

Standing Orders and Procedure  
Committee



LEGISLATIVE  
ASSEMBLY

# Modernisation and reform of practices and procedures: Final Report



Report 8/57 – November 2022



Legislative Assembly

Standing Orders and Procedure Committee

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procedures: Final Report

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The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "newly risen, how brightly you shine".

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# Membership

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<b>Members</b>	<p>The Hon. Andrew Constance MP (9 May 2019 – 4 June 2020) The Hon. Steph Cooke MP (9 May 2019 – 24 February 2022) The Hon. Mark Coure MP Mr Adam Crouch MP (9 May 2019 – 24 February 2022) Mr Michael Daley MP Mr Lee Evans MP The Hon. Alister Henskens MP (from 24 February 2022) Mr Ron Hoenig MP (from 23 June 2021) Mr Nick Lalich MP (9 May 2019 – 30 July 2019) Mr Paul Lynch MP (9 May 2019 – 30 July 2019) Mr Ryan Park MP (30 July 2019 – 23 June 2021) Mr Greg Piper MP Mr Gurmesh Singh MP (from 24 February 2022) Mr Nathaniel Smith MP (from 24 February 2022) The Hon. Mark Speakman MP (from 4 June 2020 - 24 February 2022) Ms Anna Watson MP (from 30 July 2019) The Hon. Leslie Williams MP</p>
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## Chair's foreword

This sixth and final report of the Committee's inquiry into the modernisation and reform of parliamentary processes and procedures is the culmination of a desire and dedication to improve the scrutiny, representative and legislative functions of the Legislative Assembly.

When elected Speaker in early 2019, I indicated my intention and that of then Premier Gladys Berejiklian to pursue reforms that would streamline the Assembly's practices and procedures and reinvigorate the House's relevance and connection to the people of New South Wales. I am pleased that over the course of the four-year term of the 57<sup>th</sup> Parliament this Committee has worked with party and cross-bench leaders to deliver some significant reforms to the Standing Orders and to practices and procedures in the House. These benefit both Members and those they represent.

These reforms include:

- Implementing a more family-friendly Parliament, with slightly earlier commencement times and a more predictable daily schedule, allowing members to meet family and community commitments while also fulfilling their obligations as legislators and representatives.
- More time for the consideration of legislation introduced by both the Government and private members.
- Providing increased opportunities for members to represent their electorates and debate issues important to their constituents, such as by increasing the amount of daily Community Recognition Statements which can be delivered, replacing two inefficient debates with the public interest debate and introducing a debate on petitions with more than 10,000 (for paper petitions) and 20,000 (for electronic petitions) signatures.
- Introducing electronic petitions or 'ePetitions' in August 2020. ePetitions have provided the community with a more modern, accessible, and during the COVID-19 pandemic, safer way to raise issues of concern to them directly to the Parliament and potentially receive a ministerial response and have the issue debated in the Chamber, depending on the number of signatures collected.
- Reforms intended to adapt to the challenges posed by the COVID-19 pandemic, including the implementation of walk-through voting and electronic tabling.

The additional reforms recommended in this report represent the continued work of this Committee to improve the functioning of the Legislative Assembly, not merely for the 57<sup>th</sup> Parliament, but for future parliaments also.

In early 2022, the House adopted significant but temporary changes to Question Time and to allow private members to move motions to suspend Standing and Sessional Orders without leave during certain hours of the day. The changes to Question Time in particular reflected the long-standing intention of this Committee to improve the scrutiny function of the Assembly. They include the introduction of the requirement that answers be 'directly relevant', increasing

the number of questions allowed to be asked, reducing the time for answers and increasing the total time for Question Time. After reviewing the overall successful operation of these changes, the Committee has recommended that many of these changes are formalised as permanent Standing Orders of the Legislative Assembly.

The three other reforms recommended in this report are designed to assist the smooth transition between the 57<sup>th</sup> and the 58<sup>th</sup> Parliaments. These reforms will:

- Allow for the continuation of out-of-session tabling once the Parliament has prorogued by formalising a suit of temporary sessional orders which enable this into permanent Standing Orders.
- Provide for a seamless, transparent and clear procedure for the election of the next Speaker of the Legislative Assembly.
- Provide for clarity around the procedures and timeframes related to a motion of dissent against a Speaker's ruling.

All three are important reforms with significant impacts on the efficient functioning of government and democracy.

Finally, the report concludes with a comprehensive review of the current sessional orders of the 57<sup>th</sup> Parliament, as well as further areas for consideration which could be taken up by the Legislative Assembly in the 58<sup>th</sup> Parliament. As this inquiry and the Parliamentary term approaches its conclusion, it is the Committee's desire that its collaborative approach to modernisation and reform will be continued by its successors.

I thank members of the Committee, past and present, from all parties, for their continued collaborative approach to these reforms and congratulate them for their part in creating a more dynamic and relevant Legislative Assembly. I also thank all staff involved in supporting the Committee for their excellent work and dedication over the Parliamentary term.



**The Hon. Jonathan O'Dea MP**  
Chair

# Findings and recommendations

Recommendation 1 \_\_\_\_\_ 3

That the House adopt the proposed changes to Standing Orders 2, 10, 11, 95, 129, 131, 266, and 365, and adopt new Standing Orders 10A, 10B, 266A and 266B.



# Chapter One – Modernisation and reform during the 57<sup>th</sup> Parliament

- 1.1 This is the final report of the Standing Orders and Procedure Committee’s ‘modernisation and reform’ inquiry, which has been active throughout the 57<sup>th</sup> Parliament. The work of the Committee has always been to pursue meaningful reforms that improve the way in which the Assembly works while preserving important scrutiny, representative and legislative functions. Improving engagement opportunities for the people of New South Wales and meeting community expectations for a modern workplace were also priorities.
- 1.2 There have been five previous reports of the Committee as part of this inquiry, all of which have led to the Assembly agreeing to changes in Standing and Sessional Orders, and the practice of the House.
- 1.3 In addition to the changes brought about following recommendations from this Committee, the Assembly also adapted to the challenges posed to its operation by COVID-19. While those changes arose from necessity and were intended to be temporary, some of them have led to lasting changes and have become permanent – the new ‘walk-through’ division process, for example, and electronic tabling of papers.
- 1.4 The Committee's first Interim Report in August 2019 contained recommendations to make changes to the routine of business, including:
- Earlier start times for sitting days to permit more time to consider Government legislation and to bring about a more predictable day, allowing Members to meet family and community obligations.
  - More time for Members to consider and decide on legislation introduced that is not part of the Government's legislative agenda (Private Members' bills) – ninety minutes per week instead of the current sixty minutes. Members will have the ability to bring on a vote on their bill before it lapses.
  - More time for Members to raise issues of concern to their electorates – including more opportunities to give community recognition statements (both in writing and verbally).
  - A public interest debate at 5 pm on Tuesdays and Wednesdays, with subjects for debate provided by the Government, the Opposition and the Cross-bench in rotation. The debate will replace several items of business that are not working as effectively as they should - the motion accorded priority; the matter of public importance; and the re-ordering of general business debate.
  - Changes to the existing petition discussion for petitions with more than 10,000 signatures allow for a more comprehensive debate on the issue raised by the petitioners. The petition debate will be held at 4 pm on Thursdays.
  - Moving the time for debate on Committee reports from Thursday afternoons to Wednesdays before the lunch break.

- Confirmation that the Speaker can 'stop the clock' at any time to maintain order and standards in the House.
- Changes to allow members to introduce more issues for debate (fifteen minutes per day instead of ten minutes for 'general business notices of motions'). The notices will lapse after three months instead of six months, to keep issues more relevant.<sup>1</sup>

- 1.5 These changes were adopted by the Assembly on 1 August 2019, taking immediate effect.
- 1.6 The Committee's next three reports as part of the inquiry related to ePetitions. The first ePetitions report, in October 2019, set out the process by which the Assembly could receive ePetitions and recommended that work commence on the technical framework required to enable ePetitions to be received. The second ePetitions report, in June 2020, provided the detailed sessional orders needed to enable the Assembly to receive ePetitions. These sessional orders were adopted by the Assembly in August 2020 and the first ePetition was open for signatures on 10 August 2020.
- 1.7 The third ePetitions report, tabled in October 2021, was a thorough review of the operation of ePetitions in the Assembly. The review found that ePetitions had been well-received by the community and recommended very minor changes to the process.
- 1.8 The fifth report of the Committee's inquiry, also tabled in October 2021, recommended a significant number of sessional orders be made permanent standing orders. Many of those sessional orders had been in operation for several years. Some of the sessional orders adopted by the Assembly in response to the challenges of COVID-19 were also recommended to be retained, including walk-through voting during divisions.
- 1.9 Other sessional order changes introduced in the Assembly during this Parliament resulted in changes to the operation of Question Time. Sessional orders adopted in May 2022 established that answers to questions must be 'directly relevant' rather than 'relevant'; increased the number of questions to 16 from 10, including two questions for cross-bench members; reduced the time for answers to three minutes from five minutes; and increased the total amount of time available to at least 60 minutes but no more than 75 minutes.
- 1.10 The rules for suspensions of standing orders were changed in March 2022 to allow members who are not Ministers to move suspensions without needing to first obtain leave of the House, during specified times in the day. In October 2022, further sessional order changes were introduced which impacted divisions, and which referred to comments made on bills by the Legislation Review Committee. The details of the sessional orders in force as at November 2022 are discussed further in Chapters Two and Three.

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<sup>1</sup> Standing Orders and Procedure Committee, [Report 1/57](#) – August 2019, *Modernisation and Reform of Practices and Procedures (Interim Report)*, pp. iv – v.

## Chapter Two – Changes to the Standing Orders in preparation for the 58<sup>th</sup> Parliament

- 2.1 The Committee recommends that a number of changes to the Standing Orders are made before the end of the current session of Parliament. These changes relate to tabling documents out of session, the election of the Speaker, the procedures regarding dissent from a Speaker's ruling, the procedure for Question Time, and the procedure for the suspension of Standing and Sessional Orders. These changes would assist in a smooth transition between the prorogation of the 57<sup>th</sup> Parliament and commencement of the 58<sup>th</sup> Parliament.

