

Resolutions of the House

Disclosure of evidence and documents of House and joint committees

Resolution adopted 11 October 1984

- (1) That, unless otherwise ordered, the House authorises Mr Speaker to permit any person to examine and copy evidence submitted to, or documents of, committees which are in the custody of the House, which have not already been published by the House or its committees, and which have been in the custody of the House for at least 10 years: Provided that if such evidence or documents were taken *in camera* or submitted on a confidential or restricted basis, disclosure shall not take place unless the evidence or documents have been in the custody of the House for at least 30 years, and, in the opinion of Mr Speaker, it is appropriate that such evidence or documents be disclosed: Provided further that Mr Speaker report to the House the nature of any evidence or documents made available under this resolution and the person or persons to whom they have been made available.
- (2) That the House of Representatives, having considered Message No. 265 of the Senate, agrees that the disclosure of evidence or documents of joint committees be authorised by the President of the Senate and the Speaker of the House of Representatives under the same conditions as are provided in paragraph (1) of the message.*
- (3) That the foregoing resolutions have effect notwithstanding anything contained in the standing orders.

* *Paragraph (1) of Message No. 265 of the Senate is in the same terms as paragraph (1) of this resolution with references to the Senate and the President in place of references to the House and the Speaker.*

Procedures for tabling ministerial papers

Resolution adopted 9 December 1987

That this House endorses in principle the recommendation of the Standing Committee on Procedure that the procedures for the tabling of ministerial papers following questions without notice, pursuant to standing order 101,* be altered in accordance with the following arrangements:

- (1) By 12 noon on each sitting day a schedule of papers to be presented will be made available to the Manager of Opposition Business and will be circulated to all Members in the Chamber at the first opportunity;
- (2) Following questions without notice a Minister will present the papers as listed on the circulated schedule;
- (3) Papers presented will continue to be recorded in *Hansard* and the Votes and Proceedings; and
- (4) A Minister shall present each paper individually if a schedule has not been circulated in accordance with these procedures or the paper has not been listed on the schedule, and shall retain the option of presenting a paper separately from the list if a statement is to be made or a motion moved in connection with the paper.

* *Current standing order 34.*

Hansard—authority to publish record of debates and proceedings

Resolution adopted 5 May 1993

- (1) That the House:
 - (a) authorises the publication of the record of debates and proceedings in the House, known as Parliamentary Debates and Hansard, prepared by the Department of the Parliamentary Reporting Staff; and
 - (b) affirms the right of committees and subcommittees (however described) of the House and joint committees of the House and the Senate to authorise the publication of (i) documents and records and (ii) transcripts of evidence prepared by the Department of the Parliamentary Reporting Staff, subject to any particular provisions in relevant legislation, resolutions or standing orders.
- (2) That this resolution continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Privileges Committee—publication of records

Resolution adopted 7 December 2000, amended 13 February 2008 a.m.

That:

- (1) the House authorises:
 - (a) the publication of all evidence or documents taken in camera or submitted on a confidential or restricted basis to the Committee of Privileges or to the Committee of Privileges and Members' Interests and that have been in the custody of the Committee for at least 30 years; and
 - (b) the transfer of these records to the National Archives of Australia to enable public access to the records;
provided that, where the Speaker accepts advice that the release of a particular record would affect the national security interest, or represent an unreasonable intrusion upon the personal affairs of any person, alive or dead, or would otherwise be an exempt record under s. 33 of the *Archives Act 1983*, if that Act had applied to the record, the release and transfer of that record is not authorised by this resolution;
- (2) this resolution has effect notwithstanding the provisions of any other resolution or standing order of the House; and
- (3) this resolution has effect from 1 January 2001 and continues in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Broadcasting and re-broadcasting of excerpts of proceedings

Resolution adopted 30 November 1988

That this House authorises the broadcasting and re-broadcasting on Australian radio and television stations of a sound record of excerpts of its proceedings, subject to the conditions determined for this purpose by the Joint Committee on the Broadcasting of Parliamentary Proceedings.

