HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT BILL 2017

Committee

The Deputy Chair of Committees (Hon Adele Farina) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1 put and passed.

Clause 2: Commencement —

Hon MICHAEL MISCHIN: My only question regarding clause 2 is a routine one about why the bill will not come into operation from the date of assent, as will clauses 1 and 2 of part 1, and when it is expected that the rest of the bill will be brought into operation.

Hon SUE ELLERY: Part 1, other than clauses 3 and 4, comes into effect on the day the bill receives royal assent. The rest of the bill will come into operation on a day fixed by proclamation and different dates may be fixed for different provisions of the bill. That is to ensure that any required administrative arrangements, such as the design and development of application forms and information on the Department of Justice website for potential applicants, can be put in place before the scheme commences. It is anticipated that that will be around two months.

Clause put and passed.

Clause 3: Terms used —

Hon MICHAEL MISCHIN: My question centres firstly on "official criminal record", on page 4. The definition states, in part —

> ***official criminal record*** means a record (including an electronic record) containing information about the outcome of criminal proceedings …

Does that include information such as the statement of material facts presented by the state prosecutor or the police prosecutor, as the case may be, and the transcript of the trial proceedings? It seems to focus only on the outcome of criminal proceedings rather than necessarily on all the information relevant to those proceedings. Can the minister explain how far that operates?

Hon SUE ELLERY: The short answer to the member's question is no. Things like the statement of material facts and the transcript of trial would not be relied upon. To give effect to the bill, the data controller will be looking for only those pages of relevant files or electronic files that contain the outcome.

Hon MICHAEL MISCHIN: All right. Can the minister tell us how that official criminal record—limited though it is—will be used and is relevant to an application to expunge? If it helps, who will take it into account and for what purpose?

Hon SUE ELLERY: The part that actually gets the conviction expunged is that part of the official criminal record that shows the conviction. That establishes eligibility. If the CEO, the decision-maker, believes that further information is needed and the CEO needs to look at things like, for example, the statement of material facts or the transcript of trial, clause 9(4) provides that the CEO may give notice to somebody who can provide further information, answer specified questions or provide documents that are set out to help the CEO make a decision.

Hon MICHAEL MISCHIN: Okay. If we turn to clause 10—there may be other uses of the term in other places—it deals with matters to be considered in determining an application. It provides that the CEO must not approve an application unless satisfied, firstly, that the offence is a historical homosexual offence and, secondly, that, on the balance of probabilities, both of the following tests are satisfied in relation to the eligible person. To paraphrase, subparagraph (i) provides that an eligible person would not have been charged with the historical homosexual offence but for the fact that the eligible person was suspected of having engaged in sexual activity of a homosexual nature and, secondly, that the conduct constituting the historical homosexual offence, if engaged in by the eligible person at the time of the making of the application, would not constitute an offence under the law of this state.

Clause 10(2) states —

> In considering whether the test set out in subsection (1)(b)(ii) is satisfied, the CEO must have regard to —
>
> (a) whether any person involved in the conduct constituting the historical homosexual offence, including the eligible person, consented to the conduct; and
>
> (b) the ages, or respective ages, of any such persons at the time of that conduct.

So far, so good. But then clause 10(3) states —

> If the consent of a person is an issue in considering an application, the CEO may only be satisfied on written evidence on that issue —
>
> (a) from the available official criminal records; or
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> (b) from a person, other than the eligible person, who was involved in the conduct constituting the historical homosexual offence; or
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> (c) if no person referred to in paragraph (b) can be found after reasonable enquiries are made by the applicant, from a person (other than the applicant) with knowledge of the circumstances …

The official criminal record is limited, although it is one of the two primary sources of information, to what appears on the record of the proceedings. It may be that although the conduct was an offence at the time, it was nevertheless engaged in in a consensual manner. The other consenting person is not available; no-one else can reasonably speak of it, and we are limited to the criminal record, which does not include the transcript of the trial or the statement of material facts, which might indicate that, in fact, it was consensual. Is that an impediment that needs to be addressed, or is there some avenue by which the fact finder—the decision-maker—can determine whether consent has been granted in those circumstances?

