



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Standing Orders Committee

Second Report of the 11th Assembly
including
Consideration of General Business and Standing Orders with
Gender Neutral Language

May 2009

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May 2009

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Standing Orders Committee

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Members of the Committee as at May 2009

Dr Chris Burns MLA - Chairman
The Honourable Jane Aagaard MLA
Mr Matt Conlan MLA
Mr Michael Gunner MLA
Mr Peter Styles MLA

Committee Secretariat

Mr Ian McNeill, Secretary
Ms Jane Gunner, Research/Administrative Officer

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Membership of the committee at the time of tabling of the Report:

Dr Chris Burns MLA

Appointed 10 February 2009
Australian Labor Party
Member for Johnston: First elected 18 August 2001
Leader of Government Business
Minister for Business
Minister for Tourism
Minister for Trade
Minister for Asian Relations
Minister for Defence Support
Other Committees: Members' Interests

The Honourable Jane Aagaard MLA

Appointed 9 September 2008
Australian Labor Party
Member for Nightcliff: First elected 18 August 2001
Speaker of the Legislative Assembly
Other Committees: Members' Interests, House, Legal and Constitutional Affairs

Mr Matthew Conlan MLA

Appointed 9 September 2008
Country Liberal Party
Member for Greateorex: First elected 28 July 2007
Other Committees: Members' Interests

Mr Michael Gunner MLA

Appointed 9 September 2008
Australian Labor Party
Member for Fannie Bay: First elected 9 August 2008
Government Whip
Other Committees: Members' Interests, Public Accounts, Legal and Constitutional Affairs, Subordinate Legislation and Publications, Environment and Sustainable Development

Mr Peter Styles MLA

Appointed 9 September 2008
Country Liberal Party
Member for Sanderson: First elected: 9 August 2008
Other Committees: Members' Interests, Environment and Sustainable Development

Recommendations

The Standing Orders Committee recommends:

1. That Standing Order 93—*Order and Precedence for Government Business*—not be amended.
2. That, at the next reprint of the Standing Orders gender neutral language be included.

Consideration of General Business

Introduction

The Committee at its meeting on 24 November 2008 adopted a reference from Opposition members to consider options for the programming of General Business taking into account the practice in other Australian and New Zealand jurisdictions and report to the Assembly during the April sittings.

The Opposition submitted the following proposals:

- 2pm-6pm (4 hours) on Monday of each sitting week; or
- Two (2) hours every sitting period.

The Committee agreed to consider the Opposition proposals and the practice in other jurisdictions for consideration at the next meeting.

The Committee at its meeting on 17 February 2009 was provided with a summary of the time allocated to General Business and/or Private Members' Business in Australian and New Zealand jurisdictions (Appendix A).

Committee members discussed the time currently allocated for General Business and the time proposed to be allocated under the Opposition proposals which involved a preference for two (2) hours per sitting day.

The Committee members agreed to discuss with colleagues the consideration of General Business Notices and Orders of the Day and the allocation of time to any Independent Members.

It was agreed to write to the Independent Member for Nelson, Mr Gerry Wood MLA to invite him to provide a submission and to appear as a witness and provide his views on the reference in respect of the options for the consideration of General Business at the next Committee meeting.

Mr Wood, appearing before the Committee at its meeting on 25 March 2009, provided comment on the consideration of General Business

Mr Wood indicated his preference for three (3) hours each Wednesday of a sitting week and supported the current procedure for General Business items to be considered in the chronological order in which notice of the item of business is given to the Assembly. Mr Wood did not support a scheme of allocated time for Opposition and Independent Members.

Opposition members of the Committee proposed the option of the allocation of four (4) hours per sitting week for General Business, retaining the current system of items being placed under General Business in the order of which notice is given.

The Government members of the Committee did not support a change to the Standing Order.

In support of this proposal the following points were submitted:

- The Government had recently increased the number of sitting days per year by three (3) which brings on the GBD sooner.
- The Government believed that the current arrangements allow a good balance between the Government's legislative program and the opportunities for the discussion of General Business items.
- The Government did not feel that there were sufficient safeguards to protect the future interests of Independent members and possible minor party members.

The Committee discussed the proposed options and passed a Resolution to report to the Assembly a recommendation that Standing Order 93—*Order and Precedence for Government Business* not be amended.

Recommendation

That Standing Order 93—*Order and Precedence for Government Business*—not be amended.

Standing Orders with General Neutral Language

Introduction

During the 10th Assembly the Standing Orders Committee commenced a review of the Standing Orders.

The Committee at its meeting on 17 February 2009 considered those Standing Orders that had been amended with gender neutral language.

The Committee agreed to retain the word 'stranger' and that all gender-specific references be replaced with gender neutral terms in the Standing Orders. It was also agreed that on completion of the review the amended Standing Orders be tabled in the Assembly for consideration.

