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No. 133/1978

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES
STANDING ORDERS COMMITTEE

Report relating to Sessional Orders
for the operation of Legislation
Committees

8 June 1978

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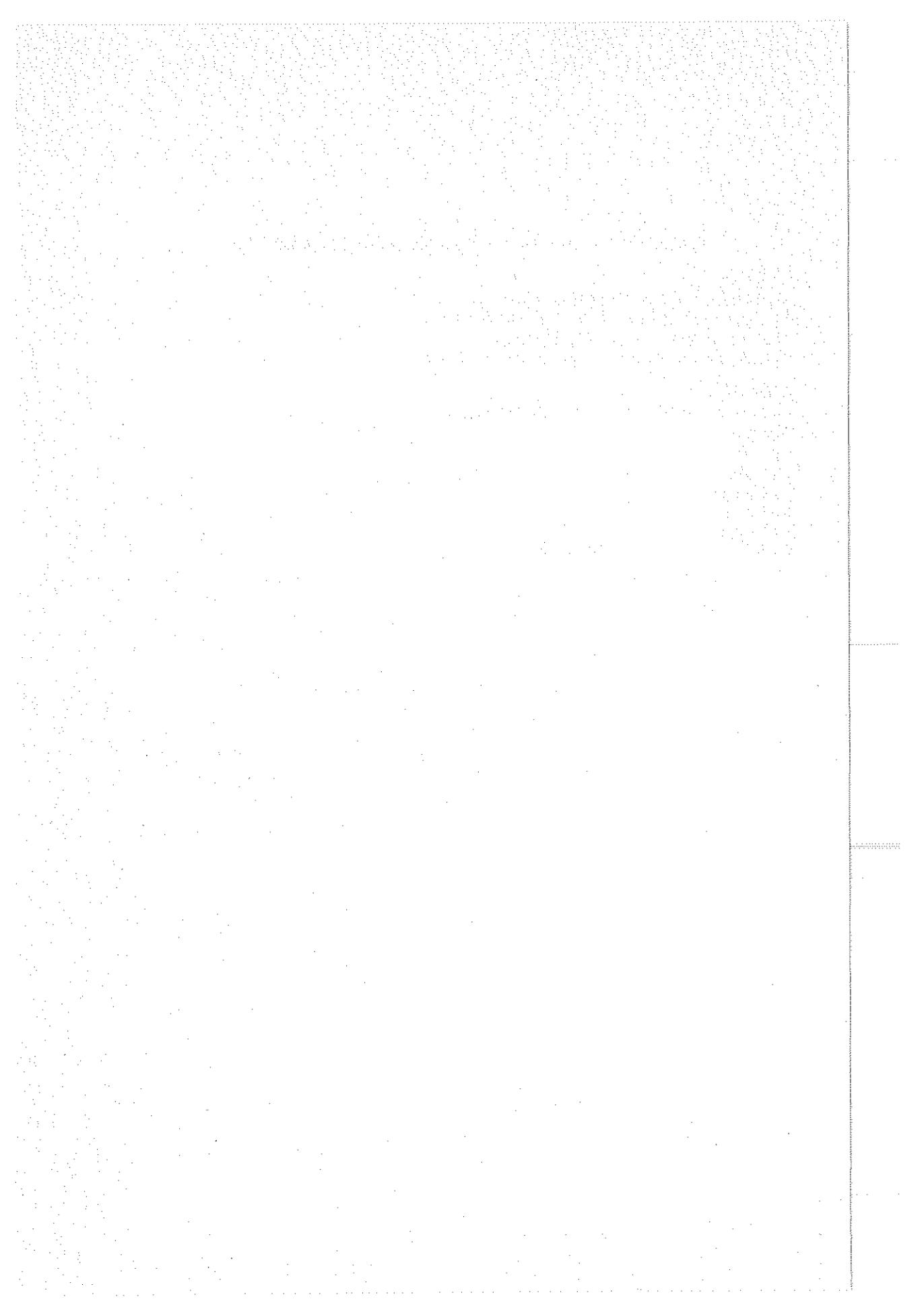
MEMBERS OF THE STANDING ORDERS COMMITTEE

Ex officio

Mr Speaker (Sir Billy Snedden)—Chairman
The Chairman of Committees (Mr Millar)
The Leader of the House (Mr Sinclair)
The Deputy Leader of the Opposition (Mr Bowen)

Appointed

Mr Anthony (Minister for Trade and Resources)
Mr Bryant
Mr Cairns
Mr Giles
Dr Jenkins
Mr Scholes
Mr Young
Clerk to the Committee (Mr Blake)



REPORT

Your Committee met on 29 May 1978 and 1 June 1978 to consider draft sessional orders relating to legislation committees.

Your Committee has been unable to reach agreement as to whether legislation committees should meet during sittings of the House or when the sittings of the House have been suspended to enable the committees to meet.

The following proposals have been considered:

No. 1—A legislation committee shall meet as soon as practicable after its members have been nominated at a time to be determined by the Chairman of the committee.

No. 2—(a) A legislation committee shall meet as soon as practicable after its members have been nominated but shall, unless otherwise ordered, meet during a suspension of the sitting of the House arranged for that purpose.

(b) When the sitting of the House has been suspended to enable legislation committees to meet, the sitting of the House shall be resumed, unless otherwise ordered, at 10.15 p.m. or such earlier time as the Speaker may take the Chair.

