

PARLIAMENT OF VICTORIA

Legislative Assembly Standing Orders Committee

Inquiry into sitting hours and operation of the House

Final Report

June 2016

Standing Orders Committee Report No. 2 58th Parliament



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Contents

Preliminaries Committee membership iii Committee secretariat iν Chair's foreword vii Recommendation ix **Report** 1 Sitting hours Adjournment debate responses 2 **Condolence motions** 2 Questions on notice 2 Incorporation of second reading speeches into Hansard 3 **Time limits** 3 Broadcasting 3 Answers to constituency questions 4 Answers to questions on notice ruled not responsive 4 Appendix 1 **Proposed amendments to Standing Orders and Sessional Orders** 5 **Proposed amendments to Standing Orders** 5 **Proposed amendments to Sessional Orders** Extract from the proceedings — 9 June 2016 15 **Minority Report 17**

Chair's foreword

I am pleased to present the Standing Orders Committee's report on sitting hours and the operation of the House.

This inquiry provided the Committee with an opportunity to consider a number of aspects of the Assembly's practices and procedures. In particular, the Committee examined the sessional orders and reflected on which procedures were working well, which needed improvement, and which needed to be further trialled before a conclusion could be reached.

The terms of reference for the inquiry specifically asked the committee to look at the sitting hours. All members of Parliament face different pressures on their time, depending on whether they are government, opposition, minor party, independent, city-based or regional. The sitting hours need to balance these competing pressures. Although the Committee has not recommended any changes, our discussions have been valuable.

I thank all members of the Committee for the cooperative way in which they approached the inquiry. The Committee had many constructive discussions and was able to draw on the experience of long-serving members of the House as well as the insights of newer members. I also thank the clerks for their advice and guidance throughout the inquiry.

Hon Telmo Languiller MP Speaker

Recommendation

RECOMMENDATION: The Committee recommends that the House amends the Standing Orders and Sessional Orders as detailed in Appendix 1.

Report

- 1. On 6 August 2015, the Legislative Assembly referred a matter to the Standing Orders Committee including but not limited to:
 - (a) sitting hours and the operation of the House; and
 - (b) revising the standing orders to reflect the most recent changes to sessional orders including the removal of Dorothy Dixer questions, insertion of constituency questions and time limits.
- 2. The Committee tabled an interim report on 8 December 2015.² The Committee is required to provide a final report by 30 June 2016.
- 3. As required by the terms of reference, the Committee has considered the sitting hours and each of the current sessional orders.
 - Where sessional orders have proven to be effective, the Committee has recommended they be incorporated into the standing orders.
 - Where improvements to procedures have been identified, the committee has recommended amendments to the sessional orders. This will allow the changes to be tested before they are made permanent in the standing orders.
 - Where there has been insufficient time to fully assess a sessional order, the Committee has recommended no change to the sessional order, so it can be further trialled during this Parliament.

Sitting hours

- 4. Significant changes were made to the sitting hours at the start of the 58th Parliament. The new sitting hours have reduced the lateness of sittings without reducing overall debating time. This has helped address health and safety risks for members and staff.
- 5. Although the new sitting hours have reduced the lateness of sittings, as the new sitting hours have only been in place for just over one year, the Committee believes it is too early to make a fully informed assessment. The Committee has concluded that the sitting hours should continue to be trialled as sessional orders.

Legislative Assembly, Votes and Proceedings, (2014-15), No 31, 6 August 2015, p 138.

² Legislative Assembly Standing Orders Committee, *Inquiry into sitting hours and operation of the House – Interim Report*, PP 121, (2014–15).

Adjournment debate responses

- 6. Sessional Order 14 requires ministers to respond to adjournment debate matters in the House at the time the matter is raised or in writing directly to the member within 30 days. This sessional order was first adopted in February 2011 for the 57th Parliament and was adopted again in February 2015 for the current Parliament.
- 7. The Committee believes the sessional order has worked effectively and the 30 day time frame is appropriate. The Committee has therefore recommended this sessional order be incorporated into standing orders.
- 8. Adjournment debate responses are provided directly to members and are not published. This means there is no way for anyone other than the member to track which adjournment debate responses have been responded to and which responses are outstanding. The Committee believes it would be beneficial to publish adjournment debate responses so they can be tracked and accessed by the public who may be interested in the content of the response.
- 9. The Committee recommends that standing orders be amended so that adjournment debate responses are lodged with the Clerk. The Clerk must then provide a copy of the response to the member who raised the adjournment matter and publish the response electronically, so it can be viewed by the public and other members.