Committee members were provided with the final version of the revised Standing Orders incorporating gender neutral language for consideration at the next meeting.

The Committee at its meeting on 25 March 2009 agreed that at the time of the next reprint of the Standing Orders the agreed paper on the gender neutral terms be included.

A copy of the Standing Orders with gender neutral language is available on the Northern Territory Legislative Assembly Intranet site.

Recommendation

That, at the next reprint of the Standing Orders gender neutral language be included.

Dissenting Report

Country Liberals

Standing Orders Committee

Time Allocated for General Business

Dissenting Report 29 April 2009

When the Government notified the Chamber of the review into the operations of the Chamber and set down meetings of the Standing Orders Committee to undertake this review and hear voices from all sides, the Opposition took this approach seriously, and took the Government at their word of being genuine.

Since that time the Government, led ably by the Member for Karama, referred sitting times to the Standing Orders Committee, along with the number of sitting days, however failed to wait for the processes of the Standing Orders Committee to be completed before entering procedural motions into Parliament. What could have and should have been a bi-partisan approach to Chamber operations was not.

In the relatively short window of time that was available to the Opposition we compiled a short submission outlining areas which we believed should have been considered for change. In the partisan approach to Chamber operations that is the modus operandi of this Government, these considerations were not considered and the Government has ploughed on with its own agenda.

This couldn't be even clearer in respect to the issue of General Business. The Legislative Assembly undertook a collation of the operations of General Business from a number of other Australian jurisdictions and included in this was New Zealand. The evidence that this Parliament is the worst in respect to non-Ministerial initiation and consequently transparency and accountability of Government is without question.

It appears that with the exception of Victoria, all jurisdictions have adopted rules in relation to General Business that provides much greater transparency of Government and governing in the Northern Territory.

Members of Parliament in the Northern Territory have an opportunity of one General Business Sitting day, with an effective 8 hours, every 12 Sitting days.

In the Northern Territory this is the equivalent of 2 and two thirds days (out of 33 days across 11 weeks) each year or 22 hours of General Business. On a percentage term that is about 8% of available time.

South Australia has 17 Sitting weeks. The effective time for General Business there is about 60 hours, with 3.5 hours put aside each week. Even if South

Australia Parliament is extended to the maximum number of hours per day, this allows 14% of time for General Business.

In Queensland, there are seven Sitting weeks currently planned for 2009. At 4 hours per week (28 hours total), and an average 34 hours of Parliament per Sitting week, that is approximately 12% of the available time.

The Legislative Assembly of New South Wales provides for 3½ hours per week for General Business Notices. In 2009, that will be 18 Sitting weeks, giving about 60 hours of General Business. On a percentage term with the LA Sitting for approximately 24 hours per week, 14% is for General Business.

In Western Australia there is about 23 hours of Parliament each Sitting week. 3 hours a week (or 13%) is set aside for General Business. In general terms, with 20 to 24 weeks of Sittings each year, that is from 60-72 hours.

Tasmania allows 3½ hours each Sitting week for private members' time. 49 Sitting days over 16 weeks gives about 54 hours of time. This is approximately the same as New South Wales at 14% of available time.

In summary, to achieve a comparable amount of transparency, the Northern Territory should adopt a model that provides for 3½ to 4 hours per Sitting week, or set aside a minimum of 1 day in every seven Sitting days for General Business.

As the Government have failed to adopt or even consider our recommendation in respect to this matter we offer this Dissenting Report.

Further, and importantly, the Government has failed to articulate arguments to justify the continuation of the significantly lower amount of time provided for General Business in comparison to our peers. We can but only conclude from this that the Labor Government is only interested in looking like it wants to consult however the reality when tested is that Labor is not interested in any other stakeholders view, nor are they interested in anything that provides greater levels of accountability.

This is a shame, as if there was anything that should operate in a bi-partisan manner it is the rules that govern the operation of the Assembly.



Peter Styles MLA
Member for Sanderson



Matt Conlan MLA
Member for Greatorex



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
11th Assembly

Standing Orders Committee

Appendix A:

Time allocated for consideration of General Business / Private Members' Business, Practice in other Australian and New Zealand Jurisdictions

