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Mr Jeff Collins MLA
Chair
Select Committee on Opening Parliament to the People
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Dear Mr Collins

Thank you for your letter of 20 February 2017 to me in my capacity as Leader of Government seeking comment on the draft recommendations of the Select Committee on Opening Parliament to the People (SCOPP).

Please see enclosed Government consideration of these draft recommendations.

In addition to the draft recommendations provided by the SCOPP, the Territory Labor Caucus submission in response to the SCOPP Green Paper detailed an additional proposal to allow Ministerial reports be made to the Legislative Assembly, with a maximum time limit of 2 hours. This proposal has not been included in the draft recommendations and I seek the consideration of the SCOPP for the inclusion of this proposal in the final report.

I look forward to continuing to work with the SCOPP to finalise options for Parliamentary reforms.

Yours sincerely

NATASHA FYLES



Draft report on Opening Parliament to the People

Consideration of recommendations

Recommendation	Comments
<p>Recommendation 1</p> <p><i>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.</i></p>	
Changes to STANDING ORDER 39(1) (Matters not open to debate).	Government supports this recommendation.
Changes to STANDING ORDER 43 (Time limits)	Government supports this recommendation.
Updated STANDING ORDER 143	Government supports this recommendation.
SESSIONAL ORDER 144A - Referral to portfolio scrutiny committee	Government supports this recommendation.
SESSIONAL ORDER 144B - Portfolio scrutiny committee reports on Bills	Government supports this recommendation.
<p>SESSIONAL ORDER 144C</p> <p>Portfolio scrutiny committee consideration of appropriation Bills</p>	<p>Government supports this recommendation, with the below amendments:</p> <ol style="list-style-type: none"> 1) After an annual appropriation Bill has been read a second time the Bill and related papers stand referred to the portfolio-Economic and eScrutiny committees. 2) Each portfolioThe Economic and eScrutiny committee shall consider the appropriation Bill and related papers for the committee's allocated agencies.
STANDING ORDER 145 (Second reading of a Bill)	<p>Government supports this recommendation, pending below amendment:</p> <p><i>Member in charge of Bill can adopt any, -or- all <u>or none of the</u> amendments recommended by the committee.</i></p>
Suspend Standing Order 146 and Standing Order 147	Government supports this recommendation.

Recommendation	Comments
<p>STANDING ORDER 176 (Sub Leg Committee); STANDING ORDER 177 (PAC); Proposed new SO 176 and 177; SUSPEND STANDING ORDER 178 (LCAC)</p>	<p>Government proposes the below amendments: SO 176 <i>Delete (3) (iii)</i> on its own motion. <i>Insert (5)</i> The Committee will elect a Government member as Chair. And Change such clauses as appropriate to reflect the establishment of a Social and Legal Committee, which would take on responsibilities of Social matters, and those of the former Legal and Constitutional Affairs, and Subordinate Legislation Committees; Government does not support the inclusion of the proposed amended Standing Order 177, as it goes further than current Subordinate Legislation Committee responsibilities. This Standing Order has not previously been proposed in the SCOPP Green Paper. Government supports that the current Standing Order 177 be largely retained, with amendments to such clauses as appropriate to reflect the establishment of an Economic and Scrutiny Committee, which would take on responsibilities of Economic matters, and those of the former Public Accounts Committee; and ensuring that it is noted that the Economic and Scrutiny Committee will elect a Government member as Chair.</p>
<p>STANDING ORDER 181A Substitution of Members</p>	<p>Government supports this recommendation.</p>
<p>STANDING ORDER 193(2) Admission to hearings</p>	<p>Government supports this recommendation.</p>
<p>Draft Sessional Order for Appointing Scrutiny Committees</p>	<p>The work allocation of these committees as currently detailed in this recommendation is not supported.</p> <p>The Government envisages that the committees be issues based, rather than following strict portfolio responsibilities. For example, one committee may be requested to review legislation as it relates to Children, which may then encompass agencies and officers across both currently proposed lists.</p> <p>It is proposed that the following committees be established:</p> <ul style="list-style-type: none"> a) Social and Legal Committee – this committee would take on responsibilities of Social matters, and the former Legal and Constitutional Affairs, and Subordinate Legislation Committees; b) Economic and Scrutiny Committee – this committee would take on responsibilities of Economic matters, and the former Public Accounts Committee.

