

# 6

## **Business**

### **Introduction**

- 6.1 This chapter examines the range of business dealt with in the Main Committee and whether the range should be extended.

### **Types of business**

- 6.2 The business transacted by the House is broadly categorised within its agenda—that is, the Notice Paper, formally, and the Daily Program, informally—as:
- government business (notices and orders of the day);
  - committee and delegation reports;
  - private Members' business (notices and orders of the day);
  - business of the House, and
  - privilege matters.
- 6.3 The most important categories in programming the daily routine of business are government business, committee and delegation reports and private Members' business. The first includes almost all the legislation which the House deals with but also includes motions to take note of documents presented to the House by the Government. Government business is managed by the Leader of the House. The second and third categories—comprising motions to take note of reports presented by parliamentary committees and parliamentary delegations; and private

Members motions and bills, respectively—are usually programmed for consideration on sitting Mondays, a process managed by the Selection Committee.

- 6.4 The Main Committee was conceived as a parallel legislative stream but even before it met for the first time its ambit had been extended to include, in addition to bills, first the consideration of government business motions to take note of papers and then motions moved in connection with committee and delegation reports.

## Problems

- 6.5 The fact that control of the meeting hours and business of the Main Committee has been exercised in effect by the whips, particularly the Chief Government Whip, has several implications including:
- the consideration of Government legislation remains the core business of the Main Committee;
  - facilitating debate on committee and delegation reports is subsidiary to arranging government business;
  - hours and duration of meeting are flexible; and
  - orders of the day involving committee and delegation reports, once referred to the Main Committee, no longer remain within the jurisdiction of the Selection Committee.
- 6.6 There should be no dispute with the first implication. The Main Committee was created to ease the legislative burden of the House and obviously this continues to be its chief function. Nevertheless the ability of the Main Committee to provide time to debate other business of particular interest to private Members has been, arguably, one of the reasons for its success. Whether further demands can be successfully accommodated needs to be considered. Two categories about which the committee has received suggestions are: committee and delegation reports and private Members' bills.
- 6.7 Despite the efforts of the House over many years to accord adequate opportunity for the consideration of committee and delegation reports, some Members still feel that the time allocated in the House for the consideration of committee reports does not reflect the work that has gone into their production. There are particular reasons why this problem is unlikely ever to be resolved entirely satisfactorily. Chief among them is

the rhythm of the inquiry process. There is a tendency to synchronise inquiries with periods of sittings and often a rush to present reports before the House adjourns for a lengthy period. This inevitably leads to competition for scarce time often when the pressure of government business is also high. Members who have served on a committee usually agree that unless a report is debated in the afterglow of presentation it soon loses public attention.

- 6.8 A similar dissatisfaction is evident with the fate of private Members' bills. Again the House has taken measures to ameliorate the situation but complaints persist. In the late 1980s the House radically restructured general business into a private Members' business regime which accorded priority to the initiation of private Members' bills over other private Members' business. More recently, a sessional order was adopted to increase the time allowed from 5 to 15 minutes for a private Member when presenting a bill to make a statement. However, following presentation, private Members' bills are rarely accorded further time for debate.
- 6.9 While there are opposing views on the effectiveness of referring committee and delegation reports to the Main Committee—especially on the responsiveness of existing arrangements to the perceived requirement for timely debate—there is an undisputed anomaly which is an outcome of the act of referral.
- 6.10 One of the innovations of the reforms effected in March 1988 was to apply a 'shelf life' to private Members' business items. Hitherto, items remained on the Notice Paper indefinitely unless disposed of and quickly lost public interest. Under the reformed arrangements an item would be automatically removed from the Notice Paper if it was not accorded priority by the Selection Committee within 8 sitting weeks of its first appearance. The 'shelf life' provision also applies to motions relating to committee and delegation reports.
- 6.11 When a committee or delegation report is referred to the Main Committee, management of the item transfers from the Selection Committee to the Chief Government Whip. In practice this means it is no longer appropriate to apply a 'shelf life' because the Selection Committee is in no position to accord it priority. Once referred, such an item can remain on the Main Committee agenda indefinitely, escaping the 'shelf life' provision.

