly linked with this organisation (APPENDIX B).

Permission therefore is now sought for a correcting statement being placed on the Parliamentary Record. The besmirching of my name needs to be cancelled out on the public record.

## References in Hansard Daily Transcript

2. The naming occurred on 15 September, 2015. It is recorded in the Hansard Daily Transcript under the heading of 'Funding for Community Groups' (starting with a question by Mr Gunner to Minister for Planning) and continuing through Supplementary Question – 'Funding for PAn: the Planning Action Network Inc' to Ms Lawrie's point of order.

A separate full copy of the transcript is attached as *'Extract from the NT Parliament, 15.9.2015'* (APPENDIX A).

### **3. Relevant References made by Mr Tollner in answering Mr Gunner, and Ms Fyles through the Sequence in the Transcript**

#### 3.1 First Reference in the sequence

Mr Tollner answers Mr Gunner.

Statement: ' We make no bones about not funding politically motivated organisations'

Rebuttal: PAn: the Planning Action Network is not a politically motivated organization. It is independent and apolitical.

#### 3.2 Second Reference in the sequence.

Mr Tollner answers Mr Gunner.

##### Statement

[I] 'had a good dialogue with Margret[sic] Clinch and other members of the organization. However, over the eighteen months or so it has not been possible to have a conversation with them. They refuse to talk about planning issues.'

### Context

In 2014/2015 Minister Tollner moved to rezone Lot 7820, 4 Blake Street, the Gardens, from Community Purpose Zoned Land(CP) to Specific Use Zone (SD). This rezoning would have led to a large residential building between 7-9 storeys high, in a suburb characterized by well established 1-3 storey homes. A street meeting of 98 local people followed the application to rezone. PPlan attended this meeting and offered to assist them from its experience.

### Rebuttal:

The facts are these:

At one stage Minister Tollner rang me at home, wanting to discuss the matter immediately. I quickly arranged a meeting for the Minister at the PPlan Office in Woolner for 10 June, 2015, with the leader of the Blake Street group. Five people were present.

For over two hours, we quietly explained the planning issues to the Minister. Politely we tried very hard to sensitize him to the impact a rezoning would have on the residents of the Gardens suburb. His parting words were that he thought he would like to rezone.

Again, before any rezoning decision was made public, the leader of the Blake Street Group, supported by myself, contacted the Minister's office. We urgently requested a public meeting, on - site at the Lot 7820, in the Gardens, for the Minister to consult with the people involved. The emails will show that it took the Minister's office some days to achieve a date for this consultation.

There were hundreds of people at the open meeting. People spoke respectfully in turn, in a well managed meeting, about the impact on them.

### 3.3 Third Reference in the Sequence

Mr Tollner answers Ms Fyles (Shadow Planning)

Statement:

'as Treasurer I am not interested in wasting money. If there is an opportunity to add value to the Northern Territory and our community it is money well spent. However, to find a political organization that is about throwing rocks ...'

Rebuttal:

PLan is not a political organization. Its reputation is for its knowledge of due process, through the NT Planning Scheme (NTPS), and Development Consent Authority(DCA). It has a quiet thorough operation. There is absolutely no justification for saying that we throw rocks, or waste money.

### 3.4 Fourth Reference in the Sequence

Mr Tollner answers Mr Gunner.

Statement:

'The Government funds a plethora of NGO's across the Territory who do valuable work for our community. That is the point is it not, it is about valuable work for our community. When it comes to PLan- I also note last year, we ceased funding the Environment Centre in the Northern Territory, because they are nonsense organisations. They are not about protecting the environment or environmental outcomes, they have become nothing but a tainted

political organisation. I can understand why those opposite of those groups, because they are out there doing their bidding.'

Rebuttal:

Minister Tollner's allegations here are completely inaccurate.