Hon SUE ELLERY: I think that the explanation I gave earlier was too narrow. Clause 13(2) states —

> (2) On receipt of a notification under subsection (1), the relevant data controller must, within 28 days, annotate any entry relating to the expunged conviction contained in any official criminal records under the management or control of the data controller …

I think I inadvertently misled the house earlier by saying that only those pages that contained the outcome would be relied upon. The original question the member put to me was: would the statement of material facts and the transcript of the trial be taken into account? The advice I am now given is that, in fact, that was probably too narrow an explanation because the official criminal record is the entire file—if you like, the threshold document that is looked at is that which contains the outcome to determine eligibility; but to then consider the whole application, the whole of the official criminal record can be taken into account.

Hon MICHAEL MISCHIN: I want to make sure that I understand this. Clause 13 deals with the consequences of convictions being expunged. We have got to the stage at which the CEO, the decision-maker—whether it is the CEO or the delegate of the CEO—has decided that this is a historical homosexual conviction and stamps it "expunged". The CEO then goes through the process set out in clause 13 to communicate that decision, in writing, to relevant data controllers. The data controller then, within a certain time—28 days—annotates any entry relating to the expunged conviction contained in any official criminal records under that data controller's management with a statement to the effect that it is an expunged conviction. So far, so good. But my concern was more about the process and the information that the decision-maker would receive to determine necessary facts—necessary matters—to reach the decision. Hence, in a situation in which, let us say, there is a conviction for sodomy under the law applicable at the time, if the question arose about whether that act of sodomy was committed with the consent of the other party, the only source of information in deciding that question of consent is the available criminal record. That is what subclause (3) states—it has to be; it is limited. It can be satisfied only on the written evidence on that issue from the available official criminal records or from the other participant, or someone who knows the facts of the case. I will get to paragraph (c) in due course—our query about the level of hearsay that can be accepted. The sources that the decision-maker can use are very limited. The question of what constitutes an official criminal record is very important. If it is interpreted in a narrow way, it can mean that the decision-maker does not have available to himself or herself relevant information on the circumstances of a historical offence when the other party may be deceased or unobtainable and no-one really knows the story because it was so long ago. To make this workable and to avoid the sorts of arguments that might themselves create an injustice, I would have thought that the interpretation of "official criminal record" should be clear. I say that particularly because, of course, many of these records would be sensitive. It might be that some of these records are held in respect of children; it may be that some of these records are be held by other agencies. Even the fact of a criminal history is confidential, unless it is used for official purposes, and it may be something that does not in itself contain much information.

In the normal criminal process, if one is charged with an offence that is dealt with summarily, even on a plea of guilty, at the very least we have a statement of the material facts. That does not form part of the charge. It itself would not be part of the criminal history. It may be read out to the court, it may be incorporated by a reference in the court's proceedings, but it is not part of what would normally be considered the criminal record. Can the minister assure us that "official criminal record" is sufficiently broad? It is currently defined as meaning—not including—"a record (including an electronic record) containing information about the outcome of criminal proceedings." It is not about "the" criminal proceedings, but the outcome—the result—kept by the police or the

Director of Public Prosecutions or a court or a body prescribed. I would think that there is a risk that it is not, minister. I am trying to be helpful here. It seems to me that if we are looking at the court's record of a conviction, recording the outcome and the orders made, that may not necessarily have any information in it about whether the offence was committed in circumstances in which the other party was consenting. That brings us to consequences of any reviews and all the rest of it, which is why I think it is important. I would hope that being cautious with issues of confidentiality on the part of data controllers, and someone reading this strictly and taking a conservative approach to it, the decision-maker might find himself or herself denied certain information that might throw additional important light on the circumstances of the offence that is being considered. Might I ask that some consideration be given to whether that definition is sufficiently clear and broad.

Hon SUE ELLERY: I am advised that it is broad enough. If we go back to the definitions on page 4, we see that it states —

> ***official criminal record*** means a record (including an electronic record) containing information about the outcome of criminal proceedings …

I am advised that that is broad enough to consider, depending on how the material is kept. It is also important to put this in the context that some of this material will be very old and will in fact be whole files of material. I am advised that that is broad enough to capture the kind of information that is relied on, for example, in respect of consent in clause 10(3). The member is right to ask the question. I am advised that consideration has been given to whether that is broad enough, and it is considered the range of records that are likely to be examined by this is captured by the words "containing information about the outcome". It could be the whole, entire file; it could be a particular part of the file. That is considered broad enough.

