



LEGISLATIVE ASSEMBLY OF VICTORIA
STANDING ORDERS COMMITTEE

**Recommendations from the Public Accounts and
Estimates Committee's *Report on the inquiry into
strengthening government and parliamentary
accountability in Victoria* — Interim Response**

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July 2009

Legislative Assembly of Victoria
Standing Orders Committee

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STANDING ORDERS COMMITTEE

Members

Hon Jenny Lindell, MP, Speaker of the Legislative Assembly (Chair)

Ms Ann Barker, MP, Deputy Speaker of the Legislative Assembly

Mr Nicholas Kotsiras, MP

Mr Craig Langdon, MP

Mr Andrew McIntosh, MP

Mr Don Nardella, MP

Mrs Jeanette Powell, MP

Committee staff

Mr Ray Purdey, Clerk of the Legislative Assembly (Principal Adviser to the Committee)

Mrs Liz Choat, Deputy Clerk

Ms Bridget Noonan, Assistant Clerk Committees (Secretary)

APPOINTMENT OF THE STANDING ORDERS COMMITTEE

Extract from the Votes and Proceedings of the Legislative Assembly

Thursday 15 March 2007

7 STANDING ORDERS COMMITTEE AND PRIVILEGES COMMITTEE

...

- (2) A select committee be appointed to consider and report upon the standing orders of the House; such Committee to consist of the Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell and that four be the quorum.

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CHAIR'S INTRODUCTION

The Public Accounts and Estimates Committee (PAEC) tabled a report in 2008 on the Inquiry into Strengthening Government and Parliamentary Accountability in Victoria, which highlighted some procedural matters for closer examination by the Standing Orders Committee. The Standing Orders Committee has worked through the recommendations made by PAEC and I am pleased to present the Committee's response to those recommendations.

In addition to reviewing the PAEC report, the Committee is also undertaking an inquiry into specific matters to do with the passage of legislation, the Opening of Parliament, and petitioning the Parliament, and expects to complete its investigations later this year. Therefore, this report does not go into those matters in any great detail.

I would like to thank all members of the Committee — Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell — for their productive discussion of the issues, and on behalf of the Committee I thank the Clerks for their advice.

Hon Jenny Lindell MP
Speaker
July 2009

RECOMMENDATION

The Committee recommends that:

- **Standing Order 42 be amended as set out in the Appendix.**

REPORT

The Committee has the honour to report as follows:

Background to the report

- 1 The Public Accounts and Estimates Committee tabled its *Report on Strengthening Government and Parliamentary Accountability in Victoria* ('PAEC report') on 9 April 2008. The PAEC report identified a range of issues for the Standing Orders Committee to examine in order to promote parliamentary accountability.
- 2 The Standing Orders Committee began to consider the recommendations that impacted on the Assembly's standing orders and practices in September 2008.
- 3 The Government's response to the PAEC report was tabled in the House on 9 November 2008.
- 4 On 4 December 2008, the House referred a matter to the Committee for inquiry, consideration and report, regarding three components of the PAEC report — the passage of legislation, the opening of Parliament, and petitions.

Issues not addressed in this report

- 5 As part of its analysis of the issues identified for its consideration in the PAEC report, the Committee looked at modernising the legislative process, dealing with petitions, and the opening of Parliament. The Committee does not specifically address those issues in this report, as a more detailed investigation of those matters will be reported to the House as part of the Committee's report on the inquiry referred to it in December 2008.
- 6 The Committee presented its *Epetitions Report* to the House on 7 May 2009, recommending a model by which Victorian residents can petition the House by electronic means. The Committee refers members and others interested in epetitions to the report.

Response to recommendations

- 7 In this report, the Committee considers each of the PAEC report's relevant recommendations in turn, and provides a response to each. Some of those responses result in recommendations to the House about new or changed practices.