PLan is an independent apolitical organization in the Northern Territory, in a democratic society which espouses free speech. As in the case of the Environment Centre, there is no justification for dismissing us as 'nonsense organisations', and besmirching our reputations. Instead, we defend people's planning rights, and their living environments.

### 3.5 Fifth Reference in the Sequence

Mr Tollner answers Ms Fyles (Shadow for Planning)

Statement:

'We are in careful management of the government finances, we are carefully managing the economy, and if you want to know why we got such a good result in the budget we might start looking at the rats and mice ...'

Rebuttal:

There is no justification for the Minister to refer to constituents as 'rats or mice'. This is particularly the case where volunteers work hard for the welfare of the people of the Northern Territory. The present government when elected, dedicated \$29632 per year, as an operating grant for each of three years, to PLan: the Planning Action Network, Inc. Those funds have been dedicated to better planning in the Northern Territory.



113: relevance. The Planning minister has sent a message to every community group that disagrees with him, if you do so you will be defunded.

**Madam SPEAKER:** This is not a point of order, sit down.

**Mr TOLLNER:** That is a crazy assertion, Leader of the Opposition and you know that full well. The government funds a plethora of NGOs across the Territory who do valuable work for our community. That is the point is it not, it is about valuable work for our community. When it comes to PPlan - I also note last year we ceased funding the Environment Centre in the Northern Territory, because they are a nonsense organisations. They are not about protecting the environment or environmental outcomes, they have done nothing but become a tainted political organisation. I can understand why those opposite are supportive of those groups, because they are out there doing your bidding.

The reality is if the Leader of the Opposition had any shred of decency he would have said at that meeting at Blake Street, 'Yes, Labor's plan is to see the gardens redeveloped'. It was in your 2030 plan and all of your planning documents. In fact, the proponent of that development used Labor's document to promote his development.

Did the Leader of the Opposition show any integrity and talk to the Planning Action Network to say, 'Hang on, this is what Labor would do in government'? No, they did not. I rest my case.

**SUPPLEMENTARY QUESTION**  
**Funding for Planning Action Network Inc**

**Mr GUNNER to MINISTER for LANDS and PLANNING**

The funding you provided to PPlan was \$29 632, not a huge amount. It is enough for three, four page ads in the *NT News*, enough to get halfway to New York for Minister Price or enough for six visits to the Red Rose in Tokyo. It is a petty and arrogant decision, Planning minister. Who is next on your hit list? Is it the Environment Centre, PPlan, who is next?

**ANSWER**

Madam Speaker, we fund those valuable community organisations

across the Territory and will continue to do so. We love the non-government sector on this side of the Chamber but we are not into wasting money. That is something Labor does when in government and good on you. You can throw money around like drunken sailors but we are not of the same mould, Leader of the Opposition. We are in careful management of the government finances, we are carefully managing the economy, and if you want to know why we got such a good result in the budget you might start looking at the rats and mice and the little savings we have made around government rather than

....

**Ms LAWRIE:** A point of order, Madam Speaker! Standing Order 113: relevance. Why then was a \$20 000 trip for minister Styles on 5 September cancelled having already been paid for?

**Madam SPEAKER:** It is not a point of order, sit down.

## **APPENDIX B – Notes about PJan: the Planning Action Network, inc**

PJan: the Planning Action Network, Inc is a voluntary community organization, registered under the NT Associations Act. It works tirelessly for balance in planning, as listed in Section 2A Objects of the *Planning Act* (APPENDIX C). In 2016, it will be our twentieth year. I am closely identified with PJan, having been its Convener for all but one of those years. Following due process and community consultation have long been a feature of our work,

Our work is evidenced based, and our group is apolitical, regardless of who is in Government at the time. This is clearly set out in our letter to all members of Parliament, dated 12 September, 2015 (APPENDIX E). Our letter to Members followed an official letter dated 27 August, 2015 from Minister Tollner, as Minister for Lands, Planning refusing an extension of operational funding to PJan after 2015 (APPENDIX D)..