Hon MICHAEL MISCHIN: I suppose lawyers can find an argument over anything. I would say that given the precise definition that it means "a record containing information about the outcome of criminal proceedings" rather than about the circumstances of the relevant criminal proceedings is confining it to the end result and the orders made rather than necessarily the circumstances. I wonder whether the minister would be prepared to entertain removing the matter beyond doubt by changing the wording to "accordingly", whether that would affect the bill or whether it would make it clearer and allow for a more liberal interpretation of the scope of that and the information that the decision-maker can have access to in that important factor of consent.

Hon SUE ELLERY: I thank the honourable member for his suggestion. No, I am not prepared to consider an amendment in those terms. The advice available to me is that the definition that appears in the bill before us is broad enough to make sure that the information required to determine the question in clause 10(3) around consent is sufficient.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Application for convictions for historical homosexual offences to be expunged —

Hon MICHAEL MISCHIN: I have gone through my reasoning surrounding or informing the amendments standing in my name at 3/5, which is the first of the proposed changes to the scheme. At the moment, clause 5(1) states —

> A person who has been convicted of a historical homosexual offence may apply to the CEO for the conviction to be expunged.

The CEO is defined as the chief executive officer of the department responsible to the minister administering the act, or that person's delegate. I propose that the application ought to be to a responsible member of the executive, given the import of the expungement of a conviction. Consequential amendments will flow from that if this particular amendment is agreed. I have indicated my reasoning behind that. It seems to me that if a conviction were to be expunged, a conviction that was duly recorded by a court—albeit one that in changing times we have agreed ought not to have been an offence in the first place—that is a significant step, particularly as this is not a mechanical process. This requires an assessment of evidence. We have just been through some of the material that a decision-maker would have to have regard to or may not have regard to in coming to that decision. There is a value judgement, there is an assessment, and a matter of judgement needs to be reached. At the moment that rests with a chief executive officer or that officer's delegate, albeit a relatively senior one; it does not rest with a member of the executive who can take responsibility for that final decision or indeed the responsibility to make that final decision. Questions such as the one we have been debating are better considered by the minister responsible rather than a bureaucrat. I take the example that if there is a question of an application and the consent of another party, a report is submitted to the minister, the minister properly turns his or her attention to that report and looks at what the chief executive officer or delegate has investigated. He or she looks at whether there has been a reasonable attempt to find the other party to that conviction, who may or may not have given consent, and assesses the impact

of it on that person, whether that person has an objection to it or otherwise; and other material to support that this is a conviction that ought to be accepted. That sort of thing is to ensure that there has been due diligence for a conscientious inquiry and a conscientious assessment of the known facts. That matter of oversight is properly the responsibility of a minister who then decides whether the recommendation from the bureaucrat is one that ought to be accepted. I have indicated some examples in which that has happened in slightly different schemes with slightly different purposes. Some involve the release of prisoners on parole. Some involve the release of prisoners on preliminary, pre-release, orders and so forth. Some involve the approval of justices of the peace and other sorts of matters. A member of the executive takes responsibility for that decision and makes it. Likewise with a scheme such as this, it ought properly be the minister's decision. Otherwise, the changes do not alter the nature of the scheme. It simply puts someone in charge of it. I understand that the government does not support that. Other jurisdictions have done it differently, and it is following other jurisdictions. That is a worthwhile guide of whether that experience works. I do not know whether there is any information about whether it has worked effectively or defects have emerged, but simply because other jurisdictions do it does not necessarily mean it should be done here. I would be interested if the minister could explain why the government is set against conferring this responsibility on the first law officer of the state. I move —

Page 5, line 6 — To delete "CEO" and substitute —

Minister

Hon SUE ELLERY: As I indicated in my second reading response, we will not be supporting this tranche of amendments. This is a point of policy difference between us. The government's policy is that decision-making should be made at the highest departmental level, taking into account a limited delegation to ensure an expedient process for all applicants. Although it is the case that in other areas, such as parole, a recommendation is put to the minister for a decision, it is also the case in those circumstances that there can then be a series of interactions between the Attorney General and the Prisoners Review Board about recommendations and the reformulation of recommendations based on requests from the Attorney General. This scheme is not intended to reach that level of complexity. Clause 9 of the bill provides that —

> … the CEO may take all steps and make all inquiries that are reasonable and appropriate to consider the application properly.