Recommendation	Comments
<p>Draft Sessional Order regarding response times for written questions before Estimates</p>	<p>Government supports this recommendation, pending below amendment:</p> <p>That for the duration of this session of the 13th Assembly Standing Order 114(2) be amended by:</p> <ul style="list-style-type: none"> 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 <u>within 30 days and</u> 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".
<p>STANDING ORDER 121A Draft Sessional Order on Debate of Petitions signed by 1,000 or more persons</p>	<p>Government supports this recommendation, pending below amendments:</p> <ul style="list-style-type: none"> 1) the Assembly provides that any petition with more than 1,000 signatures <u>and conforming with standing orders</u> be set down on the Notice Paper as an Order of the Day to note the petition.... 3) the Assembly requires that only people <u>residing in enrolled on</u> the Northern Territory <u>electoral roll</u> may petition the Assembly
<p>STANDING ORDER 123A Draft Sessional Order on Debate of Government Responses to Petitions</p>	<p>Government supports this recommendation.</p>
<p>Draft Sessional Order on Requiring Petitioners be a Resident of the Northern Territory</p>	<p>Government supports this recommendation, pending below amendment:</p> <p>6(A) Every petitioner must be a resident of the Northern Territory enrolled on the Northern Territory <u>electoral roll</u> and include their address on the petition.</p>
<p>STANDING ORDER 7 Acknowledgement of Country and Prayers</p>	<p>Government supports this recommendation.</p>
<p>Draft referral to the Standing Orders Committee</p>	<p>Government supports the referral of the following items to Standing Orders Committee:</p> <p>Options for enabling electronic petitions through the Assembly's website, including the costs of establishing and maintaining such a facility.</p> <p>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.</p>
<p>Draft referral to the House Committee</p>	<p>Government does not support this recommendation.</p>

Recommendation	Comments
<p>Recommendation 2</p> <p><i>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.</i></p>	<p>Government supports this recommendation, pending proposed changes to SO 176:</p> <p>Insert (5) The Committee will elect a Government member as Chair.</p>
<p>Recommendation 3</p> <p><i>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.</i></p>	<p>Government supports this recommendation.</p>
<p>Recommendation 4</p> <p><i>The Committee recommends that there be portfolio scrutiny committees called the:</i></p> <p>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</p> <p>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.</p>	<p>The work allocation of these committees as currently details in this recommendation is not supported.</p> <p>The Government envisages that the committees be issues based, rather than following strict portfolio responsibilities. For example, one committee may be requested to review legislation as it relates to Children, which may then encompass agencies and officers across both currently proposed lists.</p> <p>It is proposed that the following committees be established:</p> <p>c) Social and Legal Committee – this committee would take on responsibilities of Social issues, and the former Legal and Constitutional Affairs, and Subordinate Legislation Committees;</p> <p>d) Economic and Scrutiny Committee – this committee would take on responsibilities of Economic issues, and the former Public Accounts Committee.</p>
<p>Recommendation 5</p> <p><i>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.</i></p>	<p>The Government does not support this recommendation.</p> <p>Committees are to be established to provide further scrutiny of legislation, and are to be considered Legislative Assembly work. As such, dedicated time will be allocated to committee work and will need to fit within the legislative framework of Tuesday to Thursday.</p> <p>Committees should retain ability for flexibility, should they wish to meet outside of Sittings times. However this would be up to committees to determine required meeting times to meet workload.</p> <p>The Government supports Wednesday mornings of Sittings weeks be set aside for committee meetings and public hearings, as per previously supported recommendations in the SCOPP Green Paper.</p>

Recommendation	Comments
<p>Recommendation 6 <i>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.</i></p>	<p>Subcommittees are possible under currently established committee. Government supports this recommendation.</p>
<p>Recommendation 7 <i>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.</i></p>	<p>Government supports this recommendation.</p>
<p>Recommendation 8 <i>The Committee recommends that the Assembly allows for the substitution of Members of a committee for specified periods of time or inquiries.</i></p>	<p>Government supports this recommendation, pending the Assembly's acceptance of Standing Order 181A.</p>
<p>Recommendation 9 <i>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.</i></p>	<p>Government supports this recommendation, and anticipates development of a process for committees to be able to report to the Assembly early, should the committee complete its inquiry earlier than a reporting date.</p>
<p>Recommendation 10 <i>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.</i></p>	<p>Government supports the below amendment to this recommendation: The Committee recommends that the Government Agencies develop a system for providing <u>agency</u> briefing materials to the relevant portfolio scrutiny committee on the introduction of Bills in consultation with the committees.</p>
<p>Recommendation 11 <i>The Committee recommends that the portfolio scrutiny committee have a general power to initiate inquiries within their portfolio areas.</i></p>	<p>Government proposes that the Economic and Scrutiny committee only have general power to initiate inquiries within its portfolio areas.</p>
<p>Recommendation 12 <i>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).</i></p>	<p>Government supports this recommendation.</p>
<p>Recommendation 13 <i>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.</i></p>	<p>Government does not support this recommendation, as it goes further than current Subordinate Legislation Committee responsibilities. A new Standing Order 177 has not previously been proposed in the SCOPP Green Paper.</p>