In a handwritten footnote, the Minister asserts that PJan is 'nothing more than a political activist group' and that 'there has been no hint that the organization is prepared to collaborate with Government.' This is an unfortunate and unfounded statement.

## APPENDIX C- Planning Act Section 2A Objects

### **Planning Act**

#### **2A Objects**

(1) The objects of this Act are to plan for, and provide a framework of controls for, the orderly use and development of land.

(2) The objects are to be achieved by:

(a) strategic planning of land use and development and for the sustainable use of resources;

(b) strategic planning of transport corridors and other public infrastructure;

(c) effective controls and guidelines for the appropriate use of land, having regard to its capabilities and limitations;

(d) control of development to provide protection of the natural environment, including by sustainable use of land and water resources;

(e) minimising adverse impacts of development on existing amenity and, wherever possible, ensuring that amenity is enhanced as a result of development;

(f) ensuring, as far as possible, that planning reflects the wishes and needs of the community through appropriate public consultation and input in

both the formulation and implementation of planning schemes; and (g) fair and open decision making and review processes.

**Plan: the Planning Action Network, Inc**  
**PO Box 2513, Darwin, NT 0801**  
**margaret.clinch@bigpond.com**

12 September 2015  
Hon Adam Giles MLA  
Chief Minister  
Northern Territory Government

By email: Chief Minister@nt.gov.au

Dear Chief Minister

**Plan: the Planning Action Network Darwin Inc – Three year operational grant**

Plan: the Planning Action Network Inc (PLAN) is an incorporated association run entirely by volunteers. It has been so during its almost 20 years existence. I feel it worthwhile to set out below PLAN's objectives, as in our Constitution. PLAN's objectives are

- To be an apolitical, non-hierarchical organisation that reflects a co-operative network of people who are otherwise members of a local action group, or individuals interested in planning issues;
- To achieve better living environments through community advocacy of good planning principles incorporating natural, heritage, cultural and social values throughout the NT;
- To provide a network communication medium for organisation and people active in planning issues;
- To support community based action groups through the exchange of experience and co-ordination of resources, and to encourage and assist new community action groups;
- To monitor proposed developments, and research responses;
- To consider and develop expertise on wider planning issues;
- To provide public education, increase public awareness, and debate in relation to planning issues; and
- To make representations on behalf of the community to relevant agencies or organisations, on particular, and general planning matters

I feel proud of the way PLAN has pursued its objectives and represented its members and put forward community views on planning issues. Our organisation values well considered strategic planning and proper community engagement on planning issues. Our organisation also pursues its objectives without fear or favour regardless of the Government of the day. PLAN has existed for almost 20 years and has advocated strongly for community held views regardless of the political persuasion of the Government of the day

As Chief Minister you have often noted value of NGO community organisations. You have acknowledged that they "play a vital role in our community"

**APPENDIX D. Copy of Letter from Minister Tollner to PLan,  
dated 27.8.2015, about funding with personal footnotes.**



**MINISTER FOR LANDS AND PLANNING**

Parliament House  
Stable Fore Lane  
Darwin NT 0800  
Minister@nt.gov.au

GPO Box 3146  
Darwin NT 0801  
Telephone 08 8928 6672  
Facsimile 08 8928 6669

Ms Margaret Clinch  
The Planning Action Network Inc.  
GPO Box 2513  
DARWIN NT 0801

Dear Ms Clinch *Margaret*

As you are aware the Planning Action Network (PLAN) has a three year Operational Grant Agreement with the Northern Territory Government, which is scheduled to conclude on 14 December 2015.

After reviewing the current operational grant and competing priorities for funding, I have decided not to offer a new grant to PLAN.

Mr Fotis Papadakis, Chief Financial Officer of the Department of Lands, Planning and the Environment (telephone 8927 7744) will be in contact with you shortly regarding the acquittal of the current grant.

I wish you well with your ongoing work representing community interests.