Televising of proceedings

Resolution adopted 16 October 1991

That:

- (1) the House authorises live television broadcast and rebroadcast of:
 - (a) the proceedings of the House and excerpts of proceedings, including the adjournment debate; and
 - (b) the public proceedings of House of Representatives committees, subject to the approval of individual committees –
as provided for by this resolution;
- (2) the House supports in principle the amendment of the *Parliamentary Proceedings Broadcasting Act 1946* to make statutory provision for the televising of the proceedings of the Senate, the House of Representatives and the committees of each House and joint committees of both Houses;
- (3) a standing committee be appointed in each Parliament to consider and determine in respect of live television broadcast and rebroadcast of proceedings and excerpts of proceedings of the House of Representatives and the public proceedings of House of Representatives committees:
 - (a) the conditions to apply to television broadcasters;
 - (b) the guidelines for operators of sound and vision equipment;
 - (c) the guidelines for the televising of House of Representatives committees; and
 - (d) whether breaches of the conditions and guidelines have occurred and, if so, what penalties should apply;
- (4) the committee referred to in paragraph (3) of this resolution shall:
 - (a) consist of those Members of the House of Representatives who are members of the Joint Committee on the Broadcasting of Parliamentary Proceedings in each Parliament, who shall elect a chairman and deputy chairman; and
 - (b) have power to send for persons, papers and records;
- (5) until otherwise determined the conditions and guidelines to apply to live television broadcast and rebroadcast shall be those set out in the Report of the Inquiry into the Televising of the House of Representatives and its committees, dated August 1991 [*current conditions for House and Main Committee adopted 1 May 1996, see p. 115*];

- (6) the arrangements relating to the live television broadcast and rebroadcast of proceedings and excerpts of proceedings of the House of Representatives shall be reviewed by the committee established under paragraph (3) of this resolution prior to the end of the 1993 Autumn sittings of the House; and
- (7) The House requests the Government to seek advice from the Attorney-General as to the legal position of bodies authorised to receive the signal of proceedings with a view to the House granting access to that signal to government departments, political party headquarters and others.

Extension of House monitoring service

Resolution adopted 28 September 1993

That the House authorises the extension of the provision of the House Monitoring Service television coverage of proceedings of the House and its committees to government departments and others, as may be determined by the Speaker, on such terms and conditions as stipulated by the Speaker.

Radio broadcasting of parliamentary proceedings—general principles

Resolution adopted 20 September 1994

That the following general principles upon which there should be determined the days upon which, and the periods during which, the proceedings of the Senate and the House of Representatives shall be broadcast, as specified by the Joint Committee on the Broadcasting of Parliamentary Proceedings in its report dated May 1994, be adopted with effect from 10 October 1994 in place of the general principles previously adopted by both Houses:

General principles relating to the radio broadcasting of parliamentary proceedings

1. *Days upon which proceedings shall be broadcast and their allocation between the Senate and the House of Representatives.*
The proceedings of Parliament shall be broadcast on each day on which either House is sitting. While there will be a usual allocation of broadcasts between the Senate and the House of Representatives, the Joint Committee on the Broadcasting of Parliamentary Proceedings or its Sub-Committee shall take into account the importance of the impending debate and the public interest attaching thereto in deciding on the allocation. It is anticipated that, over time, the coverage of each House will be approximately equal.
2. *Rebroadcast of questions and answers.*
 - (a) The following Parliamentary Proceedings shall be rebroadcast by the Australian Broadcasting Corporation at the conclusion of the broadcast of live proceedings from either House unless otherwise ordered by the Committee:
Senate proceedings – Questions without notice and answers thereto;
House of Representatives proceedings – Questions without notice and answers thereto;
 - (b) The rebroadcast shall be of the House that is not allocated the broadcast;
 - (c) When a member makes a personal explanation in rebuttal of misrepresentation contained in a question asked that day or an answer thereto, the question and answer shall, subject to the next succeeding sub-paragraph, be excluded from the rebroadcast; and

- (d) The Presiding Officer may, in his or her discretion, refer any case to the Joint Committee for decision as to whether such a question and answer shall be excluded from the rebroadcast.
- 3. The general principles specified here and adopted by both Houses shall be observed generally by the Joint Committee in making determinations in accordance with the *Parliamentary Proceedings Broadcasting Act 1946*, but nothing in those general principles shall be taken to prevent the Joint Committee from departing from those general principles in order to meet any unusual or special circumstances.

