



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

**Standing Orders Committee
Second Report of the 9th Assembly**

June 2003

Table of Contents

Membership of the committee	2
Committee secretariat	2
Progress Report on the review of the draft Members' Code of Conduct and Ethical Standards and the amendments to the <i>Legislative Assembly (Register of Members' Interests) Act</i>	3
Background.....	3
Submissions to the Committee.....	4
Work of the Committee	4
<i>Meeting with Mr Howard Whitton</i>	4
<i>Meeting with the New South Wales Legislative Assembly Standing Ethics Committee</i> ...	4
<i>Consideration of the Code of Conduct and Ethical Standards document</i>	5
<i>Recommendations</i>	5
Report on the PAC Reference to Standing Orders Committee to examine conflict of interest of members of the Committee.....	6
Breast feeding in the Chamber	7
Standing Orders 36, 37 and 39	8
Recommendations	9
List of appendices	11
1. <i>Amendments to the Legislative Assembly (Register of Members' Interests) Act</i>	11
2. <i>Legislative Assembly of the Northern Territory Members' Code of Conduct and Ethical Standards</i>	11
3. <i>Chief Minister's Speech to the Legislative Assembly on 20 June 2002</i>	11
4. <i>Advice on the conflict of interest and committee membership</i>	11
5. <i>Extract from Hansard of comments made by the Chairman of the Public Accounts Committee, Dr Burns, and Member for Sanderson, Mr Kiely in the debate on the motion that the Assembly take note of the Public Accounts Committee Report</i>	11

Membership of the committee

Chairman The Honourable Paul Henderson, MLA

Members Mr Matthew Bonson MLA
 The Honourable Loraine Braham MLA
 Dr Chris Burns MLA
 Dr Richard Lim MLA
 Mr Mike Reed MLA

Committee secretariat

Secretary Ian McNeill
Research/Administrative Jane Gunner
Officer

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

Progress Report on the review of the draft Members' Code of Conduct and Ethical Standards and the amendments to the *Legislative Assembly (Register of Members' Interests) Act*

Background

On 20 March 2002 Madam Speaker wrote to the Chief Minister and the Leader of the Opposition suggesting that the Standing Orders Committee consider a reference on a code of conduct for members.

As a 'starting point' for this consideration Madam Speaker forwarded a copy of a draft Code of Conduct which was tabled in the Western Australian Legislative Assembly by the Premier, the Hon. Geoff Gallop, MLA.

On 20 June 2002 the Chief Minister, the Honourable Clare Martin, MLA tabled two draft documents:

- Amendments to the *Legislative Assembly (Register of Members' Interests) Act* (Appendix 1), and
- Legislative Assembly of the Northern Territory Members' Code of Conduct and Ethical Standards (Appendix 2).

The documents were referred to the Standing Orders Committee for inquiry and report back to the Assembly.

The Chief Minister's speech contained an overview of the proposals and detailed explanations of the relevant provisions (Appendix 3).

Submissions to the Committee

Advice of the reference and copies of the documents tabled by the Chief Minister were posted on the Northern Territory Legislative Assembly web site, together with an invitation to provide written submissions.

Presiding Officers and Speakers of Australian Parliaments, Clerks of Parliaments, the Northern Territory Auditor-General, Northern Territory Anti-Discrimination Commissioner and the Queensland Crime and Misconduct Commission received advice of the reference and were invited to provide a written submission.

Written submissions were received from:

- Mr Gerry Wood, MLA, Member for Nelson
- The New South Wales Legislative Assembly Standing Ethics Committee
- Mr Mike Blake, Northern Territory Auditor-General

An informal submission was received from the Queensland Legislative Assembly Members' Ethics and Parliamentary Privileges Committee.

Work of the Committee

Meeting with Mr Howard Whitton

The Committee agreed to meet with Mr Howard Whitton, the consultant involved in the draft *Legislative Assembly (Register of Members' Interests)* and draft Code of Conduct for Members of the Legislative Assembly.

A meeting was held with Mr Whitton on 3 September 2002. The discussion covered a range of issues that had been raised during meetings of the Standing Orders Committee. Mr Whitton provided additional information to the proposed amendments to the Register of Members' Interests in particular the issue of spouse and family reporting requirements, reporting of the value of real estate, shares and other holdings, provisions in other jurisdictions and the recommendations contained in the submission from the Auditor-General.

Meeting with the New South Wales Legislative Assembly Standing Ethics Committee

The New South Wales Legislative Assembly Standing Ethics Committee recently completed a review of the Code of Conduct first adopted by the NSW Assembly and Council in 1998 and was interested in the comprehensive range of matters covered by the draft Northern Territory Code.

The NSW Committee undertook a study tour to the Northern Territory and a meeting was arranged with the Northern Territory Standing Orders Committee for Tuesday 26 November 2002.

The meeting with the New South Wales Committee was most informative and beneficial to the members of the Standing Orders Committee in its

consideration of the draft Code of Conduct and Ethical Standards for Members of the Legislative Assembly

Consideration of the Code of Conduct and Ethical Standards document

In addition to meeting with the New South Wales Standing Ethics Committee, Committee members also considered and discussed the following documents prepared in relation to the draft Code of Conduct and Ethical Standards:

- Notes on the meeting with the New South Wales Legislative Assembly Standing Ethics Committee
- Notes on issues raised by the New South Wales Legislative Assembly Standing Ethics Committee
- Notes on the Report of the Procedures and Privileges Committee, Western Australian Legislative Assembly—Inquiry into a Code of Conduct and Ethical Standards
- Issues and Options Paper providing a synopsis of issues raised by the NSW Committee on the draft Members' Code of Conduct and Ethical Standards

At its meeting on 29 May 2003 Committee members considered the draft code in detail to reach agreement on clauses for the purpose of further discussion with colleagues and for further consideration by the Committee at its next meeting.