Condolence motions

- 10. Sessional Order 4 provides that the House will adjourn for one hour following a condolence motion. This sessional order was first adopted in February 2011 for the 57th Parliament and was adopted again in February 2015 for the current Parliament.
- 11. The Committee believes this sessional order should be incorporated into the standing orders. However, the Committee notes that there are situations where it is appropriate for the House to adjourn for a different period than one hour, meaning that the House presently needs to grant leave for an adjournment period other than an hour. Seeking leave during a condolence debate can appear awkward. The Committee therefore recommends the wording be amended to provide that *unless otherwise ordered* the House will adjourn for a period of one hour following a condolence motion.

Questions on notice

- 12. Answers to questions on notice are currently lodged with the Clerk. They are then published electronically in the Questions Database on the Parliament of Victoria website and also published in *Hansard*.
- 13. Publishing answers to questions on notice in *Hansard* involves significant editing resources and incurs considerable publishing costs. Given the Questions Database is publicly accessible, and updated more frequently than

- weekly *Hansard* is published, the Committee believes publishing answers to questions on notice in *Hansard* is a duplication of Parliament's resources and no longer necessary.
- 14. The Committee therefore recommends standing orders be amended to require answers to questions on notice to be lodged with the Clerk and for the Clerk to electronically publish the response. The member will continue to be advised when their questions have been answered.

Incorporation of second reading speeches into Hansard

- 15. Sessional Order 15 enables a member or minister to request that their second reading speech be incorporated into *Hansard*, rather than reading the speech aloud in the House.
- 16. The practice of incorporating second reading speeches into *Hansard* was first trialled in the 57th Parliament. In 2014 it became a regular practice for the House to pass a resolution each week enabling a minister to request that his or her second reading speech be incorporated rather than read aloud. This practice was formalised in sessional orders in February 2015.
- 17. This procedure has proved beneficial as it has reduced time spent reading out pre-prepared second reading speeches in the House and made more time available for debate.
- 18. The Committee believes the incorporation of second reading speeches into *Hansard* should become a permanent feature of the Assembly's practice and be included in standing orders.

Time limits

19. The Committee recommends a change to time limits to retain the rights of lead speakers now most second reading speeches are incorporated into *Hansard*. We recommend that if a minister incorporates a second reading speech, the Speaker may grant additional time to lead speakers of other parties if he or she believes the second reading speech would have taken more than 30 minutes to read aloud.

Broadcasting

20. Standing Order 232 governs the broadcast and rebroadcast of proceedings of the Legislative Assembly. Since August 2008, the Parliament has provided a live broadcast of the proceedings of the Legislative Assembly through the Parliament of Victoria website. The Presiding Officers have also approved live broadcasts of committee hearings, such as the Public Accounts and Estimates Committee's Budget Estimates hearings. However, the Standing Orders do not formally recognise these broadcasts as the rules pre-date our broadcast service.

21. The Committee recommends a new Standing Order be adopted to expressly authorise a live broadcast of the Legislative Assembly to be made available on the Parliament's website. We also recommend that with the approval of the committee and the Speaker, an official broadcast of the public proceedings of a parliamentary committee may be made available through the Parliament's website.

Answers to constituency questions

- 22. Constituency questions were introduced in February 2014 under Sessional Order 9. Answers to constituency questions are currently published electronically in the Questions Database on the Parliament of Victoria website and also published in *Hansard*.
- 23. To remove this duplication and diversion of Parliament's resources, the Committee recommends Sessional Order 9 be amended to remove the requirement for responses to constituency questions to be published in *Hansard*. Instead the requirement will be for the Clerk to publish the responses electronically. This is consistent with the recommended process for answers to questions on notice and responses to adjournment matters.