That could include seeking advice. I think it is also worth the chamber noting that, during the consultation period, the Commissioner for Victims of Crime and the Western Australia Police Force both considered the tests applied by the CEO and whether the legislation provided adequate safeguards. Both were satisfied that, if supported by robust secondary materials and the administrative processes, the legislation was sufficient. It should also be noted that the heads of jurisdiction, the Director of Public Prosecutions and the Solicitor-General all supported the bill as drafted, including the appointment of the CEO as decision-maker.

It is worth noting that CEOs themselves are not unaccountable beasts. All directors general have performance agreements with the responsible ministers. Those performance agreements can include key performance indicators on relevant matters, which could include the operation of this administrative scheme. For those reasons, we think that the scheme needs to be as simple as it is possible to make it. We do not want the level of complexity of adding political interference, which is effectively what the Attorney General of the day could do, whoever it was. As it is set out, the scheme has safeguards in place to ensure that the decision is made at a high enough level; that is, it has to be a member of the senior executive service. It cannot be delegated below that. For those reasons, we will not be supporting the member's amendment.

Hon ALISON XAMON: I rise to indicate that the Greens will not be supporting the series of amendments that seek to change the way that decisions are ultimately made, proposing that they be made by the minister rather than the CEO. The reason is that I am concerned that by changing the role of the decision-making to the minister, we would effectively politicise any individual decision-making around expungement. The difference between parole processes and the process we are talking about here is that we will have, effectively, through the passage of this legislation if it is passed, made a decision that we recognise that the convictions of the past were wrong and need to be removed. As such, we are looking at a mere administrative function. It should not be a political decision or have a political element. I am also really concerned at how onerous the process would then be. Some people who are looking to have their historical convictions expunged are aged in their 80s. They need to be able to undertake this process simply and in a fairly straightforward manner. I remind members that a review process is already in place through the State Administrative Tribunal. The entire process is intended to be apolitical in nature, perfunctory and administrative. As such, in order to maintain the integrity of what we are trying to achieve, it is really important that we keep the entire process at that level.

Hon MICHAEL MISCHIN: Firstly, I do not understand some of that. I am not sure how political interference is being introduced in a decision that would be made by the first law officer. I accept that we may have a perverse first law officer who is lazy or wants to simply abrogate his or her proper responsibilities, which is to make a decision as a matter of judgement based on experience and their knowledge of the law in whether to accept or

reject a reasoned, hopefully comprehensive and evidentially supported recommendation from the CEO. That is not political interference. It is taking political responsibility, which is a different thing. Nor does what I propose in any way make the process any more onerous. All it does is provide that instead of the chief executive officer being the final decision-maker, the minister is the final decision-maker. If the minister rejects the application, the same process applies for getting a review. As the bill is currently framed, the CEO makes the decision, gets information, and if they are satisfied that a conviction should be expunged, then it is stamped. The only different step is that instead of the CEO making that decision, the CEO makes a recommendation to the minister, who would look at it and say whether they are satisfied that it has been explored and approve it, putting his or her name on it. That is not political interference. It is political responsibility. There is no change to the process at all, other than to have a different person taking responsibility—a person who will be able to know whether the legislation is working. As to the objection that somehow there would be a political influence, I do not understand how that would be. The recommendations that come from the CEO, like recommendations on other things, do not have to reveal the person's name. By arrangement with the Attorney General, a code name or code number could be used or the name redacted. There would not be disclosure of who the person is. In fact, that would allow for a level of accountability that the CEO would not have, because all this—the operation of this legislation as drafted—would get no further than the CEO or the CEO's delegate, who could make any decision he or she likes. They may choose to simply tick off—they have done the investigation, they are satisfied and they have approved the application—and no-one will ever know. No-one will be able to pass a responsible eye over it. That may be fine if it is correcting injustices; it would be wrong if what was being expunged was an offence with a real victim, if it was done without consent, for example. I can see the minister thinking that cannot happen, but a rejection of an application can involve a review. The approval of the application goes no further. It is done; no-one is going to complain about that if they do not know about it. The confidentiality provisions hedged around this mean that it will not find its way to a potential victim of an offence. That seems to me to be wrong. It may be convenient administratively, but it is not responsible. So having tests that the CEO needs to apply is all very well, but who holds that CEO accountable and will know whether the CEO has applied them properly? Not the minister, who is responsible, and no-one else.