<p>Western Australian Legislative Assembly 3 hours each sitting Wednesday</p>
<p>Queensland Wednesdays are the main day for general business. 11.30am-12.00pm Private Members' Statements and introduction of PM Bills. 5.30pm-6.30pm Private Members' motion. 7.30pm-10.00pm Disallowance motions, debate of PB Bills (if none, then government business is conducted.)In addition, every Tuesday from 11.30am-12.30pm there are Matters of Public Interest (Leader of Opposition has 10mins other members 5 mins). And of course the 30min adjournment debate at the end of each sitting day.</p>
<p>ACT Standing orders have been amended to allow for an extra hour per sitting day. On Wednesdays, apart from Question Time, 10am to 12.30pm and from 3pm till 6pm is available for private Members business. That is a total of 5 and 1/2 hours amongst 12 non-Executive members. The Committee is working on a roster to allocate 6 items of business for Wednesdays in the following manner - 3 spots for the opposition (6 MLAs), 2 spots for the Greens (4 MLAs, including the Speaker) and 1 spot for the government (2 MLAs).</p>
<p>Tasmanian House of Assembly Private members' time is set down for 3 and one half hours on Wednesdays. There have been suggestions to extend that time by two hours but no decision has yet been reached.</p>
<p>New South Wales Legislative Assembly Under the sessional orders adopted by the House time is set aside for General Business as follows: Thursday: 11.45 am to 1.30 pm – General Business Notices of Motions or Orders of the Day (not being Bills); Thursday: 4.30 pm to 5.30 pm – General Business Orders of the Day for Bills; and Friday: 10.00 am to 10.30 am – General Business Notice of Motions for Bills. Private Members are also given other opportunities in the routine of business including:</p>

(1) Private Members' Statements (5 minute statement) each sitting day as follows:

Tuesday – 1.00 pm to 2.15 pm;

Wednesday – 5.45 pm to 7.00 pm;

Thursday – 5.30 pm to 6.30 pm; and

Friday – 1.30 pm to 2.30 pm.

(2) Matter of public importance each Tuesday and Wednesday from 7.00 pm to 7.30 pm. The Speaker determines which matter will be discussed and alternates between Government and non-Government Members. The time limit for the discussion is as follows:

Mover – 7 minutes;

Member next speaking – 7 minutes;

One other Member – 3 minutes;

Reply – 3 minutes.

(3) Motion Accorded Priority, which is invariably a motion moved by a Government member due to the numbers in the House. However, two notices are given and each member is given 5 minutes to argue why their motion should be accorded priority over other business of the House. A motion is accorded priority each sitting day after the conclusion of Question Time and has the following time limits:

Mover – 7 minutes;

Member next speaking – 7 minutes;

Other Members (limited to three) – 3 minutes;

Reply – 3 minutes.

The House sits for approximately 31 hours each sitting week and of these 31 hours approximately 10.5 hours or 34% are related to general business and other opportunities that give the potential for all Members to initiate matters for debate or raise matters of import.

Victorian Legislative Assembly

There is no time set aside for General Business (although there is time for matters such as statements by members, grievances etc).

South Australian House of Assembly

3.5 hours per week is devoted to Private Members Business which is configured as one hour on Wednesday mornings for PMB motions in relation to Committees (referrals and the noting of reports) and the disallowance of subordinate legislation, and 2.5 hours on Thursday mornings for PMB Bills and Other Motions.

This is currently done by way of sessional order as there is a constant debate about how to best allocate the time (see Attachment A).

The Grievance Debate after each Question Time (6 Members for 5 min each) could also be considered PMB as it is almost exclusively used by non-Ministers.

NSW Legislative Council

Private Members' business takes precedence on Thursdays each sitting week until 5.00 pm. The House sits at 11 am with one hour for questions at 12 noon, and one-and-a-half hours for lunch, leaving three-and-a-half hours for consideration of private members' business. It is not uncommon for private members' business to be brought on by

contingency on Tuesdays and Wednesdays when government business takes precedence.

Victorian Legislative Council

On Wednesdays, General Business takes precedence over all other business, following the reading of Messages, Formal business (tabling of petitions, papers, giving notices etc) and Members Statements.

In practice we commence the sitting at 9.30 am and General Business starts around 10 am. Government business may only be taken on Wednesday when General Business concludes before 10 pm.

Australian House of Representatives

Monday is the main day on which private Members' business and general business are conducted in the Chamber and the Main Committee. The arrangements currently are: Chamber—(8.30 to 9.30 pm) Petitions (10 mins), committee and delegation reports and private Members' business; Main Committee—(6.55 to 8.30 pm) committee and delegation reports and private Members' business. Also in the Main Committee on Monday are 90 sec. statements (6.40 to 6.55 pm) and grievance debate (8.30 to 9.30 pm). If the Main Committee meets on a Tuesday, Wednesday or Thursday, the first item of business is 3 min constituency statements (30 mins each day) during which a minister may make a contribution. Typically, the Main Committee meets every Wednesday and Thursday and only sometimes on Tuesday. Some of these arrangements are quite new and are not reflected in our online publications as yet.

