



PARLIAMENT OF TASMANIA

**REPORT OF THE
STANDING ORDERS COMMITTEE
ON**

**Operation of Sessional Orders and
Procedural Fairness for Committee
Witnesses**

Brought up by the Leader of the House and ordered by the House of Assembly to be printed.

MEMBERS OF THE COMMITTEE

Hon. *Jacquie Petrusma* MP (Chair)
Ms Helen Burnet MP
Hon. *Eric Abetz* MP
Mr Vica Bayley MP
Ms Janie Finlay MP
Ms Ella Haddad MP
Ms Kristie Johnston MP

1. INTRODUCTION

- 1.1 In September 2024, the Standing Orders Committee of the 51st Parliament initiated a review of the Sessional Orders adopted at the commencement of that session.
- 1.2 The Committee initiated this review on the basis that significant changes were agreed to by the House at the commencement of the 51st Parliament, which coincided with the increase in the size of the House to 35 Members. As these changes were agreed to by the House prior to the Committee being appointed, the Committee did not have an opportunity to review these changes.
- 1.3 On 6 May 2025 the Committee tabled a report including an initial review that made recommendations in relation to some matters.
- 1.4 In this report, the Committee noted the importance of a regular review of the Standing and Sessional Orders, noting that the appropriate time for such a review would be towards the end of a Parliament. The Committee stated its intention to conduct this further review however it was not completed due to the early prorogation in June 2025.
- 1.5 The Standing Orders Committee of the 52nd Parliament is committed to continuing the work of the previous Committee.
- 1.6 At its meeting on Thursday 13 November 2025 the Committee took into consideration:
 - the operation of Sessional Order 42(d) regarding the procedure for waiving an allocation of Private Members' Business, and
 - a research report on procedural fairness provisions for committee witnesses.
- 1.7 Discussion of each item along with relevant recommendations are set out below.

2. PROCEDURE FOR WAIVING AN ALLOCATION OF PRIVATE MEMBERS' TIME

- 2.1 Sessional Order 42(d) is currently drafted as follows:

(d) At the commencement of the time allocated for a group's Private Members' Business, the Whip or any other Member of that group, may indicate to the Speaker that its time be waived, in which case, the House shall immediately proceed with Government Business for that allocation of time.
- 2.2 The Sessional Order makes clear the procedure to be used when an entire allocation is waived but is silent on circumstances where a Member has commenced their allocation of time and concluded their item of business before their allocation of time expires. These circumstances arise routinely.
- 2.3 The current practice of the House is that when this occurs, the Speaker requests the Member to formally waive the remainder of their time. Once time is waived, the practice is for the Speaker to give the call to the Government to proceed with Government Business.
- 2.4 Given the Sessional Order is unclear on the process for these specific circumstances, it has been interpreted to direct that where a Member waives the remainder of their allocated time, the House proceed to Government Business. The opportunity to proceed with Government Business is routinely waived.

- 2.5 The Committee resolved to clarify and formalise the procedure by recommending that the House amend Sessional Order 42 to indicate that where a Member or group waives the remainder of their Private Members' Business, the House proceeds to the next item of Private Members' Business.

Recommendation 1

That the House adopt Sessional Order 42 new paragraph (e) as proposed in Appendix 1.

3. PROCEDURAL FAIRNESS FOR COMMITTEE WITNESSES

- 3.1 Currently, the House of Assembly does not have any formal processes in place that provide procedural fairness to committee inquiry participants.
- 3.2 A jurisdictional comparison demonstrates that most Australian Parliaments have considered this issue and implemented protocols, resolutions or Standing Orders to address it.
- 3.3 The Committee considered this matter and resolved to take action to bring the House of Assembly in line with other Australian Parliaments.
- 3.4 Adopting a protocol before any specific procedural fairness issues arise would ensure that appropriate processes are already in place should the issue become live. This would ultimately benefit inquiry participants, Committee Chairs and Committee Members.
- 3.5 The recommended provisions formalise practices already applied by House of Assembly Committees. Formalising these practices in the Standing Orders will give further clarity to Committees and witnesses.
- 3.6 This recommendation was provided to the Standing Orders Committee in the previous Parliament, however consideration was interrupted by the prorogation and dissolution.
- 3.7 The Committee resolved to recommend that the House adopt proposed Standing Order 357A setting out procedures to be observed by House of Assembly committees for the protection of witnesses. (See Appendix 1)

Recommendation 2

That the House adopt proposed Standing Order 357A as proposed in Appendix 1.