Broadcasting of proceedings— conditions for broadcasters

Resolution adopted 1 May 1996

That the conditions for broadcasters of the live broadcast and rebroadcast of the proceedings and excerpts of proceedings of the House of Representatives and its Main Committee be amended to read as follows:

1. Access to the proceedings of the House of Representatives and its Main Committee for the recording and broadcasting of proceedings is subject to an undertaking to observe, and to comply with, the following conditions:
 - (1) Broadcasting and recordings may only be made from the official and dedicated composite vision and sound feed provided by the Sound and Vision Office (channels 1 and 5 on the House Monitoring System);
 - (2) Broadcasts shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
 - (a) political party advertising or election campaigns;
 - (b) satire or ridicule; or
 - (c) commercial sponsorship or commercial advertising;
 - (3) Reports of proceedings shall be such as to provide a balanced presentation of differing views;
 - (4) Excerpts of proceedings which are subsequently withdrawn may be rebroadcast only if the withdrawal also is rebroadcast;
 - (5) The instructions of the Speaker of the House of Representatives, or the Speaker's delegate, in respect of broadcasting, shall be observed.
2. Non-compliance with the guidelines listed above may incur penalties. Breaches of the guidelines and penalties are determined by the House members of the Joint Committee on the Broadcasting of Parliamentary Proceedings. The following is a general guide to the penalties which may be imposed on stations or programs:
 - (a) first breach — access to the broadcast withdrawn for three sitting days;
 - (b) second breach — access to the broadcast service withdrawn for six sitting days; and

- (c) third or subsequent breaches – such penalty as is determined by the House members of the Joint Committee on the Broadcasting of Parliamentary Proceedings.

Registration of Members' interests

Requirements of the House of Representatives

Resolution adopted 9 October 1984 a.m., amended 13 February 1986, 22 October 1986, 30 November 1988, 9 November 1994, 6 November 2003 and 13 February 2008 a.m.

(1) Registration of Members' interests

That –

- (a) within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide to the Registrar of Members' Interests, a statement of –
 - (i) the Member's registrable interests, and
 - (ii) the registrable interests of which the Member is aware
 - (a) of the Member's spouse and (b) of any children who are wholly or mainly dependent on the Member for support,in accordance with resolutions adopted by the House and in a form determined by the Committee of Members' Interests or by the Committee of Privileges and Members' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring, and
- (b) the statement to be provided by a Member shall include:
 - (i) in the case of a Member who was not a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
 - (ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.

(2) Registrable interests

That the statement of a Member's registrable interests to be provided by a Member shall include the registrable interests of which the Member is aware (1) of the Member's spouse and (2) of any children who are wholly or mainly dependent on the Member for support, and shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies –
 - (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
 - (ii) in which the Member, the Member's spouse, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
- (i) the nature of any other assets (excluding household and personal effects) each valued at over \$7,500;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$750 received from official sources, or at more than \$300 where received from other than official sources provided that a gift received by a Member, the Member's spouse or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- (m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

(3) Register and Registrar of Members' Interests

That—

- (a) at the commencement of each Parliament, and at other times as necessary, Mr Speaker shall appoint an officer of the Department of the House of Representatives as the Registrar of Members' Interests and that officer shall also assist the Committee of Privileges and Members' Interests in relation to matters concerning Members' interests;
- (b) the Registrar of Members' Interests shall, in accordance with procedures determined by the Committee of Privileges and Members' Interests, maintain a Register of Members' Interests in a form to be determined by that committee from time to time;
- (c) as soon as possible after the commencement of each Parliament the chairman of the Committee of Privileges and Members' Interests shall table in the House a copy of the completed Register of Members' Interests and shall also table from time to time as required any notification by a Member of alteration of those interests, and
- (d) the Register of Members' Interests shall be available for inspection by any person under conditions to be laid down by the Committee of Privileges and Members' Interests from time to time.

