



LEGISLATIVE ASSEMBLY OF VICTORIA
STANDING ORDERS COMMITTEE

**Report on provisions in the standing orders regarding time limits
for lead speakers**

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Legislative Assembly of Victoria
Standing Orders Committee

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STANDING ORDERS COMMITTEE

Members

Hon Ken Smith MP, Speaker of the Legislative Assembly (Chair)

Mrs Christine Fyffe MP, Deputy Speaker

Ms Jacinta Allan MP, Member for Bendigo East*

Ms Ann Barker MP, Member for Oakleigh

Mr Colin Brooks MP, Member for Bundoora

Mr David Hodgett MP, Member for Kilsyth

Hon Andrew McIntosh MP, Leader of the House

Mr Jude Perera MP, Member for Cranbourne**

Hon Jeanette Powell MP, Minister for Local Government

Staff

Mr Ray Purdey, Clerk of the Legislative Assembly

Mrs Liz Choat, Deputy Clerk of the Legislative Assembly

Ms Bridget Noonan, Assistant Clerk Committees (Secretary)

Ms Anne Sargent, Assistant Clerk Procedure and Serjeant-at-Arms

* from 24 May 2011

** until 24 May 2011

APPOINTMENT OF THE STANDING ORDERS COMMITTEE

Extracts from the *Votes and Proceedings* of the Legislative Assembly

Thursday 7 April 2011

5 **COMMITTEE MEMBERSHIP —**

- ...
- (4) That 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 Brooks, Mrs Fyffe, Mr Hodgett, Mr McIntosh, Mr Perera and Mrs Powell and that five be the quorum — [...] (*Mr McIntosh*) — put and agreed to.

Tuesday 24 May 2011

- 13 **STANDING ORDERS COMMITTEE —** Motion made, by leave, and question — That Mr Perera be discharged from attendance on the Standing Orders Committee and that Ms Allan be appointed in his place (*Mr McIntosh*) — put and agreed to.

MATTER REFERRED TO THE COMMITTEE

Extract from the *Votes and Proceedings* of the Legislative Assembly

Thursday 5 May 2011

- 5 **STANDING ORDERS COMMITTEE —** Motion made, by leave, and question — That the Standing Orders Committee be required to review provisions in the standing orders regarding the time limits for lead speakers of any party other than the lead speaker from the government or opposition, and report to the House no later than 2 June 2011¹ (*Mr McIntosh*) — put, after debate, and agreed to.

¹ Extended to 16 June 2011 by order of the House on 2 June 2011

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CHAIR'S INTRODUCTION

The House has been served by Standing Order 131, which sets out time limits for various types of debates, since 2004. Over that time, the complexion of the House has changed, with minor parties, independents, and parties in coalition all represented. It was timely, then, that the Standing Orders Committee was asked to examine speaking rights for members representing parties. The Committee recommends a sessional order which I hope will be of value to the House, and aid the smooth flow of debate.

I thank my fellow committee members for their thoughtful contribution to our discussions and, on behalf of the Committee, I thank the Clerks for their assistance and advice.

Hon Ken Smith MP
Speaker

RECOMMENDATION

That the House adopts a sessional order amending SO 131, as set out in the appendix.

REPORT

1. The Committee has examined speaking rights in the House for parties, with a focus on situations where two or more parties are in coalition. As SO 131 is phrased, the lead speakers from the government/mover, opposition/responder, and 'any other party' each have separate speaking times in most types of debate.
2. 'Any other party' is not defined in SO 131, or elsewhere. In the past, however, it has been applied to The Nationals, when that party was not in coalition with the Liberal Party. When The Nationals and the Liberal Party formed a coalition Opposition in 2008 the Opposition was considered to be one party on the floor of the House, and put forward a single lead speaker for debate under SO 131. This followed the approach taken when the Liberal and National Parties were still in coalition immediately after the 1999 election.
3. The Committee noted that SO 131 does not formally recognise coalition arrangements, even though it is the practice of the House and the Chair to do so. For the benefit of the House and the flow of debate, the Committee considers that an amendment to SO 131 is warranted, to clarify that a minor party in coalition is not entitled to the lead speaker's rights for 'any other party'.
4. In reaching this view, the Committee examined options for defining 'party' in the standing orders. While the Parliament recognises definitions of parties for administrative purposes under statute,² the standing orders are silent on the composition of parties on the floor of the House. The Committee scrutinised the practices of other jurisdictions in Australia and New Zealand, and noted that while most Parliaments have legislative definitions of 'party' for administrative purposes, it is uncommon to prescribe a definition in standing orders. The Committee concluded that there is no practical benefit to prescribing a definition of party in the standing orders.
5. The Committee determined that additional time for lead speakers from parties in coalition can be clarified by changing the phrasing at the start of SO 131. The Committee's recommended wording is set out in the Appendix. The Committee considers that the House should adopt a sessional order for the remainder of the 57th Parliament to give effect to this change. In doing so, the Committee noted that there are occasions, such as condolence motions and special addresses, where the speaking rights for leaders of each party may need to be preserved.

² *Parliamentary Salaries and Superannuation Act 1968*, s 3

APPENDIX

Proposed new sessional order

“9 Time limit of lead speakers

For the purposes of Standing Order 131, and subject to any agreement to the contrary, additional time provided for the lead speaker of any other party does not apply where such a party has advised the Speaker that it is in a coalition arrangement with another party.”