4. Regular review of standing and sessional orders

- 4.1 The Committee noted that the Standing Orders Committee of the 51st Parliament had committed to a regular cycle of review of the Standing and Sessional Orders, with the optimal time for this to occur being towards the end of a Parliament.
- 4.2 The current Committee intends to monitor the operation of all Standing and Sessional Orders with a view to conducting a review towards the end of the Parliament. The Committee encourages all Members to raise any issues or suggestions regarding the Standing Orders with the Speaker as Chair of the Standing Orders Committee.

5. RECOMMENDATIONS

- 5.1 The Committee recommends as follows:

Recommendation 1

That the House adopt Sessional Order 42 new paragraph (e) as proposed in Appendix 1.

Recommendation 2

That the House adopt proposed Standing Order 357A as proposed in Appendix 1.



Hon. Jacquie Petrusma MP
CHAIR OF THE COMMITTEE
3 March 2026

APPENDIX 1

DRAFT HOUSE OF ASSEMBLY SESSIONAL ORDER 42(e) & STANDING ORDER 357A

42 *Private Members' Business*

Current Standing Order:

- (d) *At the commencement of the time allocated for a group's Private Members' Business, the Whip or any other Member of that group, may indicate to the Speaker that its time be waived, in which case, the House shall immediately proceed with Government Business for that allocation of time.*

Proposed addition:

- (e) *Where a Member or group has commenced Private Members' Business and concluded their business prior to the expiration of their allocation of time, the Member or group may indicate to the Speaker that the remaining time be waived, and the House shall immediately proceed to the next scheduled allocation of Private Members' Business.*

357A Procedures to be observed by House of Assembly committees for the protection of witnesses

In their dealings with witnesses, all committees of the House of Assembly (with the exception of Estimates Committees and the Government Business Scrutiny Committee) shall observe the following procedures:

- (1) A witness shall be invited to attend a committee meeting to give evidence. A witness shall be summoned to appear (whether or not the witness was previously invited to appear) only where the committee has made a decision that the circumstances warrant the issue of a summons.
- (2) Where a committee desires that a witness produce documents relevant to the committee's inquiry, the witness shall be invited to do so, and an order that documents be produced shall be made (whether or not an invitation to produce documents has previously been made) only where the committee has made a decision that the circumstances warrant such an order.
- (3) A witness shall be given reasonable notice of a meeting at which the witness is to appear, and shall be supplied with a copy of the committee's terms of reference, and a copy of these procedures. Where appropriate a witness shall be supplied with a transcript of relevant evidence already taken.
- (4) A witness shall be given opportunity to make a submission in writing before appearing to give oral evidence.
- (5) Where appropriate, reasonable opportunity shall be given for a witness to raise any matters of concern to the witness relating to the witness's submission or the evidence the witness is to give before the witness appears at a meeting.
- (6) A witness shall be given reasonable access to any documents that the witness has produced to a committee.
- (7) A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard *in camera*, and shall be invited to give reasons for any such application. If the application is not granted, the witness shall be notified of reasons for that decision.
- (8) Before giving any evidence *in camera* a witness shall be informed that it is within the power of the committee to publish or present the evidence to the House of Assembly, that such a decision would usually be done in consultation with the witness, and that the House

of Assembly has the authority to order the production and publication of undisclosed evidence.

- (9) A chair of a committee shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a member of a committee requests discussion of a ruling of the chair on this matter, the committee shall deliberate in private and determine whether any question which is the subject of the ruling is to be permitted.
- (10) Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which objection to answering the question is taken. Unless the committee determines immediately that the question should not be pressed, the committee shall then consider in private whether it will insist upon an answer to the question, having regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination and the reasons for the determination, and shall be required to answer the question only in camera unless the committee determines that it is essential to the committee's inquiry that the question be answered in public. Where a witness declines to answer a question to which a committee has required an answer, the committee shall report the facts to the House of Assembly.
- (11) Where a committee has reason to believe that evidence about to be given may reflect adversely on a person, the committee shall give consideration to hearing that evidence in camera.
- (12) Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that that evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence and official broadcast, and to forbidding the publication of that evidence.
- (13) Where evidence is given which reflects adversely on a person and action of the kind referred to in paragraph (12) is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee.

- (14) A witness may make application to be accompanied by counsel and to consult counsel in the course of a meeting at which the witness appears. In considering such an application, a committee shall have regard to the need for the witness to be accompanied by counsel to ensure the proper protection of the witness. If an application is not granted, the witness shall be notified of reasons for that decision.
- (15) A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears. Counsel cannot answer questions on behalf of the witness.
- (16) Officers of the Tasmanian State Service shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister.
- (17) Reasonable opportunity shall be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.
- (18) Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the House of Assembly.