Answers to questions on notice ruled not responsive

24. Sessional Order 11 enables the Speaker to rule that a response to a question without notice is not responsive to the question and require a written response. As with answers to constituency questions, the Committee recommends Sessional Order 11 be amended to remove the requirement for written responses to be published in *Hansard*. Instead the Clerk must publish the response electronically through the Questions Database.

RECOMMENDATION: The Committee recommends that the House amends the Standing Orders and Sessional Orders as detailed in Appendix 1.

Appendix 1

Proposed amendments to Standing Orders and Sessional Orders

Proposed amendments to Standing Orders

33 Adjournment debate

Following an adjournment motion proposed by a minister under SO 31(4)(a) or by the Speaker under SO 32:

- (1) The question 'That the House now adjourns' may be debated and any debate will last for a maximum of 30 minutes or until 10 members have spoken, whichever is the shorter. Subject to such overall time period, the time limit for each member speaking in the debate is three minutes. Immediately afterwards a period of 30 minutes in total will be provided for ministers to respond.
- (2) At the end of any debate, the Speaker will adjourn the House, without putting any question, until the next sitting day.
- (3) If the minister responsible is not present in the House to respond to issues raised by members, the minister must provide a written response within 30 days by delivering it to the Clerk. The Clerk must give the response to the member who raised the issue and electronically publish the response.

[incorporates Sessional Order 14]

42 Condolences

- (1) Subject to paragraph (2) precedence on a sitting Tuesday will be given to:
 - (a) a condolence motion 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.
- (3) Where a condolence motion occurs under paragraph (1)(a), unless otherwise ordered, the House will adjourn for a period of one hour at the conclusion of the motion.

[incorporates Sessional Order 4]

54 Questions on notice

- (1) A member must give a question on notice to the Clerk in sufficient time, in the opinion of the Speaker, to enable it to be published in the next issue of the question paper that sitting day's questions on notice.
- (2) The question must be in writing and signed by the member.
- (3) The reply to a question on notice must be given by delivering it to the Clerk. A copy must be given to the member who asked the question, and both the question and the answer must be printed in Hansard. The Clerk must give the response to the member who asked the question and electronically publish the response.

[incorporates Sessional Order 12]

62 Question for second reading

- (1) After the order of the day for the second reading of a bill has been read, the question to be proposed is 'That this bill be now read a second time'.
- (2) A statement of compatibility tabled under s 28 of the *Charter of Human Rights and Responsibilities Act 2006* will be incorporated in Hansard, without leave being required.
- (3) A second reading speech for a bill being introduced by a member or minister will be incorporated into Hansard at the request of the member or minister, with the following exceptions:
 - (a) where the speech contains a statement under s 85(5)(c) of the

 Constitution Act 1975, that statement must be delivered verbally to the

 House; and

(b) where a speech contains a statement under s 31(5) of the *Charter of Human Rights and Responsibilities Act 2006* that statement must be delivered verbally to the House.

[incorporates Sessional Orders 2 and 15]

131 Time limit of speeches

A member may speak for the specified period in the following debates:

Appropriation bills - second reading

Mover	unlimited
Lead speaker in response from opposition	unlimited
Lead speaker in response from any other party, each	1 hour
Any other member	15 minutes

Government bills (excluding appropriation bills) — second reading

Mover	unlimited
Lead speaker in response from opposition	30 minutes*
Lead speaker in response from any other party, each	20 minutes*
Any other member	10 minutes

^{*}Plus, where the minister speaks for more than 30 minutes, an additional time equivalent to the minister's time in excess of 30 minutes. If a minister incorporates a second reading speech, the Speaker may grant additional time if he or she believes the second reading speech would have taken more than 30 minutes to read aloud.

Private members' bills — second reading

Mover	30 minutes
Lead speakers in response from government and/or opposition, each	30 minutes
Lead speaker in response from any other party, each	20 minutes
Any other member	10 minutes

All bills — consideration in detail

Mover	unlimited (in time and how often a mover may speak to a question)
Any other member	twice on each question, 5 minutes each time

Motions other than procedural motions

Mover	30 minutes
Lead speakers in response from government and/or opposition, each	30 minutes
Lead speaker in response from any other party, each	20 minutes
Any other member	10 minutes

Procedural motions

These time limits apply to procedural motions, dilatory motions³ and debate on the question that remaining business be postponed.

