

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mrs Lambley to the Chief Minister:

Parliamentary status and recognition

It is noted this submission provides the response for both Written Question 447 and Written Question 451.

1. Given that the CLP Opposition currently have only two members, how would the Opposition be determined in the case whereby another two cross bench form a political party (compliant with the requirements of the NT Electoral Commission) and make a bid for Opposition status?
2. Given the Remuneration Tribunal Determination refers to a single 'Opposition', would the Chief Minister give consideration to making an interim Determination (as available under the Act) to recognise a second party of opposition and adjust the allocated resources in equal shares accordingly?
3. Given the *Assembly Members and Statutory Officers (Remuneration and other Entitlements) Act* provides in the regulations the Tribunal cannot allocate certain resources to Opposition and Independents will the Government step in if there is an equality of numbers in two political parties on the opposition bench to the Government?
4. If there were two political parties, both with 2 cross bench Members of Parliament in the NT Parliament, who and how would the Opposition status be determined?
5. Has the Government sought an update from the Solicitor General with regards to her 2016 advice on who constitutes the opposition in the case outlined above?
6. Is the status Opposition status simply about a political party having more Members on the floor of the NT Parliament?
7. How is it determined that a political party or a coalition of political parties, can "form an alternative government" and thereby be considered as an Opposition?
8. What role or say does the NT Government have in determining what political party or coalition of political parties forms Opposition?
9. Has the Government sought any advice from the Speaker and/or the Clerk of the Legislative Assembly on the matter of who forms Opposition if there is an equality of Members in two parties that do not form the Government?

10. Is there any precedent for the Opposition status of a Parliament to be shared by two parties of the same size?
 11. Are there any circumstances in which Opposition status could be shared by two political parties?
 12. If so, how would that work?
 13. Given that the CLP Opposition currently have only two members, how would the Opposition be determined in the case whereby another three cross bench form a political party (compliant with the requirements of the NT Electoral Commission) and make a bid for Opposition status?
 14. Could you describe the circumstances that would trigger a change in Opposition, given the current Opposition consists of 2 Members of the NT Legislative Assembly?
 15. Who would determine a change in Opposition?
 16. What is the process for changing Opposition?
 17. If two political parties formed a coalition of more than three Members of the Legislative Assembly, in the current Parliament with the CLP Opposition of two, could they form the Opposition?
 18. How would a coalition of two political party be recognised as a potential Opposition in the NT Parliament?
 19. What requirements are needed to qualify as a coalition in order to be considered as an Opposition in the NT Parliament?
 20. In the case where no political party has more than one member representing them on the cross benches of the NT Parliament, how is Opposition formed?
 21. In the case where there are no political parties represented in the cross bench (all cross benches are Independent Members of Parliament), and therefore there is no political party to form an "alternative Government" or claim Opposition status in the NT Parliament, what would happen?
 22. What is recognised as a coalition in the NT Parliament?
 23. Can a group or alliance of two or more Independent Members of Parliament (not a political party) with common policies, form Opposition?
 24. What is the Parliamentary process for determining a change of Opposition? What happens?
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Answer:

Overarching Response

Under Westminster convention and practice, the 'Opposition' is defined as the political party (or 'coalition Opposition' of parties), which has the greatest number of non-Government Members in the Legislative Assembly.

It is not possible for two separate Opposition parties to exist, or share the function of Opposition status, while remaining distinct in their individual Party' status. For similar reasons, it is not possible for two Independent members to share the function of Opposition.

A coalition of parties forming the official Opposition could be demonstrated by some blurring of the distinction between the parties, comprising clear evidence of their ongoing joint commitment and capacity to function as the official Opposition.

While there is no 'bright-line' test of the requirements for a coalition of parties to be afforded the status of Opposition, a coalition Opposition would need to demonstrate a public commitment to act co-operatively based on aligned ideologies and that it could effectively perform the functions of the Opposition. Evidence of this commitment could be, for example, a written agreement pledging to always act collectively and with detail regarding the agreed positions on likely policy issues.

If the official Opposition party (or coalition Opposition) is not clear by virtue of numbers, it would be a matter for the Speaker of the Northern Territory Legislative Assembly to decide which group will be recognised as the official Opposition, and who will be recognised as the Chair as the Leader of the Opposition.

1. Refer to the Overarching Response.
2. There can only be one party recognised as the official Opposition, therefore, consideration of a second party of Opposition, and subsequently the resourcing of such a body, is a fallacious concept.
3. Refer to Question 2 above, and the Overarching Response.
4. Refer to Overarching Response.
5. Yes.
6. Yes – refer to Overarching Response.
7. Refer to Overarching Response.
8. None – refer to Overarching Response.
9. No.
10. Refer to Overarching Response.

11. Refer to Overarching Response.
12. Refer to Overarching Response.
13. Refer to Overarching Response.
14. Refer to Overarching Response.
15. Refer to Overarching Response.
16. Refer to Overarching Response.
17. Refer to Overarching Response.
18. Refer to Overarching Response.
19. Refer to Overarching Response.
20. In the event there was no non-Government party with more than one Member, there would be no official Opposition. In that situation, it would be more appropriate that all non-Government Members (both Independent and those endorsed by a minority party) would act in opposition to Government, instead of there being an official Opposition. This was the case in the first Assembly of the Northern Territory.
21. Refer to Question 20 above.
22. Refer to Overarching Response.
23. Refer to Overarching Response.
24. Refer to Overarching Response.