## Solution

- 6.12 A solution to the problem of providing more time for considering committee reports and orders of the day for debate on private Members' bills and motions would be to refer them to the Main Committee. This would require careful adjustments to existing arrangements to ensure that neither the core function nor control of the Main Committee were impaired.
- 6.13 The ideal solution would ensure that:
- the Chief Government Whip continued to control the flow of government business, including scheduling additional meetings as required;
  - the Selection Committee did not lose control of the business normally within its jurisdiction; and
  - time would be allocated regularly for the consideration of private Members' bills, other private Members' orders of the day and committee and delegation reports.
- 6.14 The crucial element is time. Notwithstanding the flexibility of meeting hours and duration, a *de facto* weekly meeting pattern for the Main Committee has emerged. The pattern can be observed in the charts of meeting hours and duration, by day of the week, in Appendix C. Table 1 illustrates an approximation of the pattern.

**Table 1: *De facto* Main Committee meeting pattern**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY
<i>As required</i>	<i>As required</i>	<i>As required</i>	
<b>Meet:</b> 4:30 p.m. Business <b>Suspend:</b> 6:30 p.m.	<b>Meet:</b> 4:30 p.m. Business <b>Suspend:</b> 6:30 p.m.	<b>Meet:</b> 9:40 a.m. Statements (18 mins) Business <b>Adjourn:</b> 1:00 p.m.	<b>Meet:</b> 9:40 a.m. Statements (18 mins) Business Adj deb (30 mins) <b>Adjourn:</b> 1:00 p.m.
<b>Resume:</b> 8:00 p.m. Business <b>Adjourn:</b> 10:00 p.m.	<b>Resume:</b> 8:00 p.m. Business <b>Adjourn:</b> 10:00 p.m.	<b>Meet:</b> 4:30 p.m. Business <b>Adjourn:</b> 7:30 p.m.	

- 6.15 The committee proposes that a period on Wednesday afternoon be available specifically for the consideration of private Members' orders of the day—including debate on private Members' bills—and committee and delegation reports. This period has been used on a few occasions for Main Committee consideration of government business. The committee believes that the period from 4.30 p.m. to 7.30 p.m. each sitting Wednesday afternoon could be made available.
- 6.16 The Selection Committee would manage the allocation of business to the Main Committee for consideration during this period. The process could be subsumed within the existing procedure by which the House ratifies the determinations of the Selection Committee on committee and delegation reports and private Members' business. It would of course be open to the House to override the determinations of the Selection Committee, whenever necessary, by resolution according priority to government business during that period.
- 6.17 The Selection Committee typically meets during the afternoon of each sitting Monday to select items for the next sitting Monday. Its report is presented to, and adopted by, the House usually at the next sitting. Under the proposed procedure the report could contain a supplement: "Business accorded priority in the Main Committee from 4.30 p.m. on Wednesday, etc". The Wednesday in question would be the immediately following Wednesday, that is, if the report were adopted on a Tuesday, the very next sitting day. This would provide an opportunity to bring on for debate in the same week reports presented on the Monday.
- 6.18 The Main Committee is a subordinate body of the House and has always operated under the principle that business is not initiated or finally decided there. This principle received some support at the round table discussion conducted by the committee. For this reason the committee proposes that the Selection Committee would only be able to select orders of the day for debate in the Main Committee during the new Wednesday afternoon period. The orders of the day could be for the resumption of debate on committee or delegation reports or on private Members' bills or motions. Notices for the presentation of bills or the moving of motions and initial presentation of committee and delegation reports would remain the prerogative of the House itself.
- 6.19 The committee sees some value in allowing further debate on private Members' bills without necessarily taking them to a vote. Under the present arrangements private Members' bills are rarely debated after their introduction. The availability of this extra time in the Main Committee would allow some bills to receive substantial debate.