Legislative Assembly Standing Orders Committee

- 7.1 *PAEC recommendation 5: The Legislative Assembly Standing Orders Committee revise its standing orders to allow supplementary questions on notice.*

The Committee does not share the view that supplementary questions would improve behaviour in question time. It is not clear that such a process would enhance accountability in the Chamber and could exacerbate problems in adding to the overall response time. The Committee notes that while the House of Commons allows supplementary questions, the procedure in that House for questions is very different, and selecting one aspect to import into Assembly procedures will not change members' behaviour.

The Committee does not support recommendation 5.

- 7.2 *PAEC recommendation 6: The Legislative Assembly Standing Orders Committee revise its standing orders to allow questions without notice and questions on notice to be put to a member representing a Minister from the Legislative Council.*

The Committee notes that this is already done regularly for questions on notice, and a list of Assembly ministers representing Council ministers is available from the Procedure Office. Technically, it is also Assembly procedure for questions without notice, although the current practice is more often to direct a question to the Premier.

The Committee does not regard recommendation 6 as necessary, as existing Assembly practices already permit questions to be directed in this way.

- 7.3 *PAEC recommendation 7: The Legislative Assembly Standing Orders Committee retain points of order during question time, but note a reduced tolerance for frivolous points of order in light of the availability of supplementary questions.*

The Committee notes the right of members of Parliament to take a point of order at any time and that frivolous points of order are disorderly. Therefore, the Committee views recommendation 7 as unnecessary.

- 7.4 *PAEC recommendation 8: The Legislative Assembly Standing Orders Committee revise the standing orders to incorporate time limits on replies to individual questions without notice (for example, four minutes).*

Some answers are short, and others may be much longer than normal due to the specific circumstances — such as in answering a question about a complex matter or a tragic occurrence — and Committee members respect the need for a minister to respond accordingly. Set time limits, therefore, can be unhelpful. The Chair generally exercises discretion and takes into account interruptions to an answer.

The Committee rejects the recommendation and considers the current standing orders and practice should continue to apply, noting that four minutes has been set in the past as a useful guide, but should not be seen as a fixed rule.

- 7.5 *PAEC recommendation 15: Funding should be provided in the near future for the video webcasting of all sessions of the Legislative Council and Legislative Assembly. Video webcasting of other parliamentary proceedings (for example, Committee meetings) could also be considered.*

The Committee agrees with the recommendation relating to funding, and notes that the Parliamentary Departments sought funding from the Expenditure Review Committee of Cabinet (ERC). ERC has approved the Chamber video webcasting project.

Subject to the provision of funding and the success of video webcasting, the Committee sees merit in webcasting other public components of parliamentary debate, such as committee public hearings.

- 7.6 *PAEC recommendation 18: The Legislative Assembly Standing Orders Committee and the Legislative Council Standing Orders Committee modernise and simplify the process for considering and passing legislation.*

The Committee is currently investigating the practices of other Parliaments and intends to consult with the Legislative Council. The Committee will respond to this matter as part of its report to the House on the review of standing orders referred in December 2008.

- 7.7 *PAEC recommendation 19: The Legislative Assembly Standing Orders Committee revise its procedures for notices of motion so that they are lodged with the Clerk and incorporated in the notice paper.*

The Committee is interested in methods to improve the manner in which notices of motion are presented to the House. It is critical to strike a balance between providing a forum for members to give notice of substantive motions for the House to consider, and making effective use of the House's time. The Committee defers responding to recommendation 19 until it has completed an analysis of other jurisdictions.

- 7.8 *PAEC recommendation 20: The Legislative Assembly Standing Orders Committee revise its standing orders so that Ministers who are not present in the Legislative Assembly when matters are raised during the adjournment debate relating to their portfolios are required to provide a response in writing within 30 days and that a copy of the response is to be given to the member who raised the issue and that all responses be incorporated in Hansard.*

The Committee notes that this practice occurs in the Legislative Council and will review the effectiveness of it.

- 7.9 *PAEC recommendation 21: The Legislative Assembly Standing Orders Committee and the Legislative Council Standing Orders Committee revise their*

Legislative Assembly Standing Orders Committee

respective standing orders so as to modernise the opening of Parliament, whilst retaining traditional elements.