### **Recommendation 1**

**That the House adopt the proposed changes to Standing Orders 2, 10, 11, 95, 129, 131, 266, and 365, and adopt new Standing Orders 10A, 10B, 266A and 266B.**

### **Tabling out of session**

- 2.2 Currently, there are a number of statutes which provide that a report or document must be 'tabled' in Parliament, but do not contain provisions for tabling the document when the House is not sitting. Other statutes expressly provide for 'deemed' tabling when the House is not sitting, for instance by presenting the report or document to the Clerk of the House.
- 2.3 Prior to March 2020, unlike the Legislative Council, the Legislative Assembly did not, through sessional or standing orders, authorise the tabling of documents out of session when the relevant Act did not expressly provide for such tabling.
- 2.4 However, on 24 March 2020, in response to the COVID-19 pandemic, the Legislative Assembly adopted sessional order 266A which provided for out of session tabling. This sessional order was given overt legislative authority in March 2022 when Section 18A (tabling of documents) was inserted into the *Interpretation Act 1987*. Section 18A states:
- (1) In an Act or statutory rule, a reference to tabling a document in a House of Parliament includes taking any action allowed or required under the Standing Rules or Orders of the House to table the document when the House is not sitting.
  - (2) This section applies in relation to the tabling of a document before or after the commencement of this section.
- 2.5 The tabling of documents in the Legislative Assembly (including tabling out of session and electronic tabling) is governed partly by sessional orders 266, 266A and 266B.
- 2.6 Sessional order 266 applies to documents sought to be tabled by Ministers on sitting days. Sessional order 266 provides for a procedure whereby Ministers are able to table documents electronically with the Table Office and announce the

tabling in the House. Papers tabled in this way are authorised to be published on the Parliament's website.

- 2.7 Sessional order 266A provides for any document, the tabling of which is required by an Act, to be tabled with the Clerk when the House is not sitting. Once the 57<sup>th</sup> Parliament has prorogued and this sessional order ceases to have effect, there will be no mechanism within the Standing Orders to table documents out of session, unless out of session tabling is expressly provided for in relevant legislation. As such, the out of session tabling of documents which relied on sessional order 266A will not be able to occur until the House adopts a new sessional or standing order in the next Parliament.
- 2.8 Sessional order 266B states that the term 'printing' where it appears in the Standing Orders, is taken to mean publication, including by electronic means.
- 2.9 It is recommended that the Standing Orders be amended to incorporate sessional orders 266, 266A and 266B as permanent Standing Orders as noted in Table 1 (with a small clarification inserted into 266 (5)).

**Table 1: Proposed new Standing Orders related to tabling of documents**

<b>Current Standing Order</b>	<b>Proposed new Standing Order</b> (content differing from current Standing Order highlighted)
<p><b>266.</b> The following procedure shall apply for the tabling and printing of papers:</p> <ol style="list-style-type: none"> <li>(1) Ministers shall table papers at the time provided in the Routine of Business or at other times by leave of the House.</li> <li>(2) The Leader of the House, on a subsequent sitting day, may give a notice of motion regarding the printing of papers tabled. Consideration of this motion shall be Business with Precedence.</li> <li>(3) Alternatively such motion may be moved without notice at any time.</li> <li>(4) The question on the motion is open to amendment and debate.</li> <li>(5) Any Member may speak on the motion for up to 3 minutes, including the Minister in reply.</li> <li>(6) The Speaker may call on the Minister to reply if the debate exceeds 30 minutes.</li> </ol>	<p><b>266.</b> The following procedure shall apply for the tabling and printing of papers:</p> <ol style="list-style-type: none"> <li>(1) Wherever practicable, Ministers should table papers to the Table Office electronically and announce the tabled papers at the time provided in the Routine of Business or at other times by leave of the House.</li> <li>(2) Papers also can be tabled in hard copy in the House at the time provided in the Routine of Business or at other times by leave of the House.</li> <li>(3) Papers that are to be deemed as tabled, by way of a Minister's announcement in the House, must have been provided in electronic copy, under the Minister's written authority, to the Table Office by 12.00 noon on the day of tabling, or at least two hours before.</li> <li>(4) Papers received in accordance with paragraph (3) are authorised for publication, including to the Parliament's website.</li> <li>(5) The Leader of the House, on a subsequent sitting day, may give a notice of motion regarding the printing</li> </ol>

	<p>of papers tabled but not yet ordered to be printed. Consideration of this motion shall be Business with Precedence.</p> <p>(6) Alternatively such motion may be moved without notice at any time.</p> <p>(7) The question on the motion is open to amendment and debate.</p> <p>(8) Any Member may speak on the motion for up to 3 minutes, including the Minister in reply.</p> <p>(9) The Speaker may call on the Minister to reply if the debate exceeds 30 minutes.</p>
<p>No current Standing Order.</p>	<p><b>266A.</b></p> <p>(1) Where, under any Act, a report or other document is required to be tabled in the House by a Minister, and the House is not sitting, such report or document may be lodged with the Clerk.</p> <p>(2) Any report or document lodged with the Clerk is:</p> <p>(a) On presentation, and for all purposes, deemed to have been laid before the House,</p> <p>(b) To be printed by authority of the Clerk,</p> <p>(c) For all purposes, deemed to be a document published by order or under the authority of the House; and</p> <p>(d) To be recorded in the Votes and Proceedings of the House.</p>
<p>No current Standing Order.</p>	<p><b>266B.</b> Unless otherwise ordered, any reference to printing in the Standing and Sessional Orders is taken to mean publication, including by electronic means.</p>

## Election of the Speaker

- 2.10 The election of the Speaker is conducted in accordance with section 31B of the *Constitution Act 1902* and Standing Orders 10 and 11.<sup>2</sup> Section 31B of the *Constitution Act* provides the framework concerning important provisions such as the confidential nomination process, the secret ballot and the resolution of deadlocks. The Standing Orders provide the detail about how the Clerk will conduct the nomination and election process.
- 2.11 Prior to 2006, the Clerk, as Returning Officer, published guidelines for the election of Speaker to fill in the gaps in the statutory provisions. In the revision of the Standing Orders in 2006, the election practices were revised and included in the Standing Orders rather than a guideline.<sup>3</sup> Further revisions were made in 2015 regarding the nomination and election process.<sup>4</sup>
- 2.12 After reviewing and comparing the current process with the those of the Australian House of Representatives and the Legislative Council of New South Wales, the Committee recommends that the following changes are made.

### Amendments intended to provide clarity

- 2.13 In order to provide clarity, it is recommended that Standing Order 10 (currently entitled 'Election of the Speaker') is separated out into three distinct Standing Orders entitled:
- SO 10 When an election for Speaker takes place
  - SO 10A The nomination process for the election of the Speaker
  - SO 10B Procedures for the election of the Speaker
- 2.14 Other proposed amendments include a 'plain English' re-write of a number of clauses within the procedures. Changes are proposed to:
- SO 10(1) which relates to the timing of an election for the Speaker.
  - SO 11(2) where it relates to the placing of the Mace on the Table.
  - SO 11 to insert subheadings before SO 11(5) and SO 11(7).

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<sup>2</sup> Section 31B of the *Constitution Act* provides that 'The Standing Rules and Orders of the Legislative Assembly may make provision, not inconsistent with this section, for or with respect to the manner of election of the Speaker and associated matters'.

<sup>3</sup> Previous Standing Orders did not provide extensive detail regarding the election process. For example, SO 11 from the 1997 Standing Orders provided 'SO 11. The Speaker shall be elected on the first sitting day of a new Parliament or whenever the Office becomes vacant'.

<sup>4</sup> Standing Orders and Procedure Committee, [Report 2/56](#), November 2015, p. iv and 2-3. The rationale was explained in the Chair's foreword as follows 'It is the Committee's view that the current Standing Order is overly prescriptive and reflective of a time when secret ballot elections for the Office had not been previously held, giving rise to a very cautious approach. To now dispense with certain requirements such as the need for Members 'to proceed to the voting booths located at the western end of the chamber' will remove some of this unnecessary detail, while retaining the essential requisites for conducting a secret ballot. The proposed changes also enable Members to submit their nominations to the Clerk prior to the election, rather than being handed up at the time of the election. This will assist the planning and timing of the event and hence the more efficient conduct of proceedings.'

### **Alignment with the *Constitution Act***

- 2.15 Section 31B(2) of the *Constitution Act* requires nominations to be seconded, and for the Member nominated to accept the nomination. It is recommended that these requirements are explicitly stated in the Standing Orders.
- 2.16 Section 31(2) of the *Constitution Act* also provides that, in relation to the Speaker:
- ...in case of his death, resignation, or removal by a vote of the said Legislative Assembly, the said Members shall forthwith proceed to elect another of such Members to be such Speaker.
- 2.17 Standing Order 16 also states that the election of the Speaker must take place 'on the next sitting day' if a vacancy occurs in the office of the Speaker.
- 2.18 Proposed new Standing Order 10A specifies separate nomination periods in the case of an election of a Speaker at the beginning of a Parliament (one week) and if a vacancy occurs during the Parliament (nominations to open as soon as practicable, closing when called for on the next sitting day).
- 2.19 The proposed new reference to the nomination period opening 'as soon as practicable' after a vacancy arises, with the election to take place at the start of the next sitting day, satisfies the requirement under 31(2) of the *Constitution Act* that in the case of a vacancy Members 'shall forthwith proceed to elect another of such members to be such Speaker'.

### **Process for providing nominations**

- 2.20 Standing Order 10, as it currently states, provides that 'at least one week before the scheduled sitting the Clerk shall invite all Members to submit their nominations for the vacant office by 9.00am on the day of the election; and shall publish the names of the nominees.'
- 2.21 Prior to the most recent change to this Standing Order in 2016, the process was for the Clerk to notify all Members at least one week before the scheduled sitting that nominations will be called for the office of Speaker at the prescribed time (immediately after Members have taken the pledge or oath), and that at the prescribed time on the first sitting day the Clerk would:
- (i) call for nominations to be delivered to the Clerk at the Table in a sealed envelope by the person nominated or by any other Member.
  - (ii) ask the House if it is satisfied that reasonable opportunity has been given for the receipt of nominations.
  - (iii) declare nominations to be closed.
- 2.22 The Committee considers that it is preferable for nominations to be submitted to the Clerk in the course of the actual proceedings of the House. Therefore, proposed Standing Order 10A provides that the Assembly return to the process of the Clerk advising Members at least one week before the scheduled sitting that nominations will be called for at the prescribed time (immediately after Members

have taken the pledge or oath), and that nominations are to be delivered to the Clerk, at the Table, when called for on the first day of sitting.

