



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Select Committee on Opening Parliament to the People

Green Paper on Parliamentary Reform

October 2016

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Chair's Preface

The Select Committee on Opening Parliament to the People was established as one of the first orders of business of the 13th Assembly.

Opening the Parliament to the people is a priority for the Assembly, and it has created this committee as a means of consulting with the community on how this can best be achieved. It has asked this Committee to look at how the parliament can work better; how the parliament can be more open, transparent and accountable to the people of the Northern Territory.

The 13th Assembly has a unique make-up. It is diverse and represents broad community views perhaps more than any other Assembly. The work of this committee will be to ensure those broad views are properly represented in the Assembly.

This Green Paper is the first step in the process. It put forwards a range of reforms that have been the subject of discussion over the last year and invites further suggestions. The Committee trusts that this paper will be a catalyst for thought and debate on what can be done to make the Assembly be more accessible to, and work more effectively for, the people of the Northern Territory.








I encourage you to forward your ideas to the Committee by Monday, 28 November 2016.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal tail extending to the right.

Jeff Collins MLA

Chair

Committee Members

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	Select:	Opening Parliament to the People
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Terms of Reference

1. A Select Committee on the subject of Opening Parliament to the People be appointed comprising the Members for Fong Lim, Stuart, Sanderson, Karama, Daly, Nelson and Araluen.
2. The Committee is to inquire into options for parliamentary reform, particularly increased participation in the legislative process and policy debates and improving the effectiveness of Question Time, having regard to, among other things, the Parliamentary Reform - Opening Parliament to the People (Labor Policy Discussion Paper) and Restoring Integrity to Government – Trust and Integrity Reform Discussion Papers published by the then Opposition ahead of the Northern Territory Election and the Discussion Paper on Assembly Committee Reform tabled by the Speaker on 25 August 2015 and other proposals which the 12th Assembly Standing Orders Committee deferred for consideration of the 13th Assembly.
3. The Committee is to report to the Assembly by 31 March 2017.

Resolved by the Legislative Assembly on 19 October 2016

1 Background

- 1.1 The Legislative Assembly has asked the Select Committee on Opening Parliament to the People to explore options for parliamentary reform, particularly increased participation in the legislative process and policy debates and improving the effectiveness of Question Time.
- 1.2 The Committee is putting out this green paper to seek public comment on how best to open the Parliament to the people.
- 1.3 Parliamentary reform has been a matter for public debate recently. Territory Labor released its Discussion Paper on *Opening Parliament to the People* on 19 August 2015. The Speaker tabled a *Discussion Paper on Assembly Committee Reform* on 25 August 2015. The Standing Orders Committee of the 12th Assembly completed a modernisation of the Standing Orders and a further three reports recommending a range of procedural reforms.
- 1.4 This green paper draws from that debate to put forward specific proposals for public comment. These proposals include:
 - Establishing two portfolio based scrutiny committees to inquire into and report on:
 - Any matter referred by the Assembly or a Minister;
 - The provisions of Bills and regulations (also called subordinate legislation);
 - The impact of Bills and subordinate legislation on rights, liberties and the institution of Parliament;
 - Public accounts and Auditor-General's reports;
 - Performance, operation and Annual Reports of Government Agencies; and
 - The annual Budget Appropriation Bill and Estimates.
 - Referring all but urgent Bills to the scrutiny committees for community consultation
 - Allocating Wednesday mornings of sitting weeks for committees
 - Allocating the remainder of Wednesdays to non-Government questions and General Business
 - Allowing debate of petitions with more than 500 signatures
 - Reducing restrictions on supplementary questions
- 1.5 The Committee seeks your comments, criticisms and suggestions on these proposals, and any further proposals, to better enable Territorians to be active participants in their Legislative Assembly, and to make the Assembly provide better governance for the people of the Northern Territory.

- 1.6 The Committee invites you to write to it with your feedback to its inquiry by Monday, 28 November 2016.

2 New Scrutiny Committees

2.1 As suggested in the *Discussion Paper on Assembly Committee Reform*, it is proposed that the Assembly establish two scrutiny committees:

- Children, Families and Central Agencies Committee
- Development, Tourism, Environment and Culture Committee

2.2 The committees will be allocated coverage of the related departmental clusters.

2.3 Within these subject areas, each committee will perform all the functions of scrutiny committees, through the following terms of reference:

Any matter referred by the Assembly or a Minister—this will allow the Assembly or a Minister to refer any issues of concern or difficult policy issues for an inquiry.

The provisions of Bills and subordinate legislation—this will allow the committees to seek public comment and departmental advice on referred Bills and report to the Assembly on its deliberations, including recommending any amendments.

