

**GOVERNMENT RESPONSE TO THE REPORT OF THE HOUSE
OF REPRESENTATIVES STANDING COMMITTEE ON
PROCEDURE:**

**“IT’S YOUR HOUSE: COMMUNITY INVOLVEMENT IN THE
PROCEDURES AND PRACTICES OF THE HOUSE OF
REPRESENTATIVES AND ITS COMMITTEES”**

October 2000

‘IT’S YOUR HOUSE’

GOVERNMENT RESPONSE TO THE REPORT OF THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON PROCEDURE

Petitioning the House

Recommendation 1

The committee recommends that the standing orders governing petitions (nos. 112 to 132) be amended to make them clearer, simpler and more accessible as set out in appendix B.

Supported in principle.

Recommendation 2

The committee recommends that the standing orders be amended to allow Members to present petitions during the period of Members' 90 second statements in the House or 3 minute statements in the Main Committee. The proposed amendment to the standing orders is shown in appendix B.

Supported

Presentation of petitions by Members during the existing time available for 90 second statements in the House or 3 minute statements in the Main Committee is supported.

Traditionally, the practice has been that all petitions are treated the same under the standing orders regardless of a Member's views about the subject matter. The option for Members to present and support petitions on the floor of the House or Main Committee raises the issue that Members may be seen to give some petitions more favourable treatment than others. However, these are matters that Members are best placed to decide.

Recommendation 3

The committee recommends that an annual report to the House be prepared setting out petitions presented and ministerial responses to them. The Standing Committee on Procedure intends to implement this recommendation itself.

Not supported.

The Government does not agree that the Standing Committee is empowered to produce such a report, as such an activity would be outside its functions under the Standing Orders. The Government notes that the number and subject matter of petitions is already on the public record, as are any ministerial responses.

Recommendation 4

The committee recommends that the standing orders be amended to provide for petitions to stand referred to general purpose standing committees for any inquiry the committee may wish to make.

Not supported.

The time and resources available for committees to undertake inquiries into matters is limited. Requiring specific references ensures that committee activities are not directed to matters which are not relevant to the priorities of the House or the Government, and which have little prospect of being acted on.

Committee members and secretariats are able to monitor the subject matter of petitions presented to the House which are relevant to their responsibilities. If considered necessary, a committee chairman could raise the establishment of an appropriate inquiry directly with the responsible minister.

The right of reply procedure

Recommendations 5 - 7

The committee recommends that the resolution of the House of 27 August 1997 concerning protection of persons referred to in the House continue in effect without alteration.
(Recommendation 5)

The committee recommends that information about the availability of the right of reply process be placed on the Parliament's Internet site on the pages from which Hansard reports and live telecasts of proceedings are accessed, with links to full details on how to apply.
(Recommendation 6)

The committee recommends that information be added to the explanatory material about the protection of persons referred to in the House to specify what course people may take if they believe they have been adversely referred to in the published evidence of a committee.
(Recommendation 7)

Supported in principle, subject to being implemented within existing resource constraints.

The procedures of the House

Recommendation 8

The committee recommends that the standing orders be restructured and rewritten to make them more logical, intelligible and readable. The committee recommends that the Clerk prepare a draft for the committee's consideration.

Supported in principle, subject to being implemented within existing resource constraints.

Recommendation 9

The committee recommends that the following sessional order be adopted for a period of 12 months:

Questions from citizens

148A A Member may give notice of a question in terms proposed by a person who resides in the Member's electoral division. The following conditions shall apply to notices of questions given under this sessional order:

(a) A Member shall satisfy himself or herself that the person proposing the question resides within the Member's electoral division.

(b) The question shall show the name of the person who proposed the question.

(c) A Member may not give notice of more than 25 questions in a calendar year.

(d) Questions shall conform with the standing orders.

(e) Provided the foregoing provisions are met a Member must give notice of every question proposed to him or her up to the limit of 25 per year.

Not supported.

The Government considers this recommendation is inconsistent with the principles of representative democracy, in which members are elected to represent their constituents. Members are ultimately responsible for all questions asked in the House and disclosing the identity of interested constituents would be inconsistent with that primary responsibility.