The Committee has identified some aspects of the opening of Parliament that could be modernised, and intends to consult with the Legislative Council Standing Orders Committee. The issue will be addressed in the House on the review of standing orders referred in December 2008.

- 7.10 *PAEC recommendation 23: The Legislative Assembly Standing Orders Committee revise its standing orders to allow for a fixed one hour adjournment in the event of the death of a member of the Legislative Assembly or a former member who was a nominated office holder.*

The Committee agrees that a period of one hour gives sufficient time to talk to the family after the debate for members who wish to do so, and the Committee takes the view that after an hour, the House should be continuing its business. The actual period of adjournment has no practical impact on the family. The Committee proposes that Standing Order 42 be amended, to reflect a one hour adjournment, as set out in the Appendix.

- 7.11 *PAEC recommendation 24: The Legislative Assembly Standing Orders Committee revise its standing orders to allow petitions to be presented directly to the Legislative Assembly, through the Speaker as well as through individual members of Parliament.*

The Committee draws attention to the PAEC report which points out that the current arrangement for petitions is working well, and does not set out a convincing case for change. The Committee considers that the Speaker's Office does not need to be involved as an alternative avenue for petitioners to use; in practice, most members will present petitions they do not agree with, or suggest the petitioners find another member. The Speaker should not be compelled to present petitions when other members are not. Further, the report suggests that the process would work if governed by 'appropriate procedures' but does not indicate what those might be.

The Committee rejects the recommendation as it considers the current arrangements are working well.

- 7.12 *PAEC recommendation 25: The Legislative Assembly Standing Orders Committee revise its standing orders to allow members to present petitions during the adjournment debate in the Legislative Assembly and during the grievance debate.*

Members can table petitions during members statements under current standing orders; so far, only one member has chosen to do this since the change came into effect in 2005.

The Committee notes that there is no practical benefit to be achieved by recommendation 25, as members already have the opportunity to speak to petitions tabled, and do not currently use the procedure that already exists to

table petitions at a time other than formal business. On that basis, the Committee does not support the recommendation.

7.13 *PAEC recommendation 26: (a) The Legislative Assembly Standing Orders Committee and the Legislative Council Standing Orders Committee consider revisions to the standing orders requiring the relevant minister to give a response to a petition lodged or presented by a member to the Clerk of the House; (b) Such ministerial responses should be provided to the Clerk of the House and should be published in Hansard within 90 days of presentation of the petition to the House.*

The Committee notes a response process for petitions is of interest to petitioners. The Committee disagrees with the view that responses should be published in *Hansard*, and is investigating the suitability of a response procedure occurring outside the House. The Committee will continue its investigations in this regard, and respond to this recommendation as part of its review of standing orders regarding petitions.

Recommendation

The Committee recommends that:

- **Standing Order 42 be amended as set out in the Appendix.**

**Committee Room
29 July 2009**

Appendix

42 Condolences

- (1) Subject to paragraph (2) precedence on a sitting Tuesday will be given to:
 - (a) a condolence motion, which may be followed by a period of adjournment of one hour, in the event of the death of:
 - (i) a sitting member or a member from the preceding Parliament; or
 - (ii) a past or present Governor, Premier, Presiding Officer, Leader of the Opposition, leader of a recognised political party, Leader of the Government or Opposition in the Legislative Council; or
 - (iii) a person who had previous distinguished ministerial service or other distinguished service in Victoria; or
 - (iv) any other person, subject to the agreement of the House.
 - (b) an announcement by the Speaker in relation to the deaths of former members not referred to in sub-paragraph (a). After the announcement the Speaker will ask members to rise in their places as a mark of respect to the memory of the deceased. The Speaker will then send a message of sympathy from the House to the relatives of the deceased —

provided that, if condolences under both sub-paragraphs (a) and (b) are due to be expressed on the same sitting day, the announcement/s under sub-paragraph (b) will be made first.
- (2) During the first sitting week of a new Parliament or session condolences may, at the discretion of the government, be given precedence on any sitting day other than the opening day.