Recommendations

The Committee at its meeting on 29 May 2003 recommended that:

1. An extension be sought to present the Report on the reference to the Legislative Assembly in February 2004; and
2. A progress report on the reference be tabled in the Assembly.

Report on the PAC Reference to Standing Orders Committee to examine conflict of interest of members of the Committee

In its Report on the reference into the accuracy of budget data presented in May 2002 the Public Accounts Committee made a recommendation as follows:

Recommendation 7 - Review of conflict of interest in committee

Following concerns with having a committee member who was also a witness and a subject of the inquiry the Committee recommends that the Standing Orders Committee investigate whether changes to Standing Order 263 would be appropriate.

This recommendation arose from advice provided to the Public Accounts Committee in the context of the debate on 25 October 2001 in respect of the censure motion of the former government, former Minister for Health, former Treasurer and former Chief Minister and the participation of the former Minister for Health (Member for Drysdale) as a member of the Public Accounts Committee in its reference for inquiry and report on the accuracy of budget data published in the 2000-01 Budget Papers (a copy of the advice provided is at Appendix 4, together with attachments).

The Committee considered the current provisions of Standing Order 263 and following discussion of the issues that led to the reference from the Public Accounts Committee, resolved that Standing Order 263 be amended to read as follows:

Standing Order 263: Personal Interest

No Member may sit on a committee if he or she has a personal interest, whether pecuniary or otherwise, in the inquiry before such committee.

Breast feeding in the Chamber

The Committee considered the options for changing the Standing Orders to allow a Member to bring an infant into the Northern Territory Parliamentary Chamber for the purpose of breast-feeding following recent events in the Victorian Parliament.

The Committee was of the opinion that, as the relevant Northern Territory Legislative Assembly Standing Order is similar in wording to the Victorian Legislative Assembly Standing Order it was available for the Speaker at any time to rule that if a Member was required to be in the Chamber it was in order for that Member, if necessary, to bring an infant into the Chamber to be breast fed.

Accordingly the Committee did not propose to recommend an amendment to the Standing Order at this time.

Standing Orders 36, 37 and 39

At its meeting on 29 May 2003 the Committee discussed the time for the ringing of the bells in the event that a quorum is not present.

It was agreed that Standing Orders 36, 37 and 39 be amended to allow for the bells to be rung for **3 minutes** when there is not a quorum, to mirror the existing provisions for Divisions.

Recommendations

The Committee agreed to the following recommendations:

1. An extension of time be sought to present the report of the review of the draft Members' Code of Conduct and Ethical Standards and the amendments to the *Legislative Assembly (Register of Members' Interests) Act* to the Assembly until February 2004.
2. The amendment to Standing Order 263 be adopted.

Standing Order 263 Personal Interest

No Member may sit on a committee if he or she has a personal interest, whether pecuniary or otherwise, in the inquiry before such Committee.

3. The amendments to Standing Orders 36, 37 and 39 be adopted.

Standing Order 36 Notice taken of lack of quorum

If any Member take notice that a quorum of Members is not present, the Speaker shall count the Assembly; and if a quorum be not present, the bells shall be rung. If a quorum is not obtained within 3 minutes, the Speaker shall adjourn the Assembly until the next sitting day: provided that if he is satisfied there is likely to be a quorum within a reasonable time he shall announce that he will take the Chair at a stated time; but, if at that time there be not a quorum, the Speaker shall adjourn the Assembly to the next sitting day.

Standing Order 37 Lack of quorum in committee

When the Speaker is informed by the Chairman of Committees, as a result of a division of the committee, or after counting the committee, that a quorum of Members is not present he shall order the bells to be rung and, if within 3 minutes a quorum be then present, the Speaker shall forthwith leave the Chair and the committee shall resume; but, if after the expiration of 3 minutes there be not a quorum, the Speaker shall adjourn the Assembly to the next sitting day: provided that if the Speaker is satisfied there is likely to be a quorum within a reasonable time he shall announce that he will take the Chair at a stated time; if at that time a quorum be then present the Speaker shall forthwith leave the Chair and the committee shall resume; but, if there be not a quorum, the Speaker shall adjourn the Assembly to the next sitting day.

Standing Order 39 Member not to leave

When the attention of the Speaker or of the Chairman has been called to the fact that there is not a quorum of Members present, no Member shall leave the Chamber until a quorum is present or 3 minutes have elapsed.

4. The Speaker at any time may rule that if a Member was required to be in the Chamber it was in order for that Member, if necessary, to bring an infant into the Chamber to be breast fed.

List of appendices

1. ***Amendments to the Legislative Assembly (Register of Members' Interests) Act***
2. ***Legislative Assembly of the Northern Territory Members' Code of Conduct and Ethical Standards***
3. ***Chief Minister's Speech to the Legislative Assembly on 20 June 2002***
4. ***Advice on the conflict of interest and committee membership***
5. ***Extract from Hansard of comments made by the Chairman of the Public Accounts Committee, Dr Burns, and Member for Sanderson, Mr Kiely in the debate on the motion that the Assembly take note of the Public Accounts Committee Report.***