#### **Provision for Members to speak to the nominations**

- 2.23 As they stand, there are no specific references in the Standing Orders about when Members may speak to the nominations if they wish. For clarity, it is recommended that such a provision be inserted into the Standing Orders to provide that:

*The Clerk will inquire if any Member wishes to speak to the nominations; any Member may speak for no more than ten minutes each.*

- 2.24 The Committee recommends following the House of Representatives practice and including a mechanism for a Minister to move at any time without notice:

*'That the ballot be taken now'.*

- 2.25 The question shall be put immediately and resolved without amendment or debate. If the votes are equal the question shall be negatived, and debate may continue. If the question is carried, or when debate ends, the House shall proceed to a ballot.

#### **Announcement of number of votes received**

- 2.26 Standing Order 10(3)(e) provides that once the Clerk has counted the votes, the Clerk will declare a Member elected. The Standing Order is silent on the procedure where there are more than two candidates or where there is an equality of votes. These provisions are instead found in the *Constitution Act*.

- 2.27 There is currently no reference in the Standing Orders to the Clerk announcing the number of votes received for each candidate following the count. Precedents show this is the practice and it is, therefore, recommended that a new requirement be inserted into the Standing Orders to provide that:

*The Clerk will report the result of the ballot and declare a Member to be elected or the House will proceed to further ballots and, if necessary, the Clerk will determine the question by lot, in accordance with s.31B of the Constitution Act 1902.*

#### **Prohibition on locking the chamber and suspending sittings**

- 2.28 Currently, Standing Order 10 contains a 'note' at its end which reads:

*Note: At no time during these proceedings will the Chamber be locked or the sitting suspended.*

- 2.29 It is recommended that this note be inserted as part of the Standing Orders to ensure it has the full authority of a Standing Order of the House.

#### **Proposed changes to the Standing Orders relating to the election of the Speaker**

- 2.30 Given the above, the Committee recommends the changes contained in Table 2.

**Table 2: Proposed new Standing Orders related to the election of the Speaker**

<b>Current Standing Order</b>	<b>Proposed new Standing Order (content differing from current Standing Order highlighted)</b>
<p><b>2. Meeting of new Parliament after a General Election</b></p> <p>On the first day of a new Parliament after a General Election the proceedings shall be as follows:</p> <ol style="list-style-type: none"> <li>(1) Members shall assemble at the time and place specified in the Governor’s proclamation calling Parliament together and the Clerk shall read the Proclamation and announce the receipt of writs of election and the list of Members elected.</li> <li>(2) The House shall await a message from the Commissioner(s) appointed by the Governor for the Opening of Parliament.</li> <li>(3) The House shall attend at the place named in the message to hear the commission read. The House shall then return to its own Chamber.</li> <li>(4) The Commissioner(s) appointed by the Governor for administering the pledge or oath to Members shall be announced, and the commission read by the Clerk.</li> <li>(5) The writ of election of each Member, with the return endorsed, shall be produced by the Clerk.</li> <li>(6) Members shall make a pledge of loyalty or oath as prescribed by law and sign the roll.</li> <li>(7) The House shall then elect a Speaker (see SOs 10 and Constitution Act 1902, section 31B)</li> <li>(8) Until a Speaker is elected, the Clerk shall preside and in any debate shall decide any point of order and determine which Member is entitled to address the House.</li> <li>(9) A Minister may then inform the House when the Governor will summon the House for the hearing of the Governor’s reasons for calling the Parliament together. The House may then adjourn to that hour.</li> </ol>	<p><b>2. Meeting of new Parliament after a General Election</b></p> <p>On the first day of a new Parliament after a General Election the proceedings shall be as follows:</p> <ol style="list-style-type: none"> <li>(1) Members shall assemble at the time and place specified in the Governor’s proclamation calling Parliament together and the Clerk shall read the Proclamation and announce the receipt of writs of election and the list of Members elected.</li> <li>(2) The House shall await a message from the Commissioner(s) appointed by the Governor for the Opening of Parliament.</li> <li>(3) The House shall attend at the place named in the message to hear the commission read. The House shall then return to its own Chamber.</li> <li>(4) The Commissioner(s) appointed by the Governor for administering the pledge or oath to Members shall be announced, and the commission read by the Clerk.</li> <li>(5) The writ of election of each Member, with the return endorsed, shall be produced by the Clerk.</li> <li>(6) Members shall make a pledge of loyalty or oath as prescribed by law and sign the roll.</li> <li>(7) The House shall then elect a Speaker (see SOs 10, <b>10A and 10B</b> and Constitution Act 1902, section 31B)</li> <li>(8) Until a Speaker is elected, the Clerk shall preside and in any debate shall decide any point of order and determine which Member is entitled to address the House.</li> <li>(9) A Minister may then inform the House when the Governor will summon the House for the hearing of the Governor’s reasons for calling the Parliament together. The House may then adjourn to that hour.</li> </ol>

<p><b>10. Election of the Speaker</b></p> <p>(1) The Speaker shall be elected on the first sitting day of a new Parliament or whenever the office becomes vacant.</p> <p>(2) The election of Speaker shall be in accordance with section 31B of the Constitution Act 1902.</p> <p>(3) In addition to the provisions in the above mentioned section, the following procedure shall apply:</p> <p>(a) At least one week before the scheduled sitting the Clerk shall invite all Members to submit their nominations for the vacant office by 9.00 am on the day of the election; and shall publish the names of the nominees.</p> <p>(b) At the prescribed time on the first day of sitting the Clerk will:</p> <p>(i) announce the number of nominations received.</p> <p>(ii) if there is one valid nomination, declare that Member to be elected.</p> <p>(iii) if there is more than one valid nomination, announce the fact that a ballot will be required.</p> <p>(iv) have ballot papers prepared and initialled.</p> <p>(v) order that the bells be rung as prescribed for the taking of a ballot.</p> <p>(vi) call each Member by order of electorate, with Members proceeding to the Table to collect a ballot paper. The names of Members issued with ballot papers will be crossed off a list.</p> <p>(c) Having received a ballot paper Members will cast their vote in secret.</p> <p>(d) The Clerk will then declare the ballot closed.</p>	<p><b>10 When an election for Speaker takes place</b></p> <p>(1) An election for Speaker shall take place at:</p> <p>(a) the opening of a new Parliament after the Members have been sworn or made an affirmation; or</p> <p>(b) any time when the office of Speaker is vacant. (See SO 16 regarding the conduct of business when a vacancy in the office of Speaker occurs when the House is sitting.)</p> <p>(2) The election shall be conducted by the Clerk acting as Chair in the manner provided below in standing orders 10A and 10B.</p>
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<p>(e) The votes will be counted by the Clerks and the Clerk will declare a Member to be elected.</p> <p><i>Note: At no time during these proceedings will the Chamber be locked or the sitting suspended.</i></p>	
<p>No current standing order (detail currently provided in SO 10)</p>	<p><b>10A. The nomination process for the election of the Speaker</b></p> <p>The nomination process for the election of the Speaker must be in accordance with section 31B of the Constitution Act 1902. In addition, the following procedures must apply:</p> <ol style="list-style-type: none"> <li>(1) In the case of the election of the Speaker following a General Election, at least one week before the scheduled sitting all Members will be notified by the Clerk that nominations for the office of Speaker will be called for at the prescribed time (immediately after Members have taken the pledge or oath). A sample copy of the nomination form will be attached to the notification.</li> <li>(2) In the case of the election of the Speaker due to a vacancy arising in the office of the Speaker, the Clerk will notify all Members as soon as practicable that nominations for the office of Speaker will be called for at the start of the next sitting day. A sample copy of the nomination form will be attached to the notification.</li> <li>(3) Nominations must be seconded.</li> <li>(4) The Member nominated must accept the nomination by endorsement on the instrument of nomination.</li> <li>(5) At the prescribed time of the first day of sitting or in the case of a vacancy in the office of the Speaker at the commencement of the next sitting day, nominations are to be delivered to the Clerk at the Table in a sealed envelope by the person nominated or by any other Member.</li> </ol>

	<p>(6) The identity of the nominator and seconder are not to be disclosed by the Clerk.</p> <p>(7) The Clerk will ask the House if it is satisfied that reasonable opportunity has been given for the receipt of nominations, and advise that further nominations may not be made between ballots.</p> <p>(8) The Clerk will then declare nominations to be closed.</p>
<p>No current standing order (detail currently provided in SO 10)</p>	<p><b>10B. Procedures for the election of the Speaker</b></p> <p>The process for the election of the Speaker must be in accordance with section 31B of the Constitution Act 1902. In addition, the following procedures apply:</p> <p>(1) Until a Speaker is elected, the Clerk shall preside and, in any debate, shall decide any point of order and determine which Member is entitled to address the House.</p> <p>(2) In conducting the election, the Clerk will:</p> <ul style="list-style-type: none"> <li>(i) announce the number of nominations received.</li> <li>(ii) if there is one valid nomination, declare that Member to be elected.</li> <li>(iii) if there is more than one valid nomination, announce the fact that a ballot will be required.</li> <li>(iv) inquire if any Member wishes to speak to the nominations; any Member may speak for no more than ten minutes each. During debate, a Minister may move at any time without notice 'That the ballot be taken now'. The question is put immediately and without amendment or debate. If the votes are equal, the question is negatived. If the question is carried, or when debate ends, the House proceeds to a ballot.</li> <li>(v) have ballot papers prepared and initialled.</li> </ul>