Recommendation	Comments
<p>Recommendation 14 <i>The Committee recommends that the Government introduce amendments to the Audit Act to enable the Auditor-General to audit Agencies' performance information.</i></p>	<p>Government does not support this recommendation. It is anticipated that this will be undertaken by committees during the scrutiny of Annual Reports in November.</p>
<p>Recommendation 15 <i>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.</i></p>	<p>Government supports this recommendation, pending below amendment: ... apart from questions asked within 7 calendar days after the introduction of an annual appropriation Bill, in which case the Minister should respond within 30 days and at least one clear day before the commencement of Estimates hearings on that appropriation Bill".</p>
<p>Recommendation 16 <i>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.</i></p>	<p>Government supports this recommendation, pending below amendment: ... apart from questions asked within 7 calendar days after the introduction of an annual appropriation Bill, in which case the Minister should respond within 30 days and at least one clear day before the commencement of Estimates hearings on that appropriation Bill".</p>
<p>Recommendation 17 <i>The Committee recommends that the Standing Orders Committee review the effectiveness of the enforcement procedures for replies to written questions under Standing Order 114.</i></p>	<p>Government does not support this recommendation.</p>
<p>Recommendation 18 <i>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.</i></p>	<p>Government does not support this recommendation.</p> <p>This differs from previous recommendation of one week of Estimates in June and one week of Annual reports scrutiny in November.</p> <p>Proposed changes to Estimates committee will still need to operate within established Estimates timeframes and frameworks. There are currently two weeks assigned for Estimates committee in June – this will be separated into two separate weeks and it is not anticipated that there will be an additional allocation of hours for this to occur.</p> <p>The Government supports one week of Estimates in June and one week of Annual reports scrutiny in November, as per previously supported recommendations in the SCOPP Green Paper.</p>
<p>Recommendation 19 <i>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.</i></p>	<p>Government does not support this recommendation. It is expected that in streamlining existing committees, the support functions for these committees will be able to be met from within existing allocations.</p>

Recommendation	Comments
<p>Recommendation 20</p> <p><i>The Committee recommends that the Government provide funding to enable independent recording and broadcast of video from the Litchfield and Ormiston rooms.</i></p>	<p>Government does not support this recommendation.</p>
<p>Recommendation 21</p> <p><i>The Committee recommends that the Assembly require the portfolio scrutiny committees to each produce an annual report of their activities.</i></p>	<p>Government supports this recommendation.</p>
<p>Recommendation 22</p> <p><i>The Committee recommends that:</i></p> <ol style="list-style-type: none"> 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, 1) 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, 2) the Assembly requires that only people residing in the Northern Territory may petition the Assembly, and 3) the Standing Orders Committee investigate the options for enabling electronic petitions through the Assembly's website. 	<p>Government supports this recommendation, pending the below amendments:</p> <ol style="list-style-type: none"> 2) the Assembly provides that any petition with more than 1,000 signatures and conforming with standing orders be set down on the Notice Paper as an Order of the Day to note the petition.... 4) the Assembly requires that only people residing in-enrolled on the Northern Territory electoral roll may petition the Assembly, and
<p>Recommendation 23</p> <p><i>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.</i></p>	<p>Government supports this recommendation.</p>
<p>Recommendation 24</p> <p><i>The Committee recommends that Standing Order 7 be amended to provide for an Acknowledgement of Country in accordance with an order of the Assembly.</i></p>	<p>Government supports this recommendation.</p>

Recommendation	Comments
<p>Recommendation 25</p> <p><i>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.</i></p>	<p>Government does not support this recommendation.</p>
<p>Recommendation 26</p> <p><i>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.</i></p>	<p>Government does not support this recommendation. These services are already delivered in a non-partisan manner by the Department of Treasury and Finance.</p>
<p>Recommendation 27</p> <p><i>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.</i></p>	<p>Government does not support this recommendation. Library and research services are already available to Members of the Legislative Assembly.</p>