No. 3—(a) A legislation committee shall meet as soon as practicable after its membership has been announced to the House. The House shall determine forthwith on motion, by any Member, without notice, whether the committee shall meet:

(i) during a suspension of the sitting of the House arranged for that purpose, or

(ii) while the House continues to sit.

(b) When the sitting of the House has been suspended to enable legislation committees to meet, the sitting of the House shall be resumed, unless otherwise ordered, at 10.15 p.m. or such earlier time as the Speaker may take the Chair.

Your Committee therefore recommends that, subject to the House reaching a decision on sessional order (9), action be taken to adopt the following sessional orders to provide for the operation of legislation committees.

Committal and consideration in Committee

(1) Standing order 222 be amended to read

'222. After the second reading, or when proceeding under standing order 221, after those proceedings have been disposed of, the House shall forthwith resolve itself into a committee of the whole for the consideration of the bill unless:

(a) the bill has been referred to a select committee; or

(b) the House refers the bill (not being an Appropriation or Supply Bill) to a legislation committee. Such referral shall be on motion moved by any Member, of which notice has been given, and shall be carried without any dissentient voice. A committee may be ordered to report by a specified date.

Provided that, in lieu of proceeding under the foregoing provisions of this standing order, the House may grant leave for the question 'That this bill be now read a third time' to be moved forthwith and thus supersede the committee stage.'

Members

- (2) Members of a legislation committee shall be nominated by either the Prime Minister, the Leader of the House, the Government Whip or the deputy Whip and either the Leader of the Opposition, the Deputy Leader of the Opposition, the Opposition Whip or the deputy Whip and every nomination of a member of the committee shall be forthwith notified in writing to the Speaker.
- (3) Members nominated to a legislation committee shall include the Member in charge of the bill and regard shall be had to the qualifications and interests of those Members nominated and to the composition of the House. Either the Prime Minister, the Leader of the House, the Government Whip or the deputy Whip and either the Leader of the Opposition, the Deputy Leader of the Opposition, the Opposition Whip or the deputy Whip shall have power to discharge from time to time any of those Members nominated by them and to nominate others in substitution for those discharged. The Member in charge of the bill may nominate another Member to act for him as required.
- (4) The nomination of Members to a legislation committee shall be announced to the House as soon as practicable after a bill stands committed to a committee by the House.
- (5) Upon such an announcement being made any Member may, without notice, move a motion proposing an amendment of the membership nominated.
- (6) As many legislation committees as may be necessary for the consideration of bills shall be appointed. Each committee shall consist of not less than 13 Members and not more than 19 members, excluding the Chairman.

Chairman

- (7) The Chairman of a legislation committee shall be:
 - (a) the Chairman of Committees; or
 - (b) a Deputy Chairman of Committees to be appointed by the Chairman of Committees.
- (8) The Chairman of Committees, a Deputy Chairman of Committees or any member of the committee shall take the Chair temporarily whenever requested so to do by the Chairman of the Committee during a sitting of that committee.

Meeting

- (9) See proposals on page 1.

Quorum

- (10) The quorum of a legislation committee shall be 10, excluding the Chairman, and, if at any time a quorum be not present, the Chairman shall suspend the proceedings of the committee until a quorum be present, or adjourn the committee.

Participation by other Members

- (11) Members of the House, not being members of the committee, may participate at the discretion of the Chairman, in the proceedings of the committee, but shall not vote or move any motion other than an amendment to the bill or be counted for the purpose of a quorum.

Minutes of Proceedings

- (12) All proceedings of a committee shall be recorded by the Clerk to the Committee, and such records shall constitute the Minutes of Proceedings of the committee, and shall be signed by the Clerk to the Committee.

Proceedings in legislation committee

- (13) Consideration of a bill in a legislation committee shall follow, as far as possible, the procedures observed in a committee of the whole with the following exceptions:
- (a) Speech time limits (S.O.91) shall not apply.
 - (b) Any amendment to be proposed to a bill shall be notified to the Clerk to the Committee in time for the amendment to be printed and circulated to members of the committee before the amendment is considered.
 - (c) The Chairman of the Committee shall have power to group related amendments together for the purpose of facilitating their consideration by the committee.
 - (d) Voting shall be taken by a show of hands; tellers shall not be appointed.
 - (e) If a bill has been amended, the Clerk to the Committee shall prepare a schedule of the amendments made to the bill to accompany the bill, for report to the House by the Chairman of the Committee.

Time limits on report

- (14) The following time limits shall operate for speeches during the report stage of a bill returned from a legislation committee:
- Each question before the Chair:
- Minister or Member in charge . . .
periods not specified.
 - Any other Member—two periods
each not exceeding . . . 10 minutes.

Report from legislation committee, recommittal and adoption

- (15) When a bill is reported a future day shall be appointed for taking the report into consideration; on then being considered the report may be adopted or amendments to the bill proposed.
- (16) A Member wishing to propose an amendment to the bill shall lodge notice of such amendment with the Clerk of the House prior to the consideration of the report; the Clerk shall circulate in the Chamber to all Members a copy of the proposed amendment.
- (17) Upon completion of the consideration of any amendment, a motion may be moved forthwith 'That the bill as reported (and as further amended), be agreed to'.
- (18) On the report from the committee being considered or on the motion for the adoption of the report, the bill may, on motion by any Member, be recommitted, either in whole or in part, to a committee of the whole or to the committee which previously considered it.

Third reading, passing, etc.

- (19) Standing order 237 be amended to read
- '237. When the report from the committee of the whole or a legislation committee is finally adopted, a future day shall be fixed, on motion, for the third reading.'

B. M. SNEDDEN
Chairman