	<p>(vi) order that the bells be rung as prescribed for the taking of a ballot.</p> <p>(vii) call each Member by order of electorate, with Members proceeding to the Table to collect a ballot paper. The names of Members issued with ballot papers will be crossed off a list.</p> <p>(3) After collecting a ballot paper, Members will cast their vote in secret at the Table. Members will place their ballot paper in the locked ballot box on the Table, before returning to their seat.</p> <p>(4) When all Members present have been called, received a ballot paper, voted and placed a ballot paper in the ballot box the Clerk will ask if any Member has not voted and desires to do so. The Clerk will then ask the House if there is any objection to declaring the ballot closed.</p> <p>(5) The Clerk will then declare the ballot closed.</p> <p>(6) The votes will be counted by the Clerks.</p> <p>(7) The Clerk will report the result of the ballot and declare a Member to be elected or the House will proceed to further ballots or, if necessary, the Clerk will determine the question by lot, in accordance with s.31B of the Constitution Act.</p> <p>(8) At no time during these proceedings will the Chamber be locked or the sitting suspended.</p>
<p><b>11. Procedures after election of the Speaker</b></p> <p>After election:</p> <p>(1) The elected Member shall be conducted to the Speaker’s rostrum by two Members.</p> <p>(2) Having been so conducted the Member elected makes acknowledgement to the</p>	<p><b>11. Procedures after election of the Speaker</b></p> <p>After election:</p> <p>(1) The elected Member shall be conducted to the Speaker’s rostrum by two Members.</p> <p>(2) Having been so conducted the Member elected makes acknowledgement to the</p>

<p>House for the honour conferred and takes the Chair as Speaker. The Mace having lain under the Table shall be laid upon the Table.</p> <p>(3) After the House congratulates the Speaker, a Minister shall inform the House where and at what time the Governor will receive the House for the purpose of presenting the Speaker.</p> <p>(4) At the stated time the sitting may be adjourned or suspended and the House shall proceed, with any Members then present, to be received by the Governor.</p> <p>(5) At such presentation the Speaker shall, in the name and on behalf of the House, lay claim to its undoubted rights and privileges.</p> <p>(6) On return the Speaker shall report the making of the claim.</p> <p>(7) A new Speaker filling a vacancy occurring during the currency of a Parliament does not lay claim to the privileges of the House.</p>	<p>House for the honour conferred and takes the Chair as Speaker. <b>The Mace shall be taken from under the Table, and placed on the Table.</b></p> <p>(3) After the House congratulates the Speaker, a Minister shall inform the House where and at what time the Governor will receive the House for the purpose of presenting the Speaker.</p> <p>(4) At the stated time the sitting may be adjourned or suspended and the House shall proceed, with any Members then present, to be received by the Governor.</p> <p><b><i>If the election occurs at the meeting of a new Parliament after a General Election</i></b></p> <p>(5) At such presentation the Speaker shall, in the name and on behalf of the House, lay claim to its undoubted rights and privileges.</p> <p>(6) On return the Speaker shall report the making of the claim.</p> <p><b><i>If the election occurs during the parliamentary term</i></b></p> <p>(7) A new Speaker filling a vacancy occurring during the currency of a Parliament does not lay claim to the privileges of the House.</p>
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## Dissent from Speaker's ruling - terminology concerning 'day appointed'

2.31 Currently, Standing Order 95 – Dissent from Speaker's ruling or decision, reads in full as below (with emphasis added in bold):

95. The procedure for dissenting from a ruling or decision of the Chair is as follows:

- (1) The Member must give notice of a motion at the time for notices with precedence stating the grounds of the dissent.
- (2) The notice must be given within 3 clear sitting days after the sitting day at which the ruling was given.
- (3) The motion shall take precedence of all other business on **the day appointed**.
- (4) The Speaker may call on the Member to reply if debate exceeds 30 minutes.
- (5) The notice lapses if not moved or postponed on **the appointed day**.
- (6) Any Member and the mover in reply shall each be entitled to speak for up to 10 minutes.

2.32 The highlighted words in clauses (3) and (6) referring to 'the day appointed' and 'the appointed day' have caused confusion in the past, and the issue has arisen from successive modifications to the Standing Orders. The Standing Order as it read previously specified (with emphasis added in bold):

A ruling of Mr Speaker may only be dissented from by Motion: Provided that Mr Speaker shall be entitled to put the Question when Debate on any such Motion shall have exceeded thirty minutes, and that no Member or the Mover in Reply, shall, without concurrence, speak to such Motion for more than ten minutes.

Notice of such Motion **shall be given and set down to be considered** within three sitting days of that on which the ruling was given, shall take precedence of all other business on the day appointed, and if not moved on that day shall lapse (Approved 1 May 1964).

2.33 Practice has been for the 'appointed day' reference to be interpreted as the next sitting day. In effect, the 1964 version was more clearly expressed to indicate that the debate on the motion was to occur within the three sitting days.

2.34 The Standing Order needs to be amended to give greater clarity as to when the motion is to be considered as an item of business with precedence, in accordance with SO 118(1)(a).

2.35 It is recommended that the Standing Order be amended to revert to the original meaning lost in redrafting, as contained in Table 3 below. This would give appropriate emphasis on the need for the authority of the Speaker to be resolved as a matter of priority. In effect, the debate on the dissent motion would most likely occur on the next sitting day but the main conditions to be met would be that:

- a) the notice of motion would sit on the business paper for 24 hours so that Members would have sufficient notice of such a significant debate; and

- b) the question over the validity of the Speakers' ruling or decision would be a matter resolved by the House as a matter of priority, within three clear sitting days after the ruling was given.

**Table 3: Proposed new Standing Order related to dissent from Speaker's ruling**

Current Standing Order	Proposed new Standing Order
<p><b>95.</b> The procedure for dissenting from a ruling or decision of the Chair is as follows:</p> <ol style="list-style-type: none"> <li>(1) The Member must give notice of a motion at the time for notices with precedence stating the grounds of the dissent.</li> <li>(2) The notice must be given within 3 clear sitting days after the sitting day at which the ruling was given.</li> <li>(3) The motion shall take precedence of all other business on the day appointed.</li> <li>(4) The Speaker may call on the Member to reply if debate exceeds 30 minutes.</li> <li>(5) The notice lapses if not moved or postponed on the appointed day.</li> <li>(6) Any Member and the mover in reply shall each be entitled to speak for up to 10 minutes.</li> </ol>	<p><b>95.</b> The procedure for dissenting from a ruling or decision of the Chair is as follows:</p> <ol style="list-style-type: none"> <li>(1) The Member must give notice of a motion at the time for notices with precedence stating the grounds of the dissent.</li> <li>(2) The notice shall be given and set down to be considered within three clear sitting days after the day on which the ruling was given.</li> <li>(3) The motion shall take precedence of all other business on the day appointed.</li> <li>(4) The Speaker shall be entitled to put the question where the debate exceeds 30 minutes, and to call on the mover in reply.</li> <li>(5) The notice lapses if not moved or postponed on the appointed day.</li> <li>(6) Any Member and the mover in reply shall each be entitled to speak for up to 10 minutes.</li> </ol>

## Procedure at Question Time

### Answers to be directly relevant

- 2.36 On 10 May 2022, the House agreed to sessional order 129 to insert a requirement that answers be 'directly relevant' as opposed to merely 'relevant' to the question asked.
- 2.37 In the short time that the sessional order has been in operation, the Committee believes it has led to an improvement in the relevance of the answers provided, and has given the Speaker more authority when presiding over Question Time.

### Procedure for Question Time

- 2.38 On 10 May 2022, the House agreed to sessional orders to change Standing Order 131 to:
- reduce the maximum time for an answer to a question from five minutes to three minutes;
  - specify that no question shall be asked after 60 minutes (increased from 45 minutes previously) from the Speaker calling on questions or the answering of 16 questions (increased from 10 previously), whichever is longer;
  - specify two questions from the cross-bench, at questions 7 and 15; and
  - set a maximum of 75 minutes for Question Time.
- 2.39 The House also agreed to include a new paragraph (9) in Standing Order 131, to provide that points of order taken during an answer to a question should not be vexatious, repetitive, interfering or used to make a statement in response to the answer.
- 2.40 On 8 June 2022, Standing Order 131 was further amended to provide that when the Speaker stops the clock during an answer in Question Time, the Member's speaking time clock shall be stopped but the overall Question Time timing clock will continue to run.
- 2.41 From May 2022 when the first changes to Standing Order 131 were made, to October 2022, the duration of Question Time increased from an average of 58 minutes to 68 minutes per day.
- 2.42 The Committee believes that these changes to the Question Time procedure have improved the effectiveness of Question Time and should be made permanent, with some minor amendments to reduce the overall minimum time from 60 minutes to 55 minutes, the maximum time from 75 minutes to 70 minutes, and to reduce the number of questions from 16 to 14, which is still higher than the current Standing Order limit of 10 questions.
- 2.43 The Committee also believes that sessional order 131 (8), which allocates at least two questions to cross-bench Members at question number 7 and question number 15, should be reconsidered in the 58<sup>th</sup> Parliament so that the number of questions allocated reflects the composition of the House following the 2023 election. For this reason, the Committee does not recommend that the allocation

of questions to the cross-bench be included in the Standing Orders, but considers that it should remain a sessional order.

### Proposed changes to the Standing Orders relating to Question Time

2.44 Given the above, the Committee recommends the changes contained in Table 4.

**Table 4: Proposed new Standing Orders related to Question Time**

<b>Current Standing Order</b>	<b>Proposed new Standing Order</b> (content differing from current Standing Order highlighted)
<b>129.</b> An answer shall be relevant to the question asked.	<b>129.</b> An answer shall be <b>directly</b> relevant to the question asked.
<p><b>131. Question Time</b></p> <p>The procedure for Question Time is as follows:</p> <ol style="list-style-type: none"> <li>(1) Questions are asked orally and may be read and are subject to the same rules as written questions but shall not be recorded in the Questions and Answers Paper.</li> <li>(2) An answer to a question must not exceed five minutes.</li> <li>(3) At the conclusion of the Minister's answer to a question, the member who asked the question may, at the discretion of the Speaker, seek additional information from the Minister. The Minister's response on the additional information must not exceed two minutes.</li> <li>(4) No question shall be asked after 45 minutes from the Speaker calling on questions or the answering of 10 questions whichever is the longer.</li> <li>(5) One supplementary question per Question Time may be asked immediately by the Member asking the original question. The answer shall count as one of the 10 answers.</li> <li>(6) The Leader of the Opposition is entitled to be called first by the Speaker at the commencement of Question Time.</li> <li>(7) Ministers seeking to provide additional information to questions already answered at the current or a previous</li> </ol>	<p><b>131. Question Time</b></p> <p>The procedure for Question Time is as follows:</p> <ol style="list-style-type: none"> <li>(1) Questions are asked orally and may be read and are subject to the same rules as written questions but shall not be recorded in the Questions and Answers Paper.</li> <li>(2) An answer to a question must not exceed <b>three</b> minutes.</li> <li>(3) At the conclusion of the Minister's answer to a question, the member who asked the question may, at the discretion of the Speaker, seek additional information from the Minister. The Minister's response on the additional information must not exceed two minutes.</li> <li>(4) No question shall be asked after <b>55 minutes</b> from the Speaker calling on questions or the answering of <b>14 questions</b>, whichever is the longer. <b>So long as Question Time has a maximum period that does not exceed 70 minutes.</b></li> <li>(5) One supplementary question per Question Time may be asked immediately by the Member asking the original question. The answer shall count as one of the <b>14 answers</b>.</li> <li>(6) The Leader of the Opposition is entitled to be called first by the Speaker at the commencement of Question Time.</li> <li>(7) Ministers seeking to provide additional information to questions already</li> </ol>