Yours sincerely

*David Tollner*  
DAVID TOLLNER

27 AUG 2015

*Margaret, my view is that PLAN has now become nothing more than a political activist group and there has been no hint that the organisation is prepared to collaborate with Northern Territory Government.*

**E. Copy of Letter from Convener PLAN to Chief Minister and  
all Members of NT Legislative Assembly**

On 27 August 2016, I received a letter from the Minister for Lands and Planning, David Toliner. The letter indicated our three-year operational funding agreement would not be continued beyond 14 December 2015. We were, obviously, disappointed in this decision. In our view our organisation does play a vital role in assisting the community to engage in the very complex planning regime operating in the Northern Territory. However, it is not the decision that I wrote to you about today. I'm writing to take specific issue with the comments hand written in postscript by the Minister for Lands and Planning at the bottom of the letter (as quoted below).

"Margaret, my view is that PLAN has now become nothing more than a political activist group and there has been no hint that the organisation is prepared to collaborate with Government."

PLAN engages with Government. It does not collaborate with it.

PLAN responds to requests for submissions on developments planning scheme amendments and strategic plans, assisting others to do so. PLAN attends hearings of the Development Consent Authority (DCA). PLAN informs community members about planning issues of significance. PLAN advocates for community views on various planning matters particularly those affecting social infrastructure, amenity and the environment. Sometimes those views conflict with the views of government, the DCA, or developers.

It is not the function of community NGOs to "collaborate", collude, agree with, or pander to any Government of the day. If that is how your Minister for Lands and Planning believes we should behave, then he is mistaken as to the role organisations like ours play in society. Perhaps though, he simply dislikes careful scrutiny and disgust with decisions he makes, based on our long experience, and what we know the community needs.

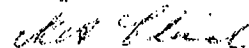
I have perceived Minister Toliner's handwritten comments as a threat. PLAN, and I personally, have stood up to Governments of all persuasions over a very long period of time. In our view the existence of PLAN assists to provide balance in discussions around planning in the Northern Territory. I am saddened that the Minister for Lands and Planning cannot see the value in having community views opposing particular development put strongly, and I am disgusted that he would single me, and the organisation I convene, out as a "political activist group". We are not. PLAN, politically speaking, is completely neutral. Our work is evidence based, and for the benefit of the people of the Northern Territory.

His comments had a profound impact on me, and I have copied this letter to all members of the Northern Territory Legislative Assembly. I feel that it is important for all members of the Parliament to understand the impact of statements of this kind.

Our work is guided by the Objectives of the NT Planning Act, a copy of which is attached.

Should you wish to discuss this matter, I can be contacted on 89271995.

Kind regards



Margaret Clinch

Convener

PLAN: the Planning Action Network Inc





**Legislative Assembly of the Northern Territory**

**Standing Orders Committee  
12<sup>th</sup> Assembly**

Ref: 15/172.23

Miss Margaret Clinch  
PO Box 1998  
DARWIN NT 0801

Dear Miss Clinch

I refer to your correspondence to the Speaker, the Hon Kezia Purick MLA dated 5 December 2016 concerning your request for a right of reply to the comments made by the Member for Fong Lim in the Assembly on 15 September 2015.


The Speaker referred your request to the Standing Orders Committee for consideration and the Committee determined at its meeting on Wednesday 10 February 2015 as follows:

*That the Committee recommend to the Assembly that the letter submitted by Miss Clinch to the Speaker be incorporated into the Parliamentary Record pursuant to Sessional Order 1(7)(b) and Miss Clinch be advised of the Committee's decision.*

The Standing Orders Committee will table a report in the Assembly recommending that your letter to the Speaker be incorporated into the Parliamentary Record.

It will be a matter for the Assembly as to whether the report and its recommendations are adopted.

Yours sincerely

  
JOHN ELFERINK 10:40  
Chair 2/3/16  
Standing Orders Committee