Additional resolution adopted 13 February 1986

That any Member of the House of Representatives who—

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Members' Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Members' Interests within 28 days of the change occurring, or
- (c) knowingly provides false or misleading information to the Registrar of Members' Interests,

shall be guilty of a serious contempt of the House of Representatives and shall be dealt with by the House accordingly.

Note: no reference has been made to—

- (a) earlier registration and declaration requirements deleted on 13 February 1986, 22 October 1986, 30 November 1988 and 9 November 1994, *and*
- (b) resolutions of 21 March 1985 and 13 February 1986 which related to the lodgement of initial statements of interests by Members of the 34th Parliament.

Right of reply of persons referred to in the House

Resolution adopted 27 August 1997, amended 13 February 2008 a.m.

That:

- (1) Where a person who has been referred to by name, or in such a way as to be readily identified, in the House, makes a submission in writing to the Speaker:
 - (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person; and
 - (b) requesting that the person be able to incorporate an appropriate response in the parliamentary record; and if the Speaker is satisfied:
 - (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Committee of Privileges and Members' Interests; and
 - (d) that it is practicable for the Committee of Privileges and Members' Interests to consider the submission under this resolution,the Speaker shall refer the submission to that Committee.
- (2) The Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the House.
- (3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any Member who referred in the House to that person.
- (4) In considering a submission under this resolution, the Committee shall meet in private session.
- (5) The Committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a

submission, but may present minutes of its proceedings and all or part of such submission to the House.

- (6) In considering a submission under this resolution and reporting to the House the Committee shall not consider or judge the truth of any statements made in the House or of the submission.
- (7) In its report to the House on a submission under this resolution, the Committee may make either of the following recommendations:
 - (a) that no further action be taken by the House or by the Committee in relation to the submission; or
 - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person and the Committee, be published by the House or incorporated in *Hansard*, and shall not make any other recommendations.
- (8) A document presented to the House under paragraph (5) or (7):
 - (a) in the case of a response by a person who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
- (9) The Committee may agree to guidelines and procedures, not inconsistent with this resolution, to apply to the consideration by it of submissions.
- (10) This resolution shall continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Special provisions for nursing mothers

Resolution adopted 13 February 2008 a.m.

- (1) That the House, recognising that Members who are required to nurse infants may not always be able to attend in the Chamber to vote in divisions:
 - (a) agrees that, despite the provisions of the standing orders, a Member may give her vote by proxy for any division except that on the third reading of a bill which proposes an alteration of the Constitution if the Member is nursing an infant at the time of the division;
 - (b) determines that for the purposes of this resolution, a government Member may give her proxy to the Chief Government Whip, and that a non-government Member may give her proxy to the Chief Opposition Whip;
 - (c) determines that for the purposes of *standing orders 129, 130 and 131* any proxy vote given in accordance with this resolution is to be treated as if it was a vote given by the Member present in the Chamber; and
 - (d) is of the opinion that the special provisions of this resolution should not be extended or adapted to apply to Members who are not able to be present in the Chamber for other reasons; and
- (2) That this resolution has effect and continues in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Procedures for the protection of witnesses before the Committee of Privileges and Members' Interests

Resolution adopted 25 November 2009

That in considering any matter referred to it which may involve, or give rise to any allegation of, a contempt, the Committee of Privileges and Members' Interests shall observe the procedures set out in this resolution, in addition to any procedures adopted by the House for the protection of witnesses before committees. Where this resolution is inconsistent with any such procedures adopted by the House for the protection of witnesses, this resolution shall prevail to the extent of the inconsistency.

- (1) Any person who is the subject of proposed investigation by the committee must be notified in advance of the specific nature of the allegations made against them, preferably formulated as a specific charge, or if this is not possible, of the general nature of the issues being investigated, in order to allow them to respond.
- (2) The committee shall extend to that person all reasonable opportunity and time to respond to such allegations and charges by:
 - (a) making written submission to the committee;
 - (b) giving evidence before the committee;
 - (c) having other evidence placed before the committee; and
 - (d) having witnesses examined before the committee.
- (3) Where oral evidence is given containing any allegation against, or reflecting adversely on, a person, the committee shall ensure that that person is present during the hearing of that evidence, subject to a discretion to exclude the person when proceedings are held in private, and shall afford all reasonable opportunity for that person, by counsel or personally, to examine witnesses in relation to that evidence.
- (4) A person appearing before the committee may be accompanied by counsel, and shall be given all reasonable opportunity to consult counsel during that appearance.
- (5) A witness shall not be required to answer in public session any question where the committee has reason to believe that the answer may incriminate the witness.