<p>sitting shall do so at the conclusion of Question Time.</p>	<p>answered at the current or a previous sitting shall do so at the conclusion of Question Time.</p> <p>(8) Points of order taken during an answer to a question should not be vexatious, repetitive, interfering or used to make a statement in response to the answer.</p> <p>(9) When under Standing Order 49A the Speaker has stopped the clock during an answer in Question Time, the Member's speaking time clock shall be stopped but the overall timing clock for Question Time shall continue to run.</p>
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## Suspensions of Standing and Sessional orders

- 2.45 On 24 March 2022, the House agreed to a sessional order to amend Standing Order 365 to provide that Members could move, without leave, to suspend standing orders between 10am and 1.15pm. Ministers are still able to move suspensions without leave at any time.
- 2.46 Since the introduction of this change, there have been seven instances of private Members moving a motion to suspend standing orders without leave, with six of these motions passing on the voices.

### Proposed changes to the Standing Order relating to suspensions of Standing and Sessional Orders

- 2.47 The Committee recommends the changes contained in Table 5.

**Table 5: Proposed new Standing Order related to suspension of Standing and Sessional Orders**

Current Standing Order	Proposed new Standing Order (content differing from current Standing Order highlighted)
<p><b>365. Suspension of Standing Orders</b></p> <p>(1) A Member may, at any time, seek leave of the House to move a motion to suspend Standing and Sessional Orders.</p> <p>(2) A Minister may, at any time without leave, move a motion to suspend Standing and Sessional Orders to deal with any matter.</p> <p>(3) The mover, one other Member and the mover in reply shall be entitled to speak to the motion for up to five minutes each.</p>	<p><b>365. Suspension of Standing Orders</b></p> <p>(1) A Member may, at any time after 10.00am and up to 1.15pm, without leave, move a motion to suspend Standing and Sessional Orders to deal with any matter.</p> <p>(2) A Minister may, at any time without leave, move a motion to suspend Standing and Sessional Orders to deal with any matter.</p> <p>(3) The mover, one other Member and the mover in reply shall be entitled to speak</p>

<p>(4) When the mover is a Member not supporting the Government, the response shall be by a Minister and, when the mover is a Member supporting the Government the response shall be by the Leader of the Opposition or a Member deputed.</p> <p>(5) Such motions shall not be entertained during Question Time.</p> <p>(6) The closure shall not apply.</p>	<p>to the motion for up to five minutes each.</p> <p>(4) When the mover is a Member not supporting the Government, the response shall be by a Minister and, when the mover is a Member supporting the Government the response shall be by the Leader of the Opposition or a Member deputed.</p> <p>(5) Such motions shall not be entertained during Question Time.</p> <p>(6) The closure shall not apply.</p>
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## Chapter Three – Potential future changes to Standing and Sessional Orders in the 58<sup>th</sup> Parliament

3.1 There are a number of areas in relation to the rules and practices of the House which the Committee considers are worthy of consideration by the Legislative Assembly in the next Parliament.

### Sessional Orders of the 57<sup>th</sup> Parliament

3.2 As the Legislative Assembly approaches the conclusion of the 57<sup>th</sup> Parliament, 19 sessional orders remain in force. Tables 6, 7 and 8 set out each sessional order not already discussed in this report and recommend further action for the consideration of the Legislative Assembly in the 58<sup>th</sup> Parliament, and the next iteration of the Standing Orders and Procedure Committee.

### Adoption as permanent Standing Orders

3.3 The sessional orders set out in Table 6 are considered worthy of adoption as permanent Standing Orders either because they are longstanding sessional orders (generally having been adopted for over more than one Parliament) or represent a more modern approach. They are:

- 132 (Written Questions);
- 134 (Copy handed to Clerk);
- 80 (Rules of Debate – Matters not open to debate or amendment);
- 91 (Privilege or contempt suddenly arising in the House); and
- 369 (Electronic transactions)

**Table 6: Sessional Orders recommended to be adopted as permanent Standing Orders**

Standing Order	Current Sessional Order (content differing from current Standing Order, highlighted; content proposed to be amended, in red)	Recommendation
<p><b>132. Written Questions</b></p> <p>The procedure for written questions is as follows:                      (1) Questions shall be handed to one of the Clerks-at-the-Table or lodged in the Procedure Office by 12.00 noon on a sitting day for publication in the next sitting day's paper.</p>	<p><b>132. Written Questions</b></p> <p>The procedure for written questions is as follows: '                      (1) Questions shall be lodged in the Table Office by 12.00 noon on a sitting day for publication in the next sitting day's paper.                      (2) A question containing argument, unbecoming expressions or otherwise</p>	<p><b>That the 58<sup>th</sup> Parliament consider adopting sessional order 132 as a permanent Standing Order, with below additional amendments to (4):</b></p> <p><b>1. Omitting the words 'On sitting days' before 'answers must</b></p>

<p>(2) A question containing argument, unbecoming expressions or otherwise not conforming with the practice of the House may:</p> <p>(a) Under the authority of the Speaker, be amended by the Clerk or divided if it contains matters that are not relevant to each other.</p> <p>(b) Be ordered not to be printed by the Speaker or removed from the Questions and Answers Paper.</p> <p>(3) The number of questions able to be lodged accumulative over one sitting week are:</p> <p>(a) Members – three questions per sitting day</p> <p>(b) Leader of the Opposition – four questions per sitting day.</p> <p>(4) Ministers shall lodge answers to written questions within 35 calendar days after the question is first published. On sitting days answers must be submitted by 12.00 noon on the due date, to be published in the next sitting day’s paper. Any answers lodged after this time will be published at a subsequent time. Answers must be signed and lodged in hard copy and also electronically.</p> <p>(5) If an answer to a written question is not received within 35 calendar days the Speaker, at the next</p>	<p>not conforming with the practice of the House may:</p> <p>(a) Under the authority of the Speaker, be amended by the Clerk or divided if it contains matters that are not relevant to each other.</p> <p>(b) Be ordered not to be printed by the Speaker or removed from the Questions and Answers Paper.</p> <p>(3) The number of questions able to be lodged over one sitting week are:</p> <p>(a) Members – <b>Nine questions per sitting week;</b></p> <p>(b) Leader of the Opposition – <b>Twelve questions per sitting week.</b></p> <p>(4) Ministers shall lodge answers to written questions within 35 calendar days after the question is first published. <b>On sitting days answers must be submitted by 12.00 noon</b> on the due date, to be published in the next sitting day’s paper. Any answers lodged after this time will be published at a subsequent time. <b>Answers must be signed and lodged in hard copy and also electronically.</b></p> <p>(5) If an answer to a written question is not received within 35 calendar days the Speaker, at the next sitting day after the expiry date, shall forthwith inform the House and the Minister shall immediately explain to</p>	<p><b>be submitted by 12.00 noon’; and</b></p> <p><b>2. Replacing the words ‘Answers must be signed and lodged in hard copy and also electronically’ with ‘Answers must be signed and may be lodged in either hard copy or electronically’</b></p> <p>Sessional order 132 provides for written questions to be lodged with the Table Office rather than the Clerk-at-the-table. This sessional order was amended on 2 June 2020 and provides for a more efficient method of processing written questions.</p> <p>The proposed changes recommended above reflect the current, practical realities of the House.</p>
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<p>sitting day after the expiry date, shall forthwith inform the House and the Minister shall immediately explain to the House the reason for non-compliance.</p> <p>(6) If the Minister, after explanation in the House, has not submitted an answer within 3 sitting days the Speaker shall again inform the House and the Minister shall again be called to explain with such procedure continuing until a written answer is submitted.</p>	<p>the House the reason for non-compliance.</p> <p>(6) If the Minister, after explanation in the House, has not submitted an answer within 3 sitting days the Speaker shall again inform the House and the Minister shall again be called to explain. The Minister will continue to be called each sitting day until a written answer is submitted.</p>	
<p><b>134. Copy handed to Clerk</b></p> <p>At the time of giving notice the original signed notice must be handed to a Clerk at the Table.</p>	<p><b>134. Copy handed to Clerk</b></p> <p>(1) After a General Business Notice of Motion (General Notice) is given in the House, it shall be dated, signed and emailed to the Table Office.</p> <p>(2) At the time any other type of notice is given, the notice must be dated, signed and emailed to the Clerks at the Table. Wherever possible, notices should be given to the Clerks in advance of being moved in the House and in accordance with any prior notice specified under the Standing Orders.</p>	<p><b>That the 58<sup>th</sup> Parliament consider adopting sessional order 134 as a permanent Standing Order with one amendment: replacing the word 'emailed' with 'provided' in both clauses (1) and (2).</b></p> <p>The replacement of the word 'emailed' with 'provided' will allow Members to provide a physical copy of their notices to the Clerk-at-the-Table if they wish to.</p>
<p><b>80. Rules of Debate – Matters not open to debate or amendment</b></p> <p>The following matters are not open to debate nor amendment:</p> <p>(1) Adjournment of debate.                  (2) Adjournment of the House.                  (3) Extension of time.</p>	<p><b>80. Rules of Debate – Matters not open to debate or amendment</b></p> <p>The following matters are not open to debate nor amendment:</p> <p>(1) Adjournment of debate.                  (2) Adjournment of the House.                  (3) Extension of time.</p>	<p><b>That the 58<sup>th</sup> Parliament consider adopting sessional order 80 as a permanent Standing Order.</b></p> <p>Sessional Order 80 was adopted in 2015, and readopted by the House at the commencement of</p>