The impact of Bills and subordinate legislation on rights, liberties, and the institution of Parliament—this gives each committee the formal ‘rights and liberties’ scrutiny function performed by the previous Subordinate Legislation and Publications Committee and expands that power to include consideration of Bills, using the fundamental legislative principles set out in section 4 of Queensland’s *Legislative Standards Act 1992*. As is currently the practice with subordinate legislation, this function could be assisted by the committees obtaining legal advice when required. Such scrutiny is becoming the norm around Australia to ensure that parliaments do not inadvertently take away people’s rights.

Public Accounts and Auditor-General’s reports—this will allow the committees to perform the functions of a Public Accounts Committee for agencies within their subject areas. Both committees will meet with the Auditor-General to discuss their reports and follow-up with the relevant Agencies.

Performance, operation and Annual Reports of agencies—examining the performance and operation of agencies would be an expansion of the committees’ Public Accounts role. It is also proposed that an annual week of hearings on Annual Reports be introduced.

The annual Appropriation Bill and Estimates—Estimates hearings will be conducted in a similar manner as previously, except that the Agency responsible for each Budget output would be examined by the committee to which it is allocated. This function will work together with the function of reviewing Annual Reports, with a week’s hearings on Estimates around June and a week’s hearing on Annual Reports around November.

- 2.4 The new scrutiny committees would replace the former Subordinate Legislation and Publications, Public Accounts, and Legal and Constitutional Affairs committees as the new committees will perform those committees' functions. There will be no change to the existing Standing Orders, Privileges or House committees.
- 2.5 The scrutiny committees could also take referrals on any substantive inquiries as an alternative to establishing select committees.
- 2.6 The Children, Families and Central Agencies Committee would be allocated the following Agencies:
- Department of the Attorney-General and Justice,
 - Department of the Chief Minister,
 - Department of Corporate and Information Services,
 - Department of Education,
 - Department of Health,
 - Department of Housing and Community Development,
 - Department of the Legislative Assembly,
 - Department of Treasury and Finance,
 - Territory Families,
 - Auditor-General's Office,
 - Northern Territory Electoral Commission,
 - Northern Territory Emergency Service,
 - Northern Territory Fire and Rescue Service,
 - Office of the Commissioner for Public Employment,
 - Ombudsman's Office,
 - Police Civil Employment Unit,
 - Northern Territory Police, Fire and Emergency Services,
 - Department of Housing and Community Development – NT Home Ownership,
 - Northern Territory Police, Fire and Emergency Services,
 - Northern Territory Treasury Corporation.
- 2.7 The Development, Tourism, Environment and Culture Committee would be allocated:
- Department of Environment and Natural Resources,
 - Department of Infrastructure, Planning and Logistics,
 - Department of Primary Industry and Resources,
 - Department of Trade, Business and Innovation,
 - Department of Tourism and Culture,
 - Land Development Corporation, and
 - Aboriginal Areas Protection Authority.

3 Consulting the Community on Bills

- 3.1 Assembly committees are extensions of the Assembly that do the work that cannot easily be done by the whole Assembly. They enable Members of the Assembly to hold a conversation with the community and each other as part of the Assembly's proceedings without the formal debating rules of the Assembly.
- 3.2 Referring Bills and other matters to committees will enable the committees to seek community feedback as part of the Assembly's proceedings. The community's comments through submissions and hearings will form part of the Assembly's public record, be reported back to the whole Assembly, and help shape the laws the Assembly makes.
- 3.3 The committees will provide a public forum for discussing the pros and cons of a proposed law and work through possible implications before they are enacted. This assists the proponents of a Bill to explain why it is needed, and those concerned with a proposal to test its merits, leading to better quality legislation.
- 3.4 They can also help address the difficult issues faced by governments by bringing together business, union, academic, professional, industry and community views in order to find innovative solutions.
- 3.5 Allocating time in Assembly meeting weeks for committee hearings will give time for the community to tell Members what they think about issues the Assembly is considering.
- 3.6 Parliaments around the world, particularly those without an upper house, have been increasingly turning to their committees to enable people to be involved in their work.
- 3.7 The Committee proposes that referral of Bills to a committee be the norm.
- 3.8 These changes will make community input an integral part of the legislative process. They will strengthen the Assembly's ability to have conversations with the people it represents and to give detailed consideration to vital public issues.

4 Passage of Bills

4.1 It is proposed that the passage of Bills through the Assembly will occur as follows:

In Assembly

1. Introduction and Member's speech explaining the purpose of the Bill.
2. Motion for First Reading.
3. Motion determining which committee the Bill is referred to and the reporting date, or declaring the Bill urgent and proceeding to second reading.