- (6) Witnesses shall be heard by the Committee on oath or affirmation.
- (7) Hearing of evidence by the committee shall be conducted in public session, except where the committee determines, on its own initiative or at the request of a witness that the interests of the witness or the public interest warrant the hearing of evidence in private session.
- (8) The committee may appoint counsel to assist.
- (9) The committee may authorise, subject to rules determined by the committee, the examination by counsel of witnesses before the committee.
- (10) As soon as practicable after the committee has determined findings to be included in the committee's report to the House, and prior to the presentation of the report, a person affected by those findings shall be acquainted with the findings and afforded all reasonable opportunity to make submissions to the committee, in writing and orally, on those findings. The committee shall take such submissions into account before making its report to the House.
- (11) If the committee determines to make a recommendation to the House on a penalty to be imposed on a person, the person affected shall be afforded all reasonable opportunity to make submissions to the committee, in writing and orally, in relation to the proposed penalty. The committee shall take such submissions into account before making its report to the House.
- (12) The committee may consider the reimbursement of costs of representation of witnesses before the committee. Where the committee is satisfied that a person would suffer substantial hardship due to liability to pay the costs of representation of the person before the committee, or in the interests of justice, the committee may make reimbursement of all or part of such costs as the committee considers reasonable.
- (13) A member who has instigated an allegation of contempt or who is directly implicated in an allegation, shall not serve as a member of the committee for any inquiry by the committee into that matter.
- (14) Before appearing before the committee a witness shall be given a copy of this resolution.

Procedures of the House of Representatives for dealing with matters of contempt

Resolution adopted 25 November 2009

- (1) The House, in considering any matter which may give rise to a contempt of the House, shall observe the procedures set out in this resolution:
 - (a) for any motion that makes a finding of contempt or that imposes any sanction for contempt, seven sitting days notice must be given;
 - (b) if, in considering any matter that may give rise to a contempt, the House wishes to consider further evidence not previously provided to the Committee of Privileges and Members' Interests, the person or persons accused of contempt shall be given the opportunity to respond to that evidence;
 - (c) where the House proposes to impose a punitive penalty on a person or persons for contempt, the person or persons shall have the opportunity to address the House, either orally or in writing;
 - (d) where the Committee of Privileges and Members' Interests has made a recommendation for the imposition of a penalty on a person or persons for contempt, the House shall not impose a penalty which exceeds that recommended by the Committee;
 - (e) where the Committee of Privileges and Members' Interests concludes in a report to the House that there is no finding of contempt against a person or persons, the House cannot make any finding of contempt against the person or persons; and
 - (f) any members who initiated an allegation of contempt should not vote in any divisions on motions relating to any findings, or impositions of penalties, for those contempts; and
- (2) This resolution has effect and continues in force unless or until amended or rescinded by the House in this or a subsequent Parliament.

Government responses to committee reports

Resolution adopted 29 September 2010

- (1) Within a period of six months from the presentation in the House of a report by a House or Joint Committee, the Government shall present its response to the recommendations contained in the report to the House.
- (2) If a period of six months has elapsed from a report being presented and a response has not been presented, the relevant Minister (or Minister representing the Minister) shall:
 - (a) present to the House at the next available opportunity a signed statement stating the reasons for the delay in presentation of the response, and
 - (b) make himself or herself available to appear at the next reasonably available opportunity following a request by the relevant committee to answer its questions on that statement.
- (3) If a response has not been presented in the required time and an explanatory statement has not been presented and questions on the statement not answered to the satisfaction of the committee, the committee may bring the matter to the attention, if appropriate, of the Auditor-General for assistance in resolving matters referred to in the report or to the Speaker for assistance in resolving the response process.