<p>(4) Leave of the House.  (5) Motion that a Member be suspended.  (6) Motion that a Message be sent to the Legislative Council.  (7) Motion that leave of absence be granted.  (8) To withdraw or postpone an order of the day.  (9) Personal explanation.  (10) "That inspection of the paper be restricted to Members only and that no copies or extracts thereof be permitted".  (11) "That visitors be ordered to withdraw".  (12) "That the bill be declared urgent".  (13) "That the order of the day be discharged and the bill be withdrawn".  (14) "That the Committee report be printed".  (15) "That the Member for ... be further heard".  (16) "That the Member for ... be not further heard".  (17) "That the Member for ... be now heard."  (18) "That the petition not be received".  (19) "That the question be put as separate questions...".  (20) "That the question be now put".  (21) "That the question be not now put".  (22) "That the Member's speaking time be extended".  (23) Motion to permit a Member to make an inaugural speech.</p>	<p>(4) Leave of the House.  (5) Motion that a Member be suspended.  (6) Motion that a Message be sent to the Legislative Council.  (7) Motion that leave of absence be granted.  (8) To withdraw or postpone an order of the day.  (9) Personal explanation.  (10) "That inspection of the paper be restricted to members only and that no copies or extracts thereof be permitted".  (11) "That visitors be ordered to withdraw".  (12) "That the bill be considered an urgent bill".  (13) "That this bill be read at a later time".  (14) "That the Order of the Day be discharged and the bill be withdrawn".  (15) "That the Committee report be printed".  (16) "That the Member for ... be further heard".  (17) "That the Member for ... be not further heard".  (18) "That the Member for ... be now heard".  (19) "That the petition not be received".  (20) "That the question be put as separate questions".  (21) "That the question be now put".  (22) "That the question be not now put".  (23) "That the Member's speaking time be extended".  (24) Motion to permit a Member to make an inaugural or valedictory speech.</p>	<p>the 57<sup>th</sup> Parliament, to restrict debate or amendment when the motion "That this bill be read at a later time" is moved.</p> <p>It also contained minor terminology changes.</p>
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<p><b>91. Privilege or contempt suddenly arising in the House</b></p> <p>A Member may rise on a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House. In order to move a substantive motion immediately or to request the Speaker to have a notice placed on the Business Paper with precedence, the Member must satisfy the Speaker (in a statement limited to 10 minutes) that:</p> <ol style="list-style-type: none"> <li>(1) The matter is one suddenly arising, relates to a matter then before the House and should be dealt with at the earliest opportunity;</li> <li>(2) There is a prima facie case; and</li> <li>(3) The Member has prepared a notice of motion and the matter should proceed forthwith or have precedence for the next sitting day.</li> </ol>	<p><b>91. Privilege or contempt suddenly arising in the House</b></p> <ol style="list-style-type: none"> <li>(1) A Member may rise on a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House. In order to move a substantive motion immediately or to request the Speaker to have a notice placed on the Business Paper with precedence, the Member must satisfy the Speaker that:                     <ol style="list-style-type: none"> <li>(a) the matter is one suddenly arising, relating to a matter then before the House which should be dealt with at the earliest opportunity;</li> <li>(b) there is a prima facie case; and</li> <li>(c) the Member has prepared a notice of motion.</li> </ol> </li> <li>(2) When a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House is raised, the business before the House is suspended until the Speaker:                     <ol style="list-style-type: none"> <li>(a) determines that there is no matter of contempt or breach of privilege; or</li> <li>(b) defers the matter and either continues or adjourns the business under consideration; or</li> <li>(c) determines that a prima facie case exists and allows a notice of motion to be moved</li> </ol> </li> </ol>	<p><b>That the 58<sup>th</sup> Parliament consider adopting sessional order 91 as a permanent Standing Order.</b></p> <p>In 2012, the House adopted a sessional order to change SO 91 by inserting clearer processes to follow when raising a matter of privilege or contempt suddenly arising. These included a requirement that the business before the House is suspended so that the matter can be dealt with by the Speaker, time limits on speaking, and options for next actions if the Speaker does consider there to be a prima facie case.</p> <p>In 2015, minor grammatical changes were made to the sessional order, and it has been re-adopted in its current form ever since.</p>
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	<p>forthwith or to have precedence for the next sitting; or                  (d) takes some other form of action.</p> <p>(3) The maximum time available to a Member to satisfy the Speaker in accordance with paragraph (1) of this Standing Order is 10 minutes. The Speaker may determine the matter prior to the expiration of the 10 minutes.</p> <p>(4) If the Speaker determines that a prima facie case exists the Member must move a motion seeking either:                  (a) the declaration of the House that a contempt or breach of privilege has occurred; or                  (b) the referral of the matter by the House to the Standing Committee on Parliamentary Privilege and Ethics for consideration.</p>	
<p><b>No current standing order</b></p>	<p><b>369. Electronic Transactions</b></p> <p>(1) All references throughout the Standing and Sessional orders to the requirement for matters to be authorised or transacted in writing, will be met through electronic transmission of documents bearing clearly displayed signatures.</p> <p>(2) <b>The electronic transactions process operates for the remainder of this session.</b></p>	<p><b>That the 58<sup>th</sup> Parliament consider adopting sessional order 369 as a permanent Standing Order with one amendment: the removal of clause (2).</b></p>

### Re-adoption as temporary Sessional Orders

- 3.4 It is recommended that the Legislative Assembly in the 58<sup>th</sup> Parliament consider readopting the sessional orders contained in Table 7 as temporary sessional orders. They represent a variety of measures implemented relatively recently by the House and the new Assembly may wish to review their operation before making them permanent.
- 3.5 Additionally, a number of the following sessional orders are dependent on the sitting timetable and routine of business of the House. Historically, these have changed on a sessional basis based on the intentions and needs of Members in the new session of Parliament.
- 3.6 The sessional orders contained in Table 7 are:
- 41 (Absence of quorum and subsequent count-out)
  - 45 (Quorum during sitting – restriction on quorum calls)
  - 180 (Procedure for division)
  - 187 (Divisions – restriction on)
  - 188A (Responding to matters raised by the Legislation Review Committee)

**Table 7: Sessional Orders recommended to be re-adopted as sessional orders**

Standing Order	Sessional Order (content differing from Standing Order highlighted)	Recommendation
<p><b>41. Absence of Quorum and subsequent count-out</b></p> <p>If a Member states that a quorum is not present in the House:</p> <p>(1) The Speaker shall count the House.</p> <p>(2) If a quorum is not present the bells shall be rung for 4 minutes.</p> <p>(3) If after that time a quorum has not been formed, the names of the Members present shall be recorded in the Votes and Proceedings and the Speaker shall set down any business then before the House as an Order of the Day for a later time and adjourn the House until the next sitting day.</p>	<p><b>41. Absence of Quorum and subsequent count-out</b></p> <p>If a Member states that a quorum is not present in the House:</p> <p>(1) The Speaker shall count the House.</p> <p>(2) If a quorum is not present, the Speaker shall order the bells to be rung for <b>4 minutes</b> and will allow a <b>further 2 minutes</b> for all Members to reach the Chamber.</p> <p><b>(3) Members shall present themselves for the counting of the quorum by entering the left and right doors to the Chamber from Speaker's Square and, after a quorum has been established, each Member will exit via the</b></p>	<p><b>That the Legislative Assembly in the 58<sup>th</sup> Parliament consider readopting Sessional Order 41, with an additional amendment to align it with the procedure for divisions in 180, to provide for six minutes in total.</b></p> <p>The sessional order was adopted during the COVID-19 pandemic, and inserts a 'walk-through' process for counting a quorum similar to the current process for divisions.</p> <p>On 11 October 2022, the House resolved to adopt Sessional Order 180 (Procedure for divisions) to reduce the duration of</p>

<p>If the next sitting day has not been appointed, the House shall adjourn to the next succeeding business day.</p>	<p><b>Chamber side doors to the Speaker's corridor and the Wentworth Room.</b></p> <p>(4) If after the allotted time a quorum has not been formed, the names of the Members present shall be recorded in the Votes and Proceedings and the Speaker shall set down any business then before the House as an order of the Day for a later time and adjourn the House until the next sitting day.</p> <p>If the next sitting day has not been appointed, the House shall adjourn to the next succeeding business day.</p>	<p>divisions from a total of ten minutes to six.</p> <p>The new Parliament may wish to amend this sessional order to maintain consistency with the timing of six minutes for divisions.</p>
<p><b>45. Quorum during sitting – restriction on quorum calls</b></p> <p>Members shall not be permitted to call attention to the want of a quorum:</p> <p>(1) During Private Members' Statements;</p> <p>(2) Before 10.30 a.m. on any sitting day; or</p> <p>(3) On Friday sittings.</p>	<p><b>45. Quorum during sitting – restriction on quorum calls</b></p> <p>Members shall not be permitted to call attention to the want of a quorum:</p> <p>(1) During Private Members' Statements or Community Recognition Statements;</p> <p>(2) During debate on a Petition signed by 10,000 or more persons;</p> <p>(3) During the take note debate on reports from committees; or</p> <p>(4) Before 10.00 a.m. on any sitting day.</p>	<p>The new Assembly should consider whether it is desirable to retain this Standing Order in its current form as it has potentially significant constitutional implications.</p> <p>In the 57<sup>th</sup> Parliament, SO 45 has been changed by sessional order to reflect the House's desired time for commencement of proceedings and to identify business within which there is a preference for quorums not to be called.</p> <p>On 11 October 2022, the House resolved to adopt sessional order 187 (restrictions on divisions) to delay divisions until 10:30am (previously 10am). If sessional order 45 is retained in the new Parliament, the Assembly may wish to amend the</p>