In scrutiny committee

4. Committee calls for public submissions by a specified date, typically prior to the next sittings, by notification on the Assembly's website, emails to subscribers and identified stakeholders and advertisements.
5. Committee considers any issues raised and, if needed, holds hearings during the first Assembly meeting week following the introduction of the Bill.

In Assembly

6. Committee reports to the Assembly by the date set by the Assembly, with any recommendations regarding passage or amendment.
7. Second reading of the Bill moved at a subsequent meeting of the Assembly. Immediately prior to moving the second reading, the Member in charge of the Bill may move to adopt any amendments proposed by the committee.
8. Assembly debates second reading (which is when Members debate whether they agree in general with the Bill).
9. After the second reading the Assembly may consider the Bill in detail to make any further amendments.
10. The Assembly passes third reading and the Bill is sent to the Administrator for assent.

4.2 The timeframe for each Bill would be subject to the will of the Assembly. A typical passage of a Bill would span three sets of meetings of the Assembly, with introduction into the Assembly and referral to a committee in the first meeting, the committee's consideration of submissions and hearings at the second, and the Assembly's consideration of the committee's report and passage of the Bill at the third. A notional Assembly meeting calendar with scenarios for Bills is at Appendix A.

4.3 If there is an urgent need for the Bill, the Member in charge of the Bill can move for the Assembly to declare the Bill urgent instead of referring it to a committee. This will be subject to a brief debate so a case will have to be made about urgency.

- 4.4 Committees will adapt the consideration they give to each Bill according to the issues raised and the time allowed by the Assembly. All Bills will be the subject of a call for submissions, but if no submissions were received and no Member had concerns the committee could give a 'no issues' report without further investigation. For a complex Bill, a committee may seek a detailed public briefing from the relevant agency, and for a controversial Bill a committee may hold hearings to canvass and test a range of viewpoints. Public submissions and witnesses will be a key feature.
- 4.5 The committees will need to adapt their processes to meet the timetable set by the Assembly. Further time may be sought from the Assembly, but the Assembly would not be prevented from passing legislation because a committee had not reported by the prescribed date. The committees will need to prioritise their work. It will not be possible to have exhaustive consideration of each Bill coming before the Assembly. The committee members' judgment and issues raised in submissions will inform the committees' decisions on how to spend the time available to them.
- 4.6 A notable procedural change is that the former "second reading speech" where the Minister outlines the purpose of the Bill will become the "explanatory speech" given when the Bill is introduced. The speech that the Minister gives when moving the second reading will be responding to the committee's report.

5 Committee Time Allocation and Membership

Allocating Committee Time

- 5.1 It is proposed to allocate Wednesday morning of each week the Assembly meets to committee meetings. Committee work is Assembly work.
- 5.2 Allocating Assembly time to committees will assist Members manage their increased workload and further integrate committee proceedings as part of the legislative process. Having a regular time for committees will also assist government Agencies, the public, media outlets and interested organisations to work in with and access committee proceedings.
- 5.3 This is a common practice of unicameral parliaments. For example, the Queensland Parliament allocates Wednesday mornings of sitting weeks to committees and the New Zealand, Scottish and Welsh Parliaments have committee meetings on all sitting day mornings.
- 5.4 Dedicating a morning each Assembly meeting week for committees will allow up to five hours of hearings and deliberations (eg, meetings from 8.30 am to 1.30 pm) while reducing the time for full Assembly meetings only by two hours.
- 5.5 Including additional time for committee activity during the sitting weeks would also reduce the cost of travel to Darwin that would otherwise be required to attend committee meetings.

Committee Membership

- 5.6 It is proposed the new Assembly scrutiny committees each have seven Members reflecting the importance of this role. To reflect the current Assembly, the committees would have four Government Members, one Opposition Member and two independent Members.
- 5.7 With both committees meeting each Wednesday morning 14 Members of the Assembly will be engaged in detailed Assembly work at the same time. This will be a more effective use of what was previously two hours work when any number of Members were in and out of the Chamber. This concentration of effort will focus the Members during this procedure.

