



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

13<sup>th</sup> Assembly

Select Committee on Opening Parliament to the People

REF: COMM2016/00023.29

The Hon Natasha Fyles MLA  
Leader of Government Business  
Parliament House  
Mitchell Street  
DARWIN 0800

Dear Leader of Government Business

**Re: Draft recommendations of  
Select Committee on Opening Parliament to the People**

The Select Committee on Opening Parliament to the People resolved at its meeting of 15 February 2017 to seek your comments on its draft recommendations to the Legislative Assembly.

The working draft as at 20 February is attached and the Committee would appreciate your comments by 1 March 2017.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'J' and 'C' followed by a horizontal line.

Jeff Collins MLA  
Chair  
20 February 2016

# Draft Recommendations of the Select Committee on Opening Parliament to the people, as at 17 February 2017

## 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.

## 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.

## Recommendation 3

The Committee recommends that on tabling in the Assembly all reports from statutory bodies, and in particular the Electoral Commissioner's Election Reports, should stand referred to the relevant scrutiny committee for inquiry and report.

## Recommendation 4

The Committee recommends that there be portfolio scrutiny committees called the:

- a) *Portfolio Scrutiny Committee 1* that covers the portfolios of Children, Attorney-General and Justice, Health, Housing and Community Development, Education, and Territory Families; and
- b) *Portfolio Scrutiny Committee 2* 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.

## Recommendation 5

The Committee recommends that the Mondays of weeks in which the Assembly sits be set aside for committee meetings and public hearings and this be noted in the Assembly's sitting calendar.

## Recommendation 6

The Committee recommends that the portfolio scrutiny committees make use of subcommittees as provided under the Standing Orders to assist in the management of their workload.

## Recommendation 7

The Committee recommends that the provision for participation by Members who are not on a committee at committee meetings under Standing Order 193 be extended to include the private meetings of the committee.

**Recommendation 8**

The Committee recommends that the Assembly allows for the substitution of Members of a committee for specified periods of time or inquiries.

**Recommendation 9**

The Committee recommends that all Bills be required to be referred to a portfolio scrutiny committee for a period spanning at least three sittings of the Assembly (noting that the committee may complete its inquiry at any time during the period of referral), unless the Assembly declares the Bill to be urgent.

**Recommendation 10**

The Committee recommends that Government Agencies develop a system for providing briefing materials to the relevant portfolio scrutiny committee on the introduction of Bills in consultation with the committees.

**Recommendation 11**

The Committee recommends that the portfolio scrutiny committee have a general power to initiate inquiries within their portfolio areas.

**Recommendation 12**

The Committee recommends that the Assembly require any Member who is introducing a Bill to table a statement on whether the Bill is compatible with Human Rights, as defined in the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cwth).

**Recommendation 13**

The Committee recommends that the Assembly provide that any person or organisation aggrieved by subordinate legislation operating in contravention of fundamental legislative principles be able to make a complaint in writing to the relevant portfolio scrutiny committee and, unless the committee unanimously agrees not to proceed with the complaint, the committee will give the complainant the opportunity to address the committee.

**Recommendation 14**

The Committee recommends that the Government introduce amendments to the *Audit Act* to enable the Auditor-General to audit Agencies' performance information.

**Recommendation 15**

The Committee recommends that the written questions system under Chapter Eight of the Standing Orders be the only system used for questions in advance for Estimates hearings.

**Recommendation 16**

The Committee recommends that the time within which a Minister must respond to written questions should be modified so that any written question asked within a week of the introduction of an appropriation Bill must be responded to at least one clear day before the first day of the Estimates hearings.

**Recommendation 17**

The Committee recommends that the Standing Orders Committee review the effectiveness of the enforcement procedures for replies to written questions under Standing Order 114.

**Recommendation 18**

The Committee recommends that the portfolio scrutiny committees hold 60 hours of Estimates and Government Owned Corporations scrutiny hearings over two weeks in June and a week's Annual Reports hearings in November, with the two committees holding consecutive hearings.

**Recommendation 19**

The Committee recommends that the Government provide appropriate budget supplementation to the Department of the Legislative Assembly to provide for adequate secretariat support, committee expenses and a community liaison officer.

**Recommendation 20**

The Committee recommends that the Government provide funding to enable independent recording and broadcast of video from the Litchfield and Ormiston rooms.

**Recommendation 21**

The Committee recommends that the Assembly require the portfolio scrutiny committees to each produce an annual report of their activities.

**Recommendation 22**

The Committee recommends that:

- 1) the Assembly provides that any petition 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.

**Recommendation 23**

The Committee recommends that the Standing Orders Committee review the operation of the October 2016 reforms to Question Time after 12 months and consider whether further reforms would contribute to a more effective Question Time.