As for key performance indicators that could include things about this, when I see a KPI that is sensibly drafted, I might be persuaded. I take it there are no KPIs around this at the moment, and I do not know how one would sensibly draft a KPI: "You do your job properly, even though no-one else will find out whether you have." That is a great KPI, but it does not satisfy me.

I ask again, firstly, how will change be more onerous when it does not actually change the system at all? Secondly, if appropriate procedures are in place, how could there be any sensible political interference and for what motive? Thirdly, it is all very well to say that it is not the government's policy, but what is the reason behind one policy decision as to another? It may suit some people; that is not what government's job is for. The government presumably looked at this, made a decision to go one way rather than another way—or maybe it did not look at this; I do not know—and it may be that the Director of Public Prosecutions made no comment about it being done by the CEO. It may not bother the DPP or courts one way or another. Was this question drawn to anyone's attention during the drafting of the bill or was it simply, "We said 'Do it this way'. We never thought about doing it another way, and we will not change our mind"? To start with, can the minister perhaps explain the rationale for this policy and how it would be affected by doing it the other way, by having someone responsible for overseeing whether the CEO or CEO's delegate is doing his or her job properly?

Hon SUE ELLERY: I appreciate that the honourable member does not agree with what I said —

Hon Michael Mischin: I do not understand what you said.

Hon SUE ELLERY: Then perhaps the member did not listen to what I said.

Hon Michael Mischin: I did, but —

Hon SUE ELLERY: I will start at the end of what the member just said: was it put to the respective office holders whether the appointment of the CEO as decision-maker was appropriate? That is exactly what I said in my last contribution. I said that during consultation, the Commissioner for Victims of Crime and the WA Police Force both considered the test applied by the CEO and whether it provided adequate safeguards —

Hon Michael Mischin: Sorry; not the test, the person.

Hon SUE ELLERY: — if you let me finish, which I let you do—and both were satisfied. I read that bit out. It should also be noted—this is what I read out as well—that the heads of jurisdiction, the DPP and the Solicitor-General all supported the bill as drafted, including the appointment of the CEO as decision-maker. So the specific question about whether the CEO was the appropriate decision-maker was put, and all those people appropriately supported it. The intent was to make this as simple as possible. Looking at how other jurisdictions around Australia, and indeed New Zealand, had managed this, none had put a politician—the minister; the respective Attorney General—as the decision-maker. They had all put senior levels of the executive, except for the case of South Australia, which chose a magistrate. Although I appreciate that the honourable member does not

accept the arguments I have put, it is about simplicity and ensuring that it is as quick a process as possible. It is about ensuring that the relevant safeguards are in place, so making sure that it cannot be delegated below the senior level executive.

One way or the other, because there are amendments in place from the opposition and government about a review clause, the chamber will decide on the additional accountability measure of a review clause. It will choose between the review clauses. So, the appropriate checks and balances are in place. I ask the chamber to seriously consider ensuring that we do not put in place a system that is too complicated, that we look at the experience of the other jurisdictions, that we take into account the checks and balances that have been put in place, and that we take into account the advice from the DPP, the Solicitor-General and the heads of jurisdiction. We pay them to provide us with that independent advice. We should take account of that and support the policy of the bill, and not accept the amendments to change the level of decision-making.

Hon MICHAEL MISCHIN: One element is that the minister is saying that the DPP, Solicitor-General and heads of jurisdiction gave advice supporting the CEO being the ultimate decision-maker. May we see that advice?

Hon Sue Ellery: I don't have it.

Hon MICHAEL MISCHIN: Can the minister say in what form that advice was given?

Hon Sue Ellery: I don't have it in front of me.

Hon Nick Goiran: How do we know advice was given?

Hon Sue Ellery: Honourable member —

Hon Nick Goiran: Well, you don't know; you haven't seen it.

Hon Sue Ellery: I've asked.

The DEPUTY CHAIR (Hon Adele Farina): Order, members! There is only one person who has the call, and that is Hon Michael Mischin.