All members	5 minutes (subject to the overall time period)
(maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)	

No-confidence motions

Mover	unlimited
Lead speaker in response from opposition	unlimited
Lead speaker in response from any other party, each	1 hour
Any other member	15 minutes

Address-in-reply

Mover and seconder, each	20 minutes
Any other member	15 minutes

[incorporates Sessional Order 16]

233 Official broadcast of proceedings

- (1) An official broadcast of the proceedings of the Chamber is made available through the Parliament's website.
- (2) Official broadcasts must comply with the guidelines issued by the Speaker.
- (3) With the approval of the committee and the Speaker, an official broadcast of the public proceedings of a parliamentary committee may be made available through the Parliament's website.

For example, motions such as 'That the debate be now adjourned' and 'That the question be now put'.

Proposed amendments to Sessional Orders

1 Days and times of meeting

Unless otherwise ordered, the House will meet each Tuesday at 12.00 pm, and each Wednesday and Thursday at 9.30 am.

2 Incorporation of statements of compatibility

A statement of compatibility tabled under s 28 of the *Charter of Human Rights and Responsibilities Act 2006* will be incorporated in Hansard, without leave being required.

[incorporated into Standing Order 62]

3 Interruption of business for adjournment

Standing Order 32 be suspended and the following to apply:

- (1) Subject to paragraphs (2) and (3), the Speaker will interrupt the business before the House at:
 - (a) 7.00 pm each sitting Tuesday and Wednesday;
 - (b) 5.00 pm on any other sitting day.
- (2) If a division is taking place when the time for the interruption arises, the division will be completed and the result announced. If the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with. The Speaker will then interrupt business.
- (3) If the time for the interruption arises:
 - (a) at the same time as the completion time set by the government business program; or
 - (b) after the interruption for the completion time of the government business program, but before all business on the program has been dealt with —

all business on the government business program will be completed first. The Speaker will then interrupt business for the adjournment.

- (4) After the interruption:
 - (a) before a motion for the adjournment is proposed by the Speaker, a minister may move that the sitting be continued. That motion must be put immediately without amendment or debate. If it is agreed to, the House will resume debate at the point at which it had been interrupted; or

(b) if a motion is not moved, the Speaker will immediately propose the question 'That the House now adjourns'. Any business under discussion and any other business not concluded at the time of the adjournment will be listed on the notice paper for the next sitting day. Any member speaking at the time of the interruption may, when debate resumes, continue his or her speech.

4 Condolence motions

Where a condolence motion occurs under SO 42(1)(a), the House may adjourn for a period of one hour at the conclusion of the motion.

[incorporated into Standing Order 42]

5 Who may ask oral questions without notice

Only non-government members may ask questions without notice under Standing Order 55.

6 Supplementary questions without notice

- (1) At the conclusion of each answer to an oral question without notice, the questioning member may ask the responding minister a supplementary question to elucidate or clarify the answer.
- (2) Supplementary questions must actually and accurately relate to the original question and must relate to or arise from the answer.

7 Ministers' statements

After each oral question without notice and any related supplementary questions, any minister may seek the call to make a statement of up to two minutes to advise the House of new government initiatives, projects and achievements.

8 Time limits on answers and questions

- (1) The time limit for each oral question, supplementary question and constituency question is one minute.
- (2) The time limit for the answer to each oral question is three minutes, and for the answer to each supplementary question is one minute.

9 Constituency questions

(1) At the conclusion of oral questions without notice and ministers' statements, five government members and five non-government members may ask one oral question each to ministers relating to constituency matters.

(2) Replies to constituency questions must be given in writing within 30 days by delivering a reply to the Clerk. A copy must be given to the member who asked the question, and printed in Hansard. The Clerk must give the response to the member who asked the question and electronically publish the response.

10 Duration of question time

Standing Order 55(2) is suspended and the following to apply:

Question time will last until five oral questions and related supplementary questions have been answered, and up to five ministers' statements have been made.