		time specified in order to maintain consistency with the time for deferred divisions.
<p><b>180. Procedure for division</b></p> <p>When a division has been called for:</p> <ol style="list-style-type: none"> <li>(1) The Speaker shall state the question and appoint two tellers for each side.</li> <li>(2) Tellers may not decline to be appointed unless excused by the Speaker.</li> <li>(3) The Speaker shall order the division bells to be rung for 4 minutes and will allow a further 6 minutes for all Members voting in the division to reach the Chamber.</li> <li>(4) Members shall present themselves by entering the left and right doors to the Chamber from Speaker’s Square— Ayes to the right and Noes to the left of the Chair.</li> <li>(5) After registering their vote with the tellers, each Member will exit via the Chamber side doors to the Speaker’s corridor and the Wentworth Room.</li> <li>(6) If, after the 10 minutes allocated for Members to proceed to the Chamber, Members are still arriving to vote, the duration of the time allocated for the division may be extended at the Speaker’s discretion.</li> </ol>	<p><b>180. Procedure for division</b></p> <p>When a division has been called for:</p> <ol style="list-style-type: none"> <li>(1) The Speaker shall state the question and appoint two tellers for each side.</li> <li>(2) Tellers may not decline to be appointed unless excused by the Speaker.</li> <li>(3) The Speaker shall order the division bells to be rung for 4 minutes and will allow a further 2 minutes for all Members voting in the division to reach the Chamber.</li> <li>(4) The division bells shall be rung immediately upon the order of the Speaker, but the timing clock shall not commence until the tellers receive the division tablets from the Clerks.</li> <li>(5) Members shall present themselves by entering the left and right doors to the Chamber from Speaker’s Square— Ayes to the right and Noes to the left of the Chair.</li> <li>(6) After registering their vote with the tellers, each Member will exit via the Chamber side doors to the Speaker’s corridor and the Wentworth Room.</li> <li>(7) If, after the 6 minutes allocated for Members to proceed to the Chamber, Members are still arriving to vote, the duration of the time allocated for the division may be extended</li> </ol>	<p><b>That the Legislative Assembly in the 58<sup>th</sup> Parliament consider readopting sessional order 180.</b></p> <p>On 11 October 2022, the House adopted sessional order 180 to reduce length of divisions from ten minutes to six, and to specify that the timing clock is only to commence once the tellers receive the division tablets from the Clerks, while the bells will ring immediately.</p>

	at the Speaker's discretion.	
<p><b>187. Restriction on divisions</b></p> <p>(1) The House shall not conduct a division on any question before 10.30 a.m. on days when the House meets at an earlier time, or during Private Members' Statements. If a division is called prior to 10.30 a.m. on such days, the division shall be deferred and conducted at 10.30 a.m. and any business then before the House shall be interrupted and recommenced after the division(s).</p> <p>(2) On any Friday when the House sits, whether as a continuation of the sitting of the previous day or as a separate sitting day any divisions called shall be deferred, set down as orders of the day for the next sitting day and determined after Question Time.</p>	<p><b>187. Restriction on divisions</b></p> <p>The House shall not conduct a division on any question before 10.30 a.m. on days when the House meets at an earlier time, during Private Members' Statements, or Community Recognition Statements. If a division is called prior to 10.30 a.m. on such days, the division shall be deferred and conducted at 10.30 a.m. and any business then before the House shall be interrupted and recommenced after the division(s).</p>	<p><b>That the Legislative Assembly in the 58<sup>th</sup> Parliament consider readopting sessional order 187.</b></p> <p>Sessional order 187 was originally adopted on 7 May 2019 to remove the reference to Friday sitting days, and to bring forward the restriction on divisions to no earlier than 10am.</p> <p>On 11 October 2022, the House resolved to revert back to the 10:30am commencement of divisions for the remainder of the session.</p>
No current standing order	<p><b>188A. Responding to matters raised by the Legislation Review Committee</b></p> <p>(1) The Member with carriage of a bill shall, if reasonably practicable, address any matters raised by the Legislation Review Committee in its report on the bill during the bill's second reading debate.</p> <p>(2) If not reasonably practicable for a response to be made during the debate, and a response has not been given in the House, the Member with</p>	<p><b>That the Legislative Assembly in the 58<sup>th</sup> Parliament consider readopting sessional order 188A.</b></p> <p>On 11 October 2022, the House adopted new sessional order 188A, which inserts a requirement for Members with carriage of a bill to respond to matters raised by the Legislation Review Committee (LRC) during the bill's second reading debate, but if that is not</p>

	<p>carriage is to provide a response to the matters raised by the Legislation Review Committee by correspondence to the Committee.</p>	<p>practicable, by correspondence to the LRC.</p> <p>The sessional order was a response to the recommendation by the LRC in its 2018 Report No. 1/56: <i>"that the Houses give consideration to amending their respective Standing Orders to require the Member with carriage of a bill to address any matters identified by the Legislation Review Committee during debate on the bill."</i></p>
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### Sessional orders which may not require re-adoption in 2023

- 3.7 Finally, Table 8 contains sessional orders which served a particular purpose during the COVID-19 pandemic, but which may not be required by the Assembly into the future. It is recommended that the next Assembly consider whether these sessional orders should be readopted. These are SO 47A (Postponing meeting times) and SO 249B (Removal of a Member on grounds other than disorder).

**Table 8: Sessional Orders which may not require re-adoption in 2023**

Standing Order	Sessional Order	Recommendation
<p>No current standing order</p>	<p><b>47A. Postponing Meeting Times</b></p> <p>(1) When the House is not sitting the Government, in the public interest, may in writing to the Speaker or, in the absence of the Speaker, the Deputy Speaker, request an alternative day or hour for the next meeting of the House. If satisfied, the Speaker shall:</p> <p>(a) Fix a day and time; and</p> <p>(b) Communicate the day and time to all Members.</p>	<p><b>That the Legislative Assembly in the 58<sup>th</sup> Parliament consider whether there is any need to re-adopt sessional order 47A.</b></p> <p>Sessional order 47A was adopted on 24 March 2020 as a COVID-19 measure, to permit the Government to request, and for the Speaker, if satisfied, to set an alternative day or hour for the next meeting of the House. The sessional order was used to rearrange the</p>

	<p>(2) The Speaker’s notification to each Member may be by electronic means.</p> <p>(3) This Sessional Order operates for the remainder of this session.</p>	<p>parliamentary timetable to meet pandemic contingencies. For example, it was utilised on Health advice to manage possible COVID transmission within the Parliament. It provides for the postponement, as distinct from the recall of the House, and as such can be used to reduce the number of sitting days on which the House has previously resolved to meet. It is unlikely that such a measure will be necessary by the time the 58<sup>th</sup> Parliament meets.</p>
No current standing order	<p><b>249B. Removal of a Member on grounds other than disorder</b></p> <p>The Speaker may direct a Member to leave the Chamber in circumstances where the Member concerned cannot demonstrate that they have cleared temperature and symptom screening that day or where the Member exhibits symptoms of Covid-19. This sessional order may cease to operate on an earlier date advised by the Speaker.</p>	<p><b>That the Legislative Assembly in the 58<sup>th</sup> Parliament consider whether there is any need to re-adopt sessional order 249B.</b></p> <p>SO 249B was adopted as a COVID-19 safety measure on 2 June 2020 and then re-adopted on 9 February 2021 and 15 February 2022. Since its adoption, it has never been used.</p>

## Further review of Standing Orders and procedures

- 3.8 In addition to the above review of sessional orders, the Committee considers that a number of Standing Orders may benefit from review in the next Parliament. These include Standing Orders 85 (Maximum time limits), 368 (Filming and broadcast of proceedings) and those within Chapter 13 (Amendments).

### SO 85: Speaking times for Consideration in Detail – Private Members' Bills

- 3.9 Standing Order 85 sets out the speaking times for a number of business items, including the speaking times for the second reading debate and consideration in detail stages of a bill.

3.10 The timings for second reading debates provides for speaking times depending on whether the bill was i) introduced by a Minister (i.e. a Government bill); ii) an Appropriation bill or iii) introduced by a Private Member. While Government bills only allow for the Mover (generally the relevant Minister) and a Member of the Opposition to speak for unlimited time, Private Members' bills allow for the Mover, one Member of the Government and one Member of the Opposition to speak for an unspecified time.

3.11 Unlike the timings for second reading debates, Standing Order 85 does not provide specific arrangements for situations for either where a Private Member's bill will reach the consideration in detail stage, or where parties have permitted conscience voting. Currently, Standing Order 85 provides that the only speakers who have an unspecified time during consideration in detail on any bill are the relevant Minister and a member of the Opposition:

**85. Maximum time limits**

...

**Consideration in detail of bill or other matter (SO 240-242)**

Minister	- unspecified number of periods limited to 15 minutes each
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Leader of the Opposition	
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or one Member deputed	- unspecified number of periods limited to 15 minutes each
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Any other Member	- three periods each on any one question not exceeding 5 minutes each.
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...

3.1 The impact of this is that a Private Member who has introduced a bill, regarding which amendments have been proposed in consideration in detail, is limited when responding to amendments to 'three periods each on any one question not exceeding 5 minutes each'.

3.2 While it is less common for Private Members' bills to reach the consideration in detail stage, there have been a number of notable examples during the 57<sup>th</sup> Parliament, including the Reproductive Health Care Reform Bill (Mr Alex Greenwich MP); the Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill (Mrs Leslie Williams MP); the Voluntary Assisted Dying Bill (Mr Alex Greenwich MP) and the Animal Research Amendment (Right to Release) Bill (Mr Alex Greenwich MP).

3.3 For a number of these bills, the major parties permitted their members to vote on their conscience, rather than along party lines. Additionally, in some but not all of these cases, the House suspended Standing and Sessional Orders to allow the Mover of an amendment and the Member with carriage of the bill to speak to each amendment.

- 3.4 It is proposed that the situation could be remedied by amending Standing Order 85 so that, during consideration in detail on Private Members' bills, both the Member with carriage of the bill and the mover of an amendment can speak for an unspecified number of periods for 15 minutes each.

**Table 9: Possible change to Standing Order 85**

<b>85. Maximum time limits</b>	
...	
<b><u>Consideration in Detail of bill or other matter (SO 240-242)</u></b>	
<b>(i) Introduced by a Minister</b>	
Minister	- unspecified number of periods limited to 15 minutes each
Leader of the Opposition or one Member deputed	unspecified number of periods limited to 15 minutes each
Any other Member	- three periods each on any one question not exceeding 5 minutes each
<b>(ii) Introduced by a Private Member</b>	
Member with carriage of the bill	- unspecified number of periods limited to 15 minutes each
Mover of amendment	- unspecified number of periods limited to 15 minutes each
Any other Member	- three periods each on any one question not exceeding 5 minutes each
Minister	- unspecified number of periods limited to 15 minutes each
Leader of the Opposition or one Member deputed	unspecified number of periods limited to 15 minutes each

**SO 368: Filming and broadcast of proceedings**

- 3.5 Standing Order 368, which is currently suspended by sessional order, states:

**368. Filming and Broadcasting of Proceedings**

The House authorises, on such terms and conditions as may be determined by the Speaker from time to time:

- (1) The filming of its proceedings and the proceedings in public of its committees; and

- (2) The broadcasting and re-broadcasting of such proceedings or extracts thereof in any form, both within and outside the Parliamentary precincts, by any medium.