Access to proceedings

Recommendations 10 and 11

The committee recommends that a link to the live broadcast of proceedings (when available) be provided on the top page of the Parliament's Internet site. (Recommendation 10)

The committee recommends that a summary of the main items of business for consideration in the House and the Main Committee and scheduled public hearings of committees be shown on the House of Representatives Internet home page. The information should be updated daily and provide a link to the full daily program. (Recommendation 11)

Supported in principle, subject to being implemented within existing resource constraints. The Government notes that a link to the live broadcast of proceedings has already been provided on the Parliament's Internet site.

Committees and the community

Recommendations 12 - 15

The committee recommends that a conference of committee chairs, deputy chairs and secretaries be held at least once each Parliament to discuss strategies for promotion of committee work. (Recommendation 12)

The committee recommends that the Speaker, in consultation with committees, investigate having a 'fly on the wall' type of documentary about committees made professionally for showing on television. (Recommendation 13)

The committee recommends that a brochure about House of Representatives committees be published and made available on a similar basis to the brochure on the House of Representatives. (Recommendation 14)

The committee recommends that details of the public hearing schedules of committees be published regularly using the following vehicles:

- (a) The Daily Program of House business (the Blue);*
- (b) Announcements on the parliamentary broadcast (NewsRadio). The information could be included in a daily summary of business expected to be dealt with. The Joint Committee on the Broadcasting of Parliamentary Proceedings is asked to make any necessary changes to the standing determinations relating to the radio broadcasting of parliamentary proceedings to enable this to take place; and*
- (c) The existing television coverage of Parliament provided by the Australian Broadcasting Corporation-Question time telecast and/or the Order in the House program.*

(Recommendation 15)

The Government supports committee chairmen, members and secretaries and the Speaker and the Department of the House of Representatives exploring avenues to enhance community access to committees and understanding of committee operations. It is noted that information about daily public hearing schedules has started appearing in the Daily Program of House business (recommendation 15(a)). The Government also notes that any measures implemented will be subject to existing resource constraints.

Recommendations 16 and 17

The committee recommends that:

- (a) The Department of the House of Representatives take steps to improve coverage of House committees in educational material supplied to schools;*
- (b) Video material explaining the committee process and showing House of Representatives committees be made available to schools and other groups; and*
- (c) School groups visiting Parliament House be provided with information about public hearings which may be held during their visit and be encouraged to observe proceedings if a suitable hearing is expected to be held.*

The committee recommends that the Department of the House of Representatives work with committees to develop a strategy to raise the profile of committee web pages, including establishing links with other sites, promoting web addresses, reviewing design and content and developing electronic feedback facilities. (Recommendation 17)

Supported in principle, subject to being implemented within existing resource constraints.

Recommendation 18

The committee recommends that the Department of the House of Representatives work with committees to develop a media strategy to improve media support for committees, including the implementation of a professional communications service to provide media support and liaison for committees. (Recommendation 18)

Not supported. The purpose of committees is to investigate matters referred to them for the purposes of making specific recommendations. Resources available for these purposes are limited. Allocation of further resources for media purposes, at the cost of resources required for committees' investigations, is unwarranted.

Recommendations 19 and 20

The committee recommends that, as far as possible, committee titles be retained on a long term basis. (Recommendation 19)

The committee recommends that committees develop a short name and use it consistently for media liaison and public communications. (Recommendation 20)

Supported. It is noted that some committees are already using short names for media liaison and public communications.

Recommendation 21

The committee recommends that the standing orders be amended to provide for tabling of committee reports at a time prior to 11 am.

Not supported.

The current routine of business allowing for committee and delegation reports and private Members business on sitting Mondays has worked successfully over the last two parliaments. The Government is not convinced that changing the time for presentation of reports would overcome the Committee's concerns in relation to media (noting that other recommendations are directed to media strategies and resources for committees - principally Recommendation 18). The Government notes that tabling of reports on a Wednesday or Thursday morning would limit the capacity for reports to be referred to the Main Committee for debate in the week of tabling.