11 Content of answers

- (1) Standing Order 58(1)(a) be suspended and all answers to questions must be direct, factual, succinct and relevant.
- (2) The Speaker may determine that an answer to an oral question without notice or supplementary oral question is not responsive to the question, and may accordingly direct the minister to provide a written response to the question and lodge it with the Speaker by 2.00 pm on the next sitting day. The Speaker will forward the written response to the member who asked the question and the Clerk must electronically publish the response.
- (3) The Speaker will determine the adequacy of a written response to a question provided under this sessional order. The Speaker may determine that a written response does not appropriately answer the question and may direct that the minister provide another written response by 2.00 pm the next sitting day. A copy of any written response provided under this sessional order must be given to the member who asked the question and printed in Hansard. The Speaker will forward the written response to the member who asked the question and the Clerk must electronically publish the response.

12 Answers to questions on notice

A reply to a question on notice delivered to the Clerk under SO 54(3) must be submitted within 30 days.

13 Notices of motion

Standing Orders 140(1) and 141 be suspended and the following to apply:

- (1) A member may only move a motion to discuss a subject if he or she has given notice of that motion on a previous sitting day.
- (2) Copies of all notices, whether to be given verbally or in writing, must be provided to the Clerks at the table before notices are called on by the Speaker.
- (3) All notices given by ministers must be verbal.
- (4) Verbal notices must be read to the House. They can only be given before the House proceeds to the business of the day as set out in the notice paper.
- (5) All notices, except notices given under paragraph (6) given by members who are not ministers, must be given in writing. Members may give notice by lodging a copy with the Clerks in accordance with paragraph (2).
- (6) A motion by a member expressing no confidence in the Premier and ministers, in the terms set out in s 8A of the *Constitution Act 1975*, may only be given verbally or, where a member seeks to move the motion during formal business by leave, and leave is refused, the member may give notice of that motion.
- (7) The Clerk must notify the Speaker of a notice of a motion by a member to disallow a statutory rule to which Standing Order 151 applies, and the Speaker will report details to the House at the first convenient opportunity.

14 Responses to adjournment matters

If the minister responsible is not present in the House to respond to issues raised by members under SO 33, the minister will provide a written response to the member who raised the matter within 30 days.

[incorporated into Standing Order 33]

15 Second reading speeches incorporated in Hansard

A second reading speech for a bill being introduced by a member or minister will be incorporated into Hansard at the request of the member or minister, with the following exceptions:

- (1) Where the speech contains a statement under s 85(5)(c) of the *Constitution Act 1975*, that statement must be delivered verbally to the House.
- (2) Where a speech contains a statement under s 31(5) of the *Charter of Human Rights and Responsibilities Act 2006* that statement must be delivered verbally to the House.

[incorporated into Standing Order 62]

16 Time limit for 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.

17 Order of business

- (1) So much of standing orders as provide for question time to be held at 2.00 pm on sitting days other than Tuesdays is suspended to allow for question time to be held at 11.00 am on those days.
- (2) In Standing Order No 55, for '2.00 pm', wherever occurring, read '11.00 am'.
- (3) So much of Standing Order Nos 36, 38, 39 and 41 be suspended so as to enable the following order of business on:

Wednesdays

Formal business

Disallowance motions

Statements by members

Statement on parliamentary committee reports

Government business

Question time (11.00 am)

Government business continued

Matter of public importance or grievance debate (2.00 pm)

Government business continued

General business

Thursdays (and Fridays)

Formal business

Statements by members

Government business

Question time (11.00 am)

Government business continued

General business.

- (4) So much of Standing Orders 38 and 39 be suspended so as to enable:
 - (a) at 2.00 pm on Wednesday, unless a division is taking place, the Chair interrupts the business before the House and the bells are then rung for one minute;
 - (b) if a division is taking place at 2.00 pm:
 - (i) it will be completed without interruption and result announced;

- (ii) if the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with:
- (iii) business is then interrupted following the procedure in sub-paragraph (a);
- (c) the Chair announces the grievance debate or matter of public of importance, whichever the case may be;
- (d) any business under discussion and not completed at the interruption will be resumed immediately at the end of the grievance debate or matter of public importance, whichever the case may be, and any member speaking at the time of the interruption may then continue his or her speech.
- (5) In Standing Order 39(9) for 'statements on parliamentary committee reports under SO 41' read 'government business'.