- 3.6 On 19 October 2021, following an inquiry and subsequent recommendations by this Committee, the House adopted a Broadcast Resolution and suspended Standing Order 368 for the remainder of the 57<sup>th</sup> Parliament.
- 3.7 The Legislative Assembly in the 58<sup>th</sup> Parliament may wish to consider adopting the Broadcast Resolution as a 'resolution of continuing effect'. This could be supplemented by amending Standing Order 368 to note the existence of the Resolution, and the fact that it authorises the Speaker to set terms and conditions which are not inconsistent with the Resolution.

#### **Amendments to motions**

- 3.8 The Committee considers that there may be benefit for the Standing Orders and Procedure Committee in the next Parliament to review the operation of Standing Orders regarding dealing with amendments to motions, with a view to assessing how these rules are working in line with current practice.

#### **Procedural fairness**

- 3.9 The Committee notes that, over the past few decades, parliaments around the world have begun adopting procedural fairness procedures in relation to Committee operations. The Legislative Assembly in the 58<sup>th</sup> Parliament may wish to examine the potential for a procedural fairness resolution which would relate to the Assembly's committees and participants in their inquiries.

## Appendix One – Terms of reference

The Standing Orders and Procedure Committee has been appointed to inquire into, and report on any matter relating to the standing orders or procedures of the House and its committees.

## Appendix Two – Extracts from minutes

### Meeting no 34

TIME & DATE	11:00 AM, 6 OCTOBER 2022	LOCATION	WEBEX VIDEOCONFERENCE
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#### MEMBERS PRESENT (ALL BY WEBEX)

The Hon. Jonathan O'Dea MP (**Chair**)

Mr Michael Daley MP

Mr Lee Evans MP

The Hon. Alister Henskens MP

Mr Ron Hoenig MP

Mr Greg Piper MP (until 11.24 pm)

Mr Gurmesh Singh MP

Mr Nathaniel Smith MP

Ms Anna Watson MP

#### OFFICERS PRESENT (ALL BY WEBEX)

Ms Helen Minnican, Clerk

Ms Carly Maxwell, Deputy Clerk

Mr Simon Johnston, Clerk-Assistant, Research and Operations and Serjeant-at-Arms

Mr John Young, Clerk-Assistant, House and Procedure

Mr Ben Foxe, Director, House and Procedure

Mr Todd Buttsworth, Director, House and Procedure

Ms Amanda Alam, Manager, House and Procedure

Ms Eline Saleuesile, Senior Parliamentary Officer, House and Procedure

#### OTHER ATTENDEES (BY PREVIOUS RESOLUTION OF THE COMMITTEE, ALL BY WEBEX)

Mr Paul Blanch, Office of the Speaker

Ms Jodi Rahme, Office of the Speaker

Ms Adelaide Cuneo, Office of the Leader of the House

Ms Asha Towers, Office of the Government Whip

#### OTHER ATTENDEES (BY AGREEMENT OF THE COMMITTEE, ALL BY WEBEX)

Ms Viv Lee, Assistant to the National Party Whip

## APOLOGIES

The Hon. Mark Coure MP, The Hon. Leslie Williams MP

## AGENDA ITEM

Mr Speaker opened the meeting at 11:02 am.

1. ...

2. ...

3. ...

4. ...

5. ...

6. ...

7. ...

8. **Proposal for a Committee Report – Potential amendments to the Standing Orders in preparation for next Parliament**

Mr Speaker referred the Committee to the Briefing Note circulated prior to the meeting.

Discussion ensued.

Resolved, on the motion of Mr Daley, seconded by Mr Evans: That the Committee Secretariat prepare a report on proposed changes to the Standing Orders and changes the Committee recommends be considered in the next Parliament.

9. ...

10. **Adjournment**

The meeting adjourned at 12:08 pm. The Committee agreed to meet again on the last week of October or first week of November, on either a Wednesday or Thursday.

## Meeting no 35

<b>TIME &amp; DATE</b>	<b>1:15 PM, 9 NOVEMBER 2022</b>	<b>LOCATION</b>	<b>ROOM 814/815 AND WEBEX VIDEOCONFERENCE</b>
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### MEMBERS PRESENT

The Hon. Jonathan O'Dea MP ( <b>Chair</b> )	Mr Greg Piper MP
The Hon. Leslie Williams MP	Mr Gurmesh Singh MP
Mr Lee Evans MP	Mr Nathaniel Smith MP (By Webex)
The Hon. Alister Henskens MP	Mr David Mehan MP (Observer)
Mr Ron Hoenig MP	

### OFFICERS PRESENT

Ms Helen Minnican, Clerk  
 Ms Carly Maxwell, Deputy Clerk  
 Mr Simon Johnston, Clerk-Assistant, Research and Operations and Serjeant-at-Arms  
 Mr John Young, Clerk-Assistant, House and Procedure  
 Mr Ben Foxe, Director, House and Procedure  
 Mr Todd Buttsworth, Director, House and Procedure  
 Ms Eline Saleuesile, Senior Parliamentary Officer, House and Procedure

### OTHER ATTENDEES (BY PREVIOUS RESOLUTION OF THE COMMITTEE)

Mr Paul Blanch, Office of the Speaker  
 Ms Shu-Fang Wei, Office of the Speaker (By Webex)  
 Ms Adelaide Cuneo, Office of the Leader of the House  
 Ms Asha Towers, Office of the Government Whip

### OTHER ATTENDEES (BY AGREEMENT OF THE COMMITTEE)

Ms Viv Lee, Assistant to the National Party Whip (By Webex)  
 Ms Colleen Symington, Office of the Opposition Whip

### APOLOGIES

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The Hon. Mark Coure MP, Mr Michael Daley MP, Ms Anna Watson MP

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## AGENDA ITEMS

Mr Speaker opened the meeting at 1:18 pm.

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11. ...

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12. ...

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13. ...

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14. **Operation of Sessional Orders regarding Question Time (129 and 131) and Suspensions of Standing Orders (365)**

Mr Speaker referred the Committee to the Briefing Note previously circulated to Members and invited the Committee to discuss the operation of the Sessional Order changes to Standing Orders 129, 131 and 365. Mr Speaker provided a summary of statistics in relation to the changes to Question Time implemented on 10 May 2022.

Discussion ensued.

Resolved, on the motion of Mr Henskens, seconded by Mr Hoenig: That, Standing Order 131(4) be amended so that no question shall be asked after 55 minutes from the Speaker calling on questions or the answering of 14 questions whichever is the longer. So long as Question Time has a maximum period that does not exceed 70 minutes.

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15. **Draft Committee Report – Potential amendments to the Standing Orders in preparation for next Parliament**

Mr Speaker referred the Committee to the Chair's draft report, as circulated, and provided an overview of the purpose of the report.

The Clerk briefed the Committee on the contents of the report, including proposed changes to the Standing Orders in relation to:

- The process for tabling out of session
- The Election of Speakers
- Dissent from Speaker's ruling

Discussion ensued.

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The Committee agreed that: the proposed amendments would be incorporated in the draft report which would be circulated by the evening of Thursday 11 November for consideration at the next meeting.

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16. ...

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#### 17. **Adjournment**

The meeting adjourned at 1:52 pm. The Committee agreed to meet again on Wednesday 16 November 2022 at 1.15pm.

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## Meeting no 36 (unconfirmed minutes)

TIME & DATE	1:18 PM, 16 NOVEMBER 2022	LOCATION	SPEAKER'S DINING ROOM
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#### MEMBERS PRESENT

The Hon. Jonathan O'Dea MP (**Chair**)

Mr Lee Evans MP

The Hon. Alister Henskens MP

Mr Ron Hoenig MP

Mr Greg Piper MP

#### OFFICERS PRESENT

Ms Helen Minnican, Clerk

Ms Carly Maxwell, Deputy Clerk

Mr John Young, Clerk-Assistant, House and Procedure

Mr Ben Foxe, Director, House and Procedure

Mr Todd Buttsworth, Director, House and Procedure

Ms Amanda Alam, Manager, House and Procedure

Ms Eline Saleuesile, Senior Parliamentary Officer, House and Procedure

#### OTHER ATTENDEES (BY PREVIOUS RESOLUTION OF THE COMMITTEE)

Mr Paul Blanch, Office of the Speaker

Ms Shu-Fang Wei, Office of the Speaker

Ms Adelaide Cuneo, Office of the Leader of the House

Ms Asha Towers, Office of the Government Whip

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## APOLOGIES

Mr Gurmesh Singh MP, Mr Nathaniel Smith MP, The Hon. Mark Coure MP, Mr Michael Daley MP, Ms Anna Watson MP, The Hon. Leslie Williams MP

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## AGENDA ITEMS

Mr Speaker opened the meeting at 1:18 pm.

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1. **Confirmation of minutes**

Resolved, on the motion of Mr Henskens, seconded by Mr Evans: That, the minutes of meeting No. 35 held 9 November 2022 be confirmed.

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2. ...

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3. **Draft Committee Report: Potential amendments to the Standing Orders in preparation for next parliament**

The Speaker referred the Committee to the Chair's draft report, as circulated previously, and noted the report had incorporated the amendments agreed to by the Committee at its last meeting.

Resolved, on the motion of Mr Henskens, seconded by Mr Hoenig: That,

- a) the Chair's draft report be adopted as the report of the Committee.
- b) the report be signed by the Chair and presented to the House; and that once tabled the report be published on the Committee's webpage.
- c) the Chair and committee staff be permitted to correct stylistic, typographical, consequential and grammatical errors.

The Speaker noted that once the report is tabled, the Leader of the House is able to move a motion after Question Time that the amendments to the Standing Orders as recommended in the report be agreed to. After any debate, and should the House agree to the motion, the amendments to the Standing Orders will be conveyed to the Governor for approval.

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4. ...

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5. ...

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