New Zealand

General business includes Questions for oral answer, which usually consume the first 75 minutes or so of each sitting day. Each Wednesday, the House then embarks on a 1-hour general debate. On every second Wednesday, precedence is given to private bills, local bills and Members' bills. This amounts to approximately four hours for such bills every second sitting week (except that a week may be missed from this cycle when the House has been sitting under urgency). The House generally does not reach notices of motion lodged by members who are not Ministers.

Australian Senate

The Senate's standing orders provide that general business has precedence for a period not exceeding two and a half hours on Thursday commencing no later than 4.30 pm. It includes consideration of government documents from 6pm. This time is for debate - general business notices of motion can be determined under discovery of formal business any sitting day. Under discovery, notices of motion are put without debate or amendment, providing that no Senator objects to it being declared formal. If such objection is raised, it is listed for debate at some future time.

Western Australian Legislative Council

Unless otherwise ordered, shall proceed each day with its ordinary business in the following routine:

- (a) presentation of petitions;
- (aa) 30 statements by Ministers or Parliamentary Secretaries. A statement is to impart factual information and not contain remarks or opinions or debateable matter other than debateable matter that is inherent in the content of the statement;
- (b) presentation of papers for tabling;
- (c) giving notices of questions;
- (d) giving notices of motions for leave to introduce Bills;

- (e) giving notices of motions;
 - (f) questions on notice;
 - (g) asking questions without notice;
 - (h) motions without notice; and
 - (i) motions and orders of the day as set down on the Notice Paper.
- Members can debate Motions on Notice for one hour each sitting day. There is also provision on Thursday for one hour debate on committee reports.

Attachment A

South Australian Sessional Order

6. Private Members' Business

After the Address in Reply is completed, Private Member's Business has precedence as follows -

1. On Wednesday after Prayers, Private Member's Business relating to motions with respect to Committees and motions for the disallowance of subordinate legislation for up to one hour provided that -
 - a) Notices of Motion take priority over Orders of the Day unless otherwise ordered;
 - b) Leave to continue remarks may not be sought by any Member, but the Member speaking when the allotted time for such business is completed has the right to be first heard when the matter is next called on.
2. On Thursday after Prayers, Private Member's Business relating to Private Member's Bills and Other Motions until 1.00pm provided that -
 - a) Unless otherwise orders -
 - (i) Private Member's Bills have priority until 11.30am;
 - (ii) Notices of Motion have priority over Orders of the Day;
 - b) Leave to continue remarks may not be sought by an Member, but the Member speaking when the allotted time for such business is completed has the right to be first heard when the matter is next called on.
3. The following debate time limits apply -
 - Mover, 15 minutes;
 - All other Members, 10 minutes;
 - Mover in reply, 5 minutes.

An extension of 15 minutes may be granted, by leave, to a Member moving the second reading of a Bill.

TIMES FOR GENERAL BUSINESS AND PRIVATE MEMBERS BUSINESS IN AUSTRALIAN AND NEW ZEALAND JURISDICTIONS

Jurisdiction	House	Time allowed	Global time per sitting week	Notes
ACT	Legislative Assembly	5 ½ hours—Wednesday	5 ½ hours	Considering roster between Opposition, Greens and Government
Australian Parliament	House of Representatives	3 hours 35 minutes—Monday	Up to 3 hours 35 minutes	Does not include Main Committee (up to 1 ½ hours per week)
Australian Parliament	Senate	2 ½ hours—Thursday	2 ½ hours	
New South Wales	Legislative Assembly	2 ¾ hours—Thursday ½ hour—Friday	3 ¼ hours	
New South Wales	Legislative Council	3 1/2—Thursday	3 1/2 hours	
New Zealand	House of Representatives	1 hour—Wednesday 4 hours—alternate Wednesdays	Average 3 hours	
Queensland	Legislative Assembly	4 hours maximum—Wednesday	Up to 4 hours	May include Private Members' disallowance motions
South Australia	House of Assembly	1 hour—Wednesday	3 ½ hours	▪ Includes disallowance of

Jurisdiction	House	Time allowed	Global time per sitting week	Notes
		2 ½ hours—Thursday		subordinate legislation and committee referrals and noting reports
South Australia	Legislative Council	1 hour—Wednesday 3 hours—Thursday*	4 hours	
Tasmania	House of Assembly	3 ½ hours—Wednesday	3 ½ hours	
Victoria	Legislative Assembly	No set time	No set time	* Statements by Members, Grievance Debate
Victoria	Legislative Council	Maximum 8 hours—Wednesday	Max 8 ½ hours *	
Western Australia	Legislative Assembly	3 hours—Wednesday	3 hours	
Western Australia	Legislative Council	1 hour each day	average 3 hours	

*** NOTE:** This summary is limited to time allocated for Private Members' / General Business consideration of Notices, Motions and Bills.

Items such as Grievance Debates, Members' Statements, Matters of Public Interest / Public Importance, oral Questions, Adjournment Debates are not included.