18 Procedure for a division

Standing Order 164(1) is suspended and the following to apply:

When a division is requested, the Clerk will ring the bells for four minutes as indicated by the timer.

Extract from the proceedings — 9 June 2016

The Committee divided on the following question during consideration of this report. Questions agreed to without division are not recorded in this extract.

Motion: That paragraphs 24 to 26 stand part of the report.

Moved: Mr Brooks, seconded Ms Kairouz.

Ayes 5: Ms Allan; Mr Brooks; Ms Kairouz; Mr Nardella; Ms Sheed **Noes 5:** Ms Asher; Mr Clark; Mr Hodgett; Mr Hibbins; Ms Ryan

There being an equality of votes, the Chair used his casting vote for the Noes.

Question defeated.

Minority Report

This minority report has been designed to be read in conjunction with the Legislative Assembly's Standing Orders Committee Final Report on its Inquiry into sitting hours and operation of the House.

The authors of this minority report agree with the recommendations in the final report and note the amicable and constructive discussions that led to the delivery of this final report. Particular thanks go to the Honourable Speaker for chairing these meetings and also the Clerk, Mr Purdey, Deputy Clerk, Ms Noonan and Assistant Clerk Procedure, Mr McDonald.

There was one matter in particular the committee divided on where the Liberal Party and National Party Members joined with the Greens Political Party Member to remove three clauses from the draft report (see extract from the proceedings – 9 June 2016). This minority report is focused on that one particular matter.

The three draft clauses in question related to the operation of Sessional Order 7 which allow for Ministers' Statements to be made after each oral question in Question Time. The draft clauses read as follows:

- 24. Ministers' statements were introduced in February 2015. Sessional Order 7 provides that after each oral question without notice and any related supplementary questions, any minister may seek the call to make a statement of up to two minutes to advise the House of new government initiatives, projects and achievements.
- 25. Many points of order have been raised about the interpretation of this sessional order and what constitutes "new government initiatives, projects and achievements". These disputes have taken up time in the House which could be used more productively on other business.
- 26. To improve the operation of ministers' statements, the Committee recommends the wording of Sessional Order 7 be amended to enable ministers to make statements of up to two minutes to advise the House of matters related to the minister's portfolio.

Our view is that these clauses above should have been included in the final report.

The reasons for this position are that question time is an important part of the parliamentary process. It allows for important matters to be raised by all non-government Parliamentarians without notice. There is essentially no restriction on what matter can be raised other than it must relate to government business and be relevant to the Ministers portfolio responsibilities. The introduction of supplementary questions during this parliamentary term has also increased the opportunity for the parliament to further scrutinise the Government.

At the same time, Ministers' Statements were intended to provide an opportunity for Ministers to advise the House about important matters within their portfolio responsibilities.

Any fair-minded and independent observer of Question Time in the Legislative Assembly over the past few months would agree that Sessional Order 7 is being used by the Opposition to raise numerous points of order on the technicality of what constitutes "new government initiatives, projects and achievements". The effect of this is the disruption to Question Time and the limiting of the scope of the matters that can be raised by Ministers.

To reduce the amount of time wasted on points of order on Sessional Order 7 and to ensure the time of the House is better utilised, it is recommended the wording of Sessional Order 7 be amended to enable ministers to make statements of up to two minutes to advise the House of matters related to the minister's portfolio.

Rather than restricting the information Ministers can provide to the House during a Ministers' Statement, the view of the authors of this minority report is the Victorian people are best served when the Government of the day is allowed to provide more information, not less.

RECOMMENDATION:

Jacinta Alla

That draft clauses 24, 25 and 26 above be adopted by the House.

Jacinta Allan MP

Member for Bendigo East

Haulere Karons

Don Nardella MP Member for Melton

Donedo Nordella

Marlene Kairouz MP

Member for Kororoit

Colin Brooks MP Member for Bundoora

Dated: 16th June 2016