**Recommendation 24**

The Committee recommends that Standing Order 7 be amended to provide for an Acknowledgement of Country in accordance with an order of the Assembly.

**Recommendation 25**

The Committee recommends that the Standing Orders Committee consider options for making the Assembly more closely align with the Latimer House Guidelines for the Commonwealth and the Commonwealth Parliamentary Association Benchmarks for Democratic Legislatures with respect to an independent parliamentary service and parliamentary appropriation and whether the Assembly should undertake a periodic review of its compliance with these guidelines.

**Recommendation 26**

The Committee recommends that the House Committee inquire into and report on the provision of adequate financial analysis services for Members, including whether such services should be provided by a Parliamentary Budget Office.

**Recommendation 27**

The Committee recommends that the House Committee investigate the appropriate level and model of library services for Members of the Legislative Assembly, having regard to services provided in other jurisdictions, the research support needs of Members, and the need for independence in Members' research support.

## Appendix B: Draft Motions to Implement the Committee's Recommendations

### Draft Sessional Order for Portfolio Scrutiny Committees and the Referral of Bills

That for the duration of this session of the 13<sup>th</sup> Assembly certain Standing Orders be amended as follows:

Insert at the end of Standing Order 39(1) (Matters not open to debate) the following Sessional Order:

- (k) "that the Bill now be read a first time" (although a speech explaining the Bill is allowed – SO 143)
- (l) amendments recommended by a portfolio scrutiny committee "be adopted as part of the Bill" (SO 145)

Insert:

- (a) into the table in Standing Order 43 (Speech time limits) the following Sessional Order:

|  |            |
|--|------------|
| Bills  |            |
| Motions for managing Bills under Standing Order 144A(1)                |            |
| Mover  | 5 minutes  |
| Member next speaking   | 5 minutes  |
|  |            |
| Consideration in detail of appropriation Bill (Standing Order 144C(4)) |            |
| Whole debate not to exceed   | 5 hours    |
| Ministers and Leader of the Opposition                                 | 20 minutes |
| Other Members  | 10 minutes |

- (b) at the end of Standing Order 43:

- (5) consideration in detail of an appropriation Bill under Standing Order 144C(4)

Suspend Standing Order 143 and replace it with the following Sessional Order:

**STANDING ORDER 143 (AS SUSPENDED AND REPLACED BY SESSIONAL ORDER)**

***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* (Cwth) 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.

Insert the following new Sessional Orders after Standing Order 144:

**SESSIONAL ORDER 144A**

**Bill’s referral to a portfolio 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 portfolio 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 sitting day of the second set of sittings following the first reading (ie, the second resumption of sittings after a period of at least two weeks when the Assembly has not sat).
- (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, the second reading of the Bill is to be set down on the notice paper as an order of the day for a later hour.

## **SESSIONAL ORDER 144B**

### **Portfolio scrutiny committee reports on Bills**

- (1) A portfolio 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.

## **SESSIONAL ORDER 144C**

### **Portfolio scrutiny committee consideration of appropriation Bills**

- (1) After an annual appropriation Bill has been read a second time the Bill and related papers stand referred to the portfolio scrutiny committees.
- (2) Each portfolio scrutiny committee shall consider the appropriation Bill and related papers for the committee's allocated agencies.
- (3) The Assembly is by Order to:
  - (a) allocate the dates for the committees' hearings on the appropriation Bills;
  - (b) set a date by which the committees must report on the appropriation Bills to the Assembly; and
  - (c) make any other provisions relating to the committees' consideration of the appropriation Bills as it sees fit.
- (4) On the presentation of the committees' reports to the Assembly, or the expiry of the time by which the committees are to report, the Assembly will consider the question "that the Committees' reports be noted and the expenditure proposed in the appropriation Bill be agreed to". The time limits for this debate will be Ministers and Leader of the Opposition 20 minutes; other Members 10 minutes; and the question must be put after 5 hours.
- (5) When this motion has been agreed to by the Assembly, the third reading may be taken into consideration immediately.

Suspend Standing Order 145 and replace with:

### **STANDING ORDER 145 (AS SUSPENDED AND REPLACED BY SESSIONAL ORDER)**

#### ***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)”.

Suspend Standing Order 146 and Standing Order 147.