6 Super Scrutiny Wednesdays

- 6.1 In addition to allocating Wednesday mornings to committee meetings, it is proposed that each Wednesday Assembly meeting be a day of intense scrutiny through:
- Only allowing Opposition and independent Members ask questions during Question Time
 - Allocating most of the remainder of the meeting to General Business (Bills and motions not moved by the Government).
- 6.2 This will effectively dedicate a third of the Assembly's meeting days to opportunities for the Opposition and independent Members to test the Government's proposed legislation, inquire into Government activity, and move motions and lead debate on issues of concern to them and propose changes they believe are required to the law.
- 6.3 General Business will follow Question Time until 7pm on Wednesdays, at which time a Minister will move that the Assembly adjourn unless there is urgent Government Business to be dealt with.

7 Consideration of Estimates and Annual Reports

- 7.1 For over a decade the Assembly has been setting aside two sitting weeks each year to question Ministers about Budget Estimates during June. This questioning has looked at both the Budget for the coming year and the performance of Agencies over the last year. One of the problems with reviewing the performance of agencies in June is that in many cases the most up to date performance information contained within the most recent annual report is over 11 months old.
- 7.2 To enable Ministers to be questioned on their agencies' performance in a more timely manner, it is proposed that the two weeks of Estimates hearings be replaced by one week of Estimates hearings in June and one week of hearings on Annual Reports later in the year.
- 7.3 For most Agencies, Annual Reports must be provided to the Minister within three months of the end of the financial year (September) and the Minister must table the report within six sitting days of receiving it (s 28 *Public Sector Employment and Management Act*). To ensure most Annual Reports are available, the hearings would need to be held after the Assembly had at least six sitting days after September. A suggested timetable would therefore be to have two sitting weeks in October and then a week's hearing on Annual Reports a few weeks later in November.
- 7.4 Both the Estimates and the Annual Reports hearings would be conducted by the two scrutiny committees, with each committee asking questions relating to their allocated agencies.

8 Debating petitions

- 8.1 The Territory Labor Discussion Paper canvasses options for enabling the community to determine what is considered in Parliament, such as debating petitions over a set threshold of signatures. Such a system exists in the UK House of Commons, where petitions with over 100,000 signatures are considered by the Backbench Committee for debate in Westminster Hall.
- 8.2 In the Scottish Parliament all petitions are considered by the Public Petitions Committee which determines, after hearing from the petitioner or seeking submissions from organisations if necessary, whether to refer the petition to a subject committee, submit it for debate in the House, or take no further action. The Queensland Committee on the Legislative Assembly has twice recommended that portfolio committees have the ability to inquire into any petition but this has not been implemented. None of these parliaments provide for the automatic debate of a petition.
- 8.3 Providing for committee consideration of a petition is the most comprehensive response, as it allows for a thorough inquiry which may then be debated in the Assembly. However, given the small number of committees in the Assembly, any petitions would have to compete for the committee's time against a range of other priorities. Providing a debate on significant petitions would be easier to fit into the Assembly's work program.
- 8.4 Regardless of a petition having a large number of signatures, there must be Members wanting to debate a petition before a debate is scheduled. A convenient means of doing this would be to treat it in a similar way to a Matter of Public Importance, where discussion will proceed in a timely manner with the support of four Members and a time limit of two hours for the debate.
- 8.5 The Committee therefore proposes that after a petition with 500 or more signatures is read in the Assembly, any Member may ask that the petition be debated. If that request is supported by four Members rising in their places, the Member may give notice of a motion regarding the petition which will be set down for the time for Matters of Public Importance with the same time limits (see Standing Order 43).

9 Reforming Question Time

- 9.1 The Assembly has already introduced reforms to prevent Dorothy Dix questions during Wednesdays' Question Times and require subsequent questions to be asked of different Ministers. The Committee seeks feedback on those reforms.
- 9.2 The committee further proposes to lift the restriction on supplementary questions and to remove the prohibition on repeating a question already asked. Allowing further questioning of the Minister on their answer, or to call attention to the lack of an answer, should result in more relevant and meaningful answers. This is similar to the rules of the House of Commons, which allows a Member to ask one supplementary question and other Members to ask further supplementary questions at the discretion of the Speaker.
- 9.3 The Committee also proposes that the time allowed to ask a question be reduced to 30 seconds. The current 60 seconds gives time for the questioner to give significant narrative and in effect commence a debate, which in effect invite the Minister to respond by entering into the debate commenced rather than answering the question. Less time to ask the question would lead to more specific questions that do not invite wide ranging debate.

10 Acknowledgement of Country and Prayers

- 10.1 Standing Order 7 provides for prayers to be conducted at the commencement of each day in accordance with an order of the Assembly. This requires each new Assembly to determine what it will do regarding prayers. The thirteenth Assembly has resolved to keep the same prayer as the previous Assembly, which includes a parliamentary prayer and the Lord's Prayer:

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

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

- 10.2 Around Australia, most parliaments commence with a parliamentary prayer or the Lord's Prayer. In the ACT Legislative Assembly, the Speaker invites Members to "stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory".