## Proposed standing orders

### Recommendation 8

The committee recommends that the following provision be added to standing order 331 (Selection Committee):

(h) The committee may select orders of the day, committee and delegation reports, and private Members' business, for debate in the Main Committee and report its determinations to the House. If it does so the following provisions will apply:

- (i) Upon presentation of a report of the committee nominating items for debate in the Main Committee, the report will be deemed adopted by the House and the items shall be deemed to be referred to the Committee.
- (ii) The business so referred will have priority in the Main Committee after 4.30 p.m. on the sitting Wednesday immediately following the presentation of the report of the Selection Committee until the adjournment of the committee on that day.
- (iii) Any items referred to the Main Committee under these provisions will be deemed to be returned to the House for further consideration at the adjournment of the Main Committee on the relevant Wednesday.

Some minor alterations would also be required to other standing orders including 104A, 104B and 270.

## Interpretation of standing order

- 6.20 In the interests of flexibility these standing orders have been kept as non-prescriptive as possible leaving details of practice to be determined by consensus and convention. For example, the standing order provides that business nominated by the Selection Committee would have priority after 4.30 p.m. on a Wednesday but this is merely to provide for an earliest possible starting time which might be desired on any one day. A standard starting time of, say, 5 p.m. could be established by agreement in a similar way to that in which the Main Committee originally developed its regular

10 a.m. to 1 p.m. sittings. A Wednesday afternoon meeting need not take place at all if the pressure of business did not warrant it.

- 6.21 The deliberations of the Main Committee are conducted in accordance with general principles which are presented to, and adopted by, the House early in the life of each Parliament. Some adjustment to the general principles will be necessary. If it was considered desirable more closely to define some of the parameters of the Wednesday afternoon meeting of the Main Committee, they could also be used to prescribe matters of detail.
- 6.22 For example, the augmented general principles could provide:
- for the period for consideration to be conventionally established but to be adjusted with the agreement of the Chief Government Whip;
  - relative priorities for private Members' bills, motions and committee and delegation reports; or
  - for particular speaking times, for example standard times, to be allocated to Members in the Main Committee. Without specification the Selection Committee would be free to allocate speaking times as they do for business on Mondays.
- 6.23 The provision of this extra time which may be used to debate committee or delegation reports would not preclude them being referred in the normal manner to the Main Committee for consideration during other sittings of the Committee. It would be open to the Selection Committee to select, for consideration on a Wednesday evening, debate on a committee report which had been referred to the Main Committee via the normal mechanism and which was still on the Main Committee Notice Paper. Allowing the Selection Committee to access committee and delegation reports from either the House or the Main Committee sections of the Notice Paper would mean that the 'shelf life' provision could logically be applied to all committee and delegation reports listed on the Notice Paper.

### **Provision for Members' statements**

- 6.24 In recommending the extended sitting on Wednesdays, the committee envisages that, by convention, a period of Members' 3-minute statements would occur in the last half hour of the sitting. If the flexible arrangement proposed in recommendation 4 were not adopted, then it would be necessary to make explicit provision in the standing orders for statements.
- 6.25 It is noted that Members' 3-minute statements are one of the few opportunities for Parliamentary Secretaries to raise issues relevant to their constituencies or other personal concerns. The provision of an extra 30

minutes per week for statements would provide them and other Members with more opportunities to utilise this useful procedure.

## Conclusion

- 6.26 This report might be seen as the third instalment of a trilogy—the successor to *About time* and *Time for review*. As was the case in *About time* the committee ‘has not sought to be radical, nor original, nor overly ambitious’. Further, the committee continues to recognise ‘that institutional change must be evolutionary’. Unlike *About time*, however, this report does not contain recommendations which are presented as a package to be broadly accepted or rejected. Some proposals, like the change of name, might be implemented almost immediately; others, like the relocation of the venue, might require time.

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Chair

19 July 2000