Suspend Standing Order 176 and replace with:

**STANDING ORDER 176 (AS SUSPENDED AND REPLACED BY SESSIONAL ORDER)**

**Portfolio Scrutiny Committees**

- (1) Two portfolio scrutiny committees shall be appointed at the commencement of each Assembly.
- (2) The Assembly will allocate each Ministerial portfolio and related Government Agencies, or parts of a Government Agencies, to a portfolio scrutiny committee.
- (3) The functions of the portfolio scrutiny committees shall be, in relation to their portfolio areas, to inquire and report on:
  - (a) any matter referred to it:
    - (i) by the Assembly;
    - (ii) by a Minister; or
    - (iii) on its own motion.
  - (b) any Bill referred to it under Standing Order 144A;
  - (c) in relation to any Bill read a first time in the Assembly, and any instruments of a legislative or administrative character which the Assembly may disallow or disapprove:
    - (i) whether that legislation has sufficient regard to the rights and liberties of individuals, including whether the legislation:
      - (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 legislation 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;
- or whether an instrument:
- (D) is within the authorising law which allows the instrument to be made; and
  - (E) is consistent with the policy objectives of the authorising law; and
  - (F) contains only matter appropriate to subordinate legislation; and
  - (G) amends statutory instruments only; and
  - (H) allows the subdelegation of a power delegated by an Act only in appropriate cases and to appropriate persons and if authorised by an Act.
- (d) the integrity, economy, efficiency and effectiveness of government financial management by examining the public accounts, reports of the Auditor-General, and any other reports tabled pursuant to the *Financial Management Act* or the *Audit Act*;
- (e) the performance and operation of Agencies, including the examination of the Annual Reports of the Agency;

- (f) the reports by statutory bodies tabled in the Assembly, including the relevant committee examining recommendations of the Electoral Commissioner tabled under section 313 of the *Electoral Act*.
  - (g) the annual Appropriation Bill and Budget Estimates, and the statements of corporate intent of any Government owned corporations.
- (4) Each portfolio scrutiny committee shall consist of seven Members.
  - (5) Each committee will provide an annual report of its activities to the Assembly.

Suspend Standing Orders 177 and replace with

**STANDING ORDER 177 (AS SUSPENDED AND REPLACED BY SESSIONAL ORDER)**

**Complaints regarding subordinate legislation**

- (1) Where a complaint is made to the relevant portfolio scrutiny committee or to the chair of the committee by a person or organisation aggrieved at the operation of an instrument of a legislative or administrative character which the Assembly may disallow or disapprove (regardless of whether or not the time during which such disallowance or disapproval can be made has expired), the complaint must be placed before the committee at its next meeting for the committee to consider whether, on the face of it, the complaint relates to one of the matters under Standing Order 176(3)(c).
- (2) The committee will give the person or organisation making the complaint an opportunity to address it on whether the instrument has sufficient regard to the rights and liberties of individuals or the institution of parliament unless the committee agrees by unanimous resolution not to proceed with the complaint.

Suspend Standing Order 178

Insert after Standing Order 181:

**STANDING ORDER 181A (AS INSERTED BY SESSIONAL ORDER)**

**Substitution of 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.

Omit from Standing Order 193(2) “public” and “and must withdraw when the committee is deliberating or taking evidence in camera”.

### **Draft Sessional Order for Appointing Scrutiny Committees**

- (1) Pursuant to Standing Order 176 (as suspended and replaced by Sessional Order), the Assembly appoints the following portfolio scrutiny committees:
  - (a) A committee called the Portfolio Scrutiny Committee 1 to which is allocated the portfolios of Children, Attorney-General and Justice, Health, Housing and Community Development, Education, and Territory Families; and
  - (b) A committee called the Portfolio Scrutiny Committee 2 to which is allocated 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.
- (2) The Members of the portfolio scrutiny committees will be four Government Members and one Opposition Member nominated to the Speaker in writing by the respective Whip and two non-party aligned Members to be appointed by motion

### **Draft Sessional Order regarding response times for written questions before Estimates.**

That for the duration of this session of the 13<sup>th</sup> Assembly Standing Order 114(2) be amended by:

- (a) inserting after “receipt”, “, apart from questions asked within 7 calendar days after the introduction of an annual appropriation Bill, in which case the Minister should respond at least one clear day before the commencement of Estimates hearings on that appropriation Bill” and
- (b) replacing “does not answer the question within 30 days” with “does not answer the question within the required time”.

## **Draft Sessional Order on Debate of Petitions signed by 1,000 or more persons**

That for the duration of this session of the 13<sup>th</sup> Assembly:

1. Insert into Standing Order 121 after “allowed” the words “, except for petitions set down on the Notice Paper under Standing Order 121A”
2. Insert the following new Sessional Order after Standing Order 121:

### **STANDING ORDER 121A**

#### **Debate on Petitions signed by 1,000 or more persons**

- (1) The subject matter of every petition tabled in the Assembly and announced by the Clerk as having been signed by 1,000 or more persons shall be set down on the Notice Paper as an Order of the Day for the noting of petitions, unless the Speaker determines that:
  - (a) the subject matter of the petition is so frivolous or vexatious as to not warrant the attention of the Assembly by way of debate under this sessional order; or
  - (b) a debate on a petition on the same subject has already taken place in the same session; or
  - (c) a debate on a petition would anticipate debate on another order on the notice paper; or
  - (d) other petitions on the same subject are also set down on the notice paper, in which case all such petitions shall be combined in the same order.
- (2) In determining whether a debate on the same subject has already taken place in the same session under (1)(b) the Speaker will have regard to whether the subject of the petition is the same in substance (not form) as a previous petition which has already been debated in that session.
- (3) Motions that the Assembly take note of a petition will be brought on for debate according to the adopted Routine of Business, in the order in which they are placed on the notice paper.
- (4) The mover and next Member speaking may speak for five minutes each and two other Members may speak for three minutes each after which the question shall be put.
- (5) If a Member does not seek the call when the Order of the Day to note a petition is called on that Order will lapse.
- (6) The motion to note the petition cannot be amended.
- (7) A Member shall not call a lack of quorum during the debate.

3. Insert into the table in Standing Order 43 (Speech time limits) the following Sessional Order:

|                              |           |
|------------------------------|-----------|
| Petitions<br>Motions to note |           |
| Mover                        | 5 minutes |
| Member next speaking         | 5 minutes |
| Two other Members            | 3 minutes |

4. Insert into the Sessional Order on the Routine of Business after “Discussion pursuant to Standing Order 66 (Matter of Public Importance)”, “Debate on petitions signed by 1,000 or more persons”.

### **Draft Sessional Order on Debate of Government Responses to Petitions**

That for the duration of this session of the 13<sup>th</sup> Assembly:

1. Insert the following new Sessional Order after Standing Order 123:

#### **STANDING ORDER 123A**

##### **Debate on Government responses to petitions**

- (1) A response to a petition presented to the Assembly shall be listed on the Notice Paper for the next meeting day only as ‘Government Responses to Petitions Tabled Last Meeting’.
- (2) According to the adopted Routine of Business, the Speaker shall in turn read the title of each Government response to a petition tabled last meeting and ask if the Assembly wishes to note the response.
- (3) If four Members rise in their place to seek the call, the Speaker shall give the call to the first Member rising to move “that the Assembly takes note of the response to the petition”.
- (4) The mover and next Member speaking may speak for five minutes each and two other Members may speak for three minutes each after which the question shall be put.
- (5) The motion to note the response cannot be amended.
- (6) A Member shall not call a lack of quorum during the debate.

2. Insert into the table in Standing Order 43 (Speech time limits) the following Sessional Order:

|  |           |
|--|-----------|
| Response to Petitions<br>Motions to note |           |
| Mover                                    | 5 minutes |
| Member next speaking                     | 5 minutes |
| Two other Members                        | 3 minutes |

3. Insert into the Sessional Order on the Routine of Business as the final item for each day "Consideration of Government responses to petitions".

### **Draft Sessional Order on Requiring Petitioners be a Resident of the Northern Territory**

That for the duration of this session of the 13<sup>th</sup> Assembly Standing Order 119 be amended by inserting after clause (6):

- (6A) every petitioner must be a resident of the Northern Territory and include their address on the petition

### **Draft Sessional Order on Acknowledgement of Country**

That for the duration of this session of the 13<sup>th</sup> Assembly Standing Order 7 be suspended and replaced with:

#### **STANDING ORDER 7**

#### **Acknowledgement of Country and Prayers**

An acknowledgement of country and prayers are conducted by the Speaker or nominee at the commencement of each day in accordance with an order of the Assembly.

### **Draft referral to the Standing Orders Committee**

The Standing Orders Committee inquire into and report on:

- (1) the procedures for the enforcement of the requirement under Standing Order 114 for a Minister to respond to a written question within 30 days of receipt.
- (2) options for enabling electronic petitions through the Assembly's website, including the costs of establishing and maintaining such a facility.
- (3) the first 12 months of the operation of the October 2016 reforms to Question Time and consider whether further reforms would contribute to a more effective Question Time.
- (4) options for making the Assembly more closely align with the Latimer House Guidelines for the Commonwealth and the Commonwealth Parliamentary Association Benchmarks for Democratic Legislatures with respect to an independent parliamentary

service and parliamentary appropriation and whether the Assembly should undertake a periodic review of its compliance with these guidelines.

### **Draft referral to the House Committee**

The House Committee inquire into and report on:

- (1) the provision of adequate financial analysis services for Members of the Legislative Assembly, including whether such services should be provided by a Parliamentary Budget Office.
- (2) the appropriate level and model of library services for Members of the Legislative Assembly, having regard to services provided in other jurisdictions, the research support needs of Members, and the need for independence in Members' research support.

Draft In Confidence