Recommendations 22 and 23

The committee recommends that standing order 353 be amended as follows (paragraph (b) added):

Report and minutes presented

353 The report of a committee, together with the minutes of the proceedings, shall be presented to the House by a member of the committee.

Provided that a committee may resolve to do either or both of the following:

(a) if the House is not sitting when a committee has completed a report of an inquiry, the committee may send the report to the Speaker, or in the absence or unavailability of the

Speaker, to the Deputy Speaker. Upon receipt of the report by the Speaker or the Deputy Speaker:

*(i) the publication of the report is authorised by this standing order; and
(ii) the Speaker or Deputy Speaker, as the case may be, is authorised to give directions for the printing and circulation of the report.*

The report shall be presented to the House in accordance with this standing order as soon as possible.

(b) to seek the approval of the Speaker, or in the absence or unavailability of the Speaker, the Deputy Speaker, to publish a summary version of its findings on a day prior to the report being presented to the House. If the Speaker or the Deputy Speaker approves the request:

(i) the publication of the summary version of the committee's findings is authorised by this standing order; and

(ii) Members of the House shall be advised of the publication and given access to the text of the document. (Recommendation 22)

*The committee recommends that standing order 346 be amended to read
(paragraph (iii) added):*

Publication of evidence and proceedings

346 (a) A committee or subcommittee shall have power to authorise publication of any evidence given before it or any document presented to it.

(b) The evidence taken by a committee or subcommittee and documents presented to it, and proceedings and reports of it, which have not been reported to the House, shall not, unless authorised by the House or the committee or subcommittee, be disclosed or published to any person other than a member or officer of the committee.

Provided that a committee may resolve to:

(i) publish press releases, discussion or other papers or preliminary findings for the purpose of seeking further input to an inquiry,

(ii) divulge any evidence, documents, proceedings or report on a confidential basis to any person or persons for comment for the purpose of assisting the committee in its inquiry or for any administrative purpose associated with the inquiry; or

(iii) authorise any member or members of the committee to provide such public briefings on matters related to an inquiry as the committee sees fit. The committee may impose restrictions on such authorisation and in any case a member so authorised shall not disclose evidence or documents which have not been specifically authorised for publication. (Recommendation 23)

Recommendation 22 is not supported. Recommendation 23 is supported.

The purpose of inquiries is to investigate issues referred to a committee for the purpose of making considered recommendations, not maximising media exposure for committees per se. It is difficult to see how early release of summarised findings would promote a higher level of community interest in committee work over media activities associated with the formal presentation of reports to the House. Publication of summarised findings could in practice demand immediate reactions from the Government, community organisations or opposition parties, without the benefit of the full reasoning behind committees' recommendations. This risks distorting and devaluing committees' considerations and would be unfair to witnesses who had taken the time and effort to participate in the inquiry.

Under standing order 346 committees have flexibility to prepare and publish material directed to maximising media exposure and community involvement in an inquiry and the committee process itself. Media focus on the report itself will be best managed by committees at the time reports are presented. This would be enhanced by ad hoc

briefings throughout the course of the inquiry as proposed under recommendation 23, which is supported.

Recommendation 24

The committee recommends that committees make use of the Checklist of strategies to maximise community involvement in a committee inquiry set out in this report and that the checklist be updated and expanded on an ongoing basis.

Supported in principle, subject to committees having regard to resource issues.

Recommendation 25

The committee recommends that:

- (a) the House agree to a resolution providing procedures for interaction with witnesses in the terms set out in appendix C to this report; and*
- (b) a pamphlet including a summary of the procedures be provided to all witnesses prior to hearing oral evidence from them.*

The Government does not consider that a resolution is the most appropriate device to describe committee procedures, and remains concerned that a resolution of the House detailing procedures for dealing with witnesses could lead to arguments over the interpretation and application of committee rules. However, a pamphlet outlining guidelines to the conduct of committee proceedings would be of benefit to witnesses and committee members.