Hon MICHAEL MISCHIN: All right. Just for *Hansard*'s benefit, does the minister not have the advice before her that I have asked for? Is that right?

Hon Sue Ellery: If you sit down, I will stand.

Hon MICHAEL MISCHIN: I am just trying to help out here, because I do not know whether —

Hon Sue Ellery: You sit down, and I will stand.

Hon MICHAEL MISCHIN: All right; fine.

Hon SUE ELLERY: The way I operate every time I sit at this table is that I ask the advisers to provide me with advice, which they do. They are, as Hon Michael Mischin would be well aware being a former Attorney General, highly professional people. For the third time, the advice I got in response to the question Hon Michael Mischin asked about who was consulted—I made sure I had that advice—is that the heads of jurisdiction, the DPP and the Solicitor-General all supported the bill as drafted, including the appointment of the CEO as the decision-maker.

Hon MICHAEL MISCHIN: Thank you. Now we are getting somewhere. If I understand this correctly, they were provided with a copy of the bill that had the CEO as the decision-maker. They were asked for their views on it, said it looked fine to them, and that is considered conscious, reasoned advice on the question of who should be the ultimate decision-maker in these cases. Is that what the minister is saying?

Hon SUE ELLERY: I cannot answer the question in any other way than to tell the honourable member the advice I have been provided. I cannot believe that Hon Michael Mischin genuinely thinks that I am somehow misleading him. I am not sure where this takes us and whether the way the question was phrased will make a difference to whether Hon Michael Mischin and others support the amendment. The advice I have from some of the most senior people is that those heads of jurisdiction specifically considered the question of CEO as decision-maker and supported the draft of the bill accordingly. I do not see that I have another way of answering the question, but if Hon Michael Mischin's intent was to take us through to 9.40 pm, he has been successful.

Hon MICHAEL MISCHIN: No, minister, that was unnecessary. I am not trying to deliberately delay this; I am trying to get some information. The minister has given me a view. She has told me that the government does not want to make this too onerous, that it does not want to introduce political interference, that it is the policy to do it one way rather than another and that she has received advice. That is fine; I am not questioning whether the minister has received that advice and whether she has reflected accurately the advice she received. I am trying to ascertain just how cogent the information is—not the advice the minister got from her advisers but the agreement and support for this measure from the heads of jurisdiction. The minister cannot provide me with what they were asked about specifically. The most that I have been able to find out is that a copy of the bill containing the scheme as presented to us, with the CEO being the decision-maker, was given to them and they either did not comment on

it or they said, "It looks fine to us", in effect. I do not know whether there was any reasoned consideration of alternatives. I do not know that, but I would like to know that. It may take until 20 to 10, but that is only because I am not getting the information I need.

Yes, I have sat in that chair and, yes, I have given as much information as I could—and, if necessary, I have said that I will get the information and provide it to the members who asked about it. I would like to know whether that option was considered by any of those consulted or whether they were presented with, "Here's an idea; this is how we propose to do it. Do you have any problems with that?" and they said, "No, it looks fine to us." That is not a reasoned consideration of options and saying, "Hang on; it's our policy to do it one way, not the other" is not a sensible way of deciding policy when someone comes up with an alternative—"I can't give you any reasons other than these vague ones about keeping it simple, and other people thought it was okay." That is not a policy decision. That is an acquiescence to a path of action that may not have considered all the available reasonable options. I would still like to know precisely what was put to the people and parties who were consulted and what they sent back as a comment. That information may not be available to the minister now, but I would appreciate knowing about it so that I can see whether or not I am persuaded that the way that is proposed and has been proposed to them is superior to what I have proposed. Is the minister prepared to provide it?

Hon SUE ELLERY: I have nothing further to add.

Hon SIMON O'BRIEN: I possibly share the chamber's frustration but perhaps we need to articulate just what the point is. It has been given to us by the minister at the table that the chamber should reject this proposed amendment on the basis of advice from the several officers who were mentioned. We are examining, and Hon Michael Mischin is examining, the context of that advice. Were those officers asked, "Should we amend this so that the word "minister" be inserted where currently there is "CEO"?" That has been put to us. The argument put to us by the government is—"We got the input of the Solicitor-General and this person and that person." We want to know what they were asked.

Progress reported and leave granted to sit again, pursuant to standing orders.