- 10.3 Many Parliaments also include an acknowledgement of country. For example, Standing Order 38 of the Australian House of Representatives requires the Speaker to say immediately before similar prayers to that used by the Assembly the following:

I acknowledge the Ngunnawal and Ngambri peoples who are the traditional custodians of the Canberra area and pay respect to the elders, past and present, of all Australia's Indigenous peoples.

- 10.4 The Committee invites submissions on whether the Assembly should retain its current prayers, adopt different prayers or a time of reflection, and whether, and what form of acknowledgement of country should also be included.

Appendix A: Notional timeframe for passage of a Bill

For illustrative purposes, presume the following meeting pattern:

	Tuesday	Wednesday	Thursday
February sittings	7	8	9
March sittings	14	15	16
April sittings	4	5	6

If notice of a Bill was given on 7 February, it could be introduced on 8 February and referred to a scrutiny committee with a report due by 5 April.

On 9 February the scrutiny committee would send a call for submissions to those on its subscription list and any other identified stakeholders and it would appear in the NT News on Saturday, 11 February in an advertisement showing all calls for submissions for Bills referred to committees. Submissions would be due by 6 March. When the Committee considered it necessary it would also send the Bill for specialist advice on whether the Bill conforms to fundamental legal principles.

If no submissions raised issues, there were no questions regarding conforming with fundamental legal principles, and no committee Members held concerns, the Committee could report out of session on 13 March that there were no concerns with the Bill and the second reading of the Bill would be an Order of the Day for 14 March. On 14 March the Bill could pass its second and third reading and become a proposed law.

If submissions on the Bill raised concerns, the Committee could schedule hearings with the responsible agency and relevant stakeholders for the morning of 15 March. On considering this evidence, the committee may seek the advice of Parliamentary Counsel on an amendment to address a particular concern and produce a report recommending the Bill be passed with an amendment. The committee would also consider any concerns raised regarding whether the Bill complied with fundamental legislative principles and include in its report any issue it considered the Assembly should be alerted to.

The Chair may table the report on 5 April and make a statement outlining the reasoning of the committee. The second reading of the Bill would then go on the Notice Paper as an Order of the Day for 6 April. On 6 April the Minister in charge of the Bill may move that the amendment recommended by the committee be adopted, which will immediately be voted on without debate. The Minister will then move that the Bill be read a second time and the Assembly can proceed to the third reading and pass the Bill.

Appendix B: Draft Sessional Order for Scrutiny Committees

that for the duration of this session of the 13th Assembly certain Standing Orders be suspended and replaced as follows:

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

- (k) that amendments recommended by a scrutiny committee “be adopted as part of the Bill” (SO 145)

Insert 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

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 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 scrutiny committee

- (1) After the first reading of a Bill other than an annual appropriation Bill, the Member in charge of the Bill is to immediately move either:
 - (a) a motion referring the Bill to a particular scrutiny committee for report by a particular date, or
 - (b) "that the Bill be declared to be urgent".
- (2) The mover and one other Member may speak for up to five minutes to this motion and then the question is to be put.
- (3) This motion may be amended, but if the motion, with or without amendment, is defeated, then the Bill shall proceed no further.
- (4) 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".
- (5) 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

Scrutiny Committee reports on Bills

- (1) A scrutiny committee's report on a referred Bill may recommend whether to pass the Bill and may recommend amendments to the Bill that are relevant to the subject matter of the Bill.
- (2) The committee must table its report on a Bill by the date set by the Assembly for report.
- (3) The Assembly may change the date set for a report on a Bill by motion.
- (4) Following the tabling of a report on a Bill, or expiry of the date for report, the second reading of the Bill will be set down on the notice paper as an order of the day.

SESSIONAL ORDER 144C

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 scrutiny committees.
- (2) Each 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)

Scrutiny Committees

- (1) Two scrutiny committees shall be appointed at the commencement of each Assembly.

- (2) The Assembly will allocate each Government Agency, or part of a Government Agency, to a scrutiny committee.
- (3) The functions of the scrutiny committees shall be, in relation to the Agencies allocated by the Assembly, to inquire and report on:
 - (a) any matter referred to it by:
 - (i) the Assembly; or
 - (ii) a Minister;
 - (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 annual Appropriation Bill and Budget Estimates, and the statements of corporate intent of any Government owned corporations.
- (4) Each scrutiny committee shall consist of seven Members.

Suspend Standing Orders 177 and 178