Recommendation 26

The committee recommends that the standing orders be amended so that a motion to take note of a committee report automatically stands referred to the Main Committee for consideration and that time be made available for debate in the week following presentation of the report

Not supported.

The success of the Main Committee is largely due to its operation as a consensus chamber whereby business is referred only by agreement between the parties. The Government does not support measures that would override this fundamental aspect of the Main Committee's operation. The Government does not consider that standing referral is in fact necessary, as the practice has been that when the Whips have been made aware of Members' desire for more debate time, the majority of reports have been referred to the Main Committee after consultation with the responsible minister. Referral should remain a matter between Whips who manage the time allocated to, and business conducted in, the Main Committee.

Recommendation 27

The committee recommends that new standing order 354A be inserted as follows:

Government responses to committee reports

354A (a) The Government shall prepare and present to the House no later than four months after the presentation of a report from a House of Representatives or joint committee, a response to the recommendations contained in the report. This provision does not apply to reports from the following committees: House, Library, Members' Interests, Privileges,

Publications (except for reports on inquiries), Selection and the Parliamentary Standing Committee on Public Works. If the Government does not consider it appropriate to respond to a particular report, it shall inform the House giving reasons for its decision.

(b) The Speaker shall prepare and present to the House a schedule listing government responses to committee reports which have been presented and reports presented to which responses have not been presented. The schedule shall be presented by the Speaker twice in each calendar year or as often as the Speaker deems appropriate.

Not supported.

The Government agrees that serious consideration of committee recommendations is an important function of Government activity, and that Government responses will be of significant interest to those members of the community who have an interest in the a particular inquiry. However, the proposed four-month time limit for responses is arbitrary. Tabling of a list of outstanding government responses is already the practice of the Government and the House and no amendment to the Standing Orders is necessary.

Recommendation 28

The committee recommends that committees inform witnesses and other relevant people of the contents of a government response to the committee's report. Where possible the text of a government response should be posted on a committee's Internet page

Not supported.

Distribution and publication of Government views and policies are executive functions of government, not committees. The Government considers that publication of responses on committees' Internet pages is unwarranted, but links to relevant Government sites would be appropriate. Links would make responses readily accessible from a committee's Internet page, while keeping more clearly separate the functions of the Government and committees.

Recommendation 29

The committee recommends that the standing orders be amended to empower committees to undertake activities to inform themselves on issues within their portfolio areas without the necessity for a formal reference from the House or a Minister. The power to call for witnesses or documents should not extend to such activities

Not supported.

The Government agrees that Members should be as well informed about relevant issues as possible, but considers that this is a normal part of Members' duties and notes that standing referral of Annual Reports provides scope for broader consideration of issues.

Committees do not have unlimited jurisdiction to undertake activities. The time and resources available for committees to undertake inquiries into matters is limited. Requiring specific references ensures that committee activities are not directed to matters which are not relevant to the priorities of the House or the Government, and

which have little prospect of being acted on. As resources are limited, committees' activities are properly constrained to matters referred to them.

Recommendations 30 and 31

The committee recommends that standing order 339 be amended by inserting new paragraph (ab) as follows:

(ab) A committee may resolve to conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one place. If an audio visual or audio link is used committee members and witnesses must be able to speak to and hear each other at the same time regardless of location. (Recommendation 30)

The committee recommends that committees refer to guidelines for the use of audio visual or audio links when considering whether to use this technology for the conduct of proceedings. The Standing Committee on Procedure will present a set of guidelines to the House and review them from time to time. (The proposed guidelines are at appendix D.) (Recommendation 31)

The Government supports the Committee's recommendations in relation to the use of latest technology in order to make inquiries as efficient as possible while recognising the capacity to conduct committee business and receive evidence.

The Government shares the Committee's concerns that alternative methods of transacting business should not be used to displace face to face meetings, particularly in relation to ensuring that people outside major metropolitan areas do not feel either excluded from Committee processes or that video or audio conferencing activities are second best. The Government asks the Committee to consider whether the proposed guidelines should make specific reference to these concerns for committees considering alternative methods of inquiry.