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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON
PROCEDURES

First Report

Alternative opportunities
for Members to concisely
address the House

13 May 1985

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Terms of reference of the committee

To inquire into and report upon the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

Members of the committee

Mr L.J. Keogh, MP (Chairman)
Mr D.M. Cameron, MP (Deputy Chairman)
The Hon. W.M. Hodgman, QC, MP
Mr C. Hollis, MP
Mr E.J. Lindsay, RFD, MP
Mr L.B. McLeay, MP
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Mr J.G. Mountford, MP

Secretary: Mr M.J. McRae
Advisor: Mr J.K. Porter

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth, struggle, and progress. From the first European settlers to the present day, the nation has faced numerous challenges and triumphs. The story begins with the arrival of Christopher Columbus in 1492, which led to the discovery of a new world. The early years were marked by the struggle for independence from British rule, culminating in the American Revolution of 1776. The new nation then faced the task of building a government and a society that would be a model for the world.

THE AMERICAN REVOLUTION

The American Revolution was a pivotal moment in the nation's history. It was a struggle for independence from British rule, fought between 1775 and 1783. The revolution was led by a group of men known as the Founding Fathers, including George Washington, Thomas Jefferson, and Benjamin Franklin. They fought for the right of the colonies to self-governance and to be free from British taxation and control.

THE CONSTITUTION

The Constitution is the supreme law of the United States. It was written in 1787 and signed into law in 1789. The Constitution established the framework for the federal government and the rights of the states and individuals. It is a document that has shaped the nation's history and continues to guide its development.

The Constitution is a living document that has been amended many times over the years. The amendments have addressed a wide range of issues, from the rights of states to the rights of individuals. The Constitution is a testament to the American people's desire for a government that is both strong and just.

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The Report

Introduction

1. On 27 February 1985 the House of Representatives appointed the Standing Committee on Procedure to inquire into and report upon the practices and procedures of the House generally with a view to making recommendations for their improvement or change and the development of new procedures. Later, on the same day, standing order 25 providing for the appointment of the Standing Orders Committee was suspended for the remainder of the session.

2. Since its establishment the committee has held seven meetings. At its first meeting the committee resolved that a questionnaire be circulated to all Members and the Clerk of the House listing possible subjects for inquiry and inviting Members to indicate those matters they would like the committee to address. Sixty-eight Members responded to the questionnaire, 48.6% of Members of the House excluding members of the committee. A summary of responses to the questionnaire is at Appendix A.

3. As well as approaching current Members of the House, former Members with post 1970 House membership and the Australasian Study of Parliament Group were informed of the establishment of the committee and invited to make submissions. Responses covering a wide range of matters have been received from several former Members and two submissions have been received from members of the Australasian Study of Parliament Group.

4. The committee saw as its immediate task, given the increase in the size of the House, the need to examine the opportunities private Members have to raise matters in the

House. There was a general feeling that the question of giving Notices openly should be re-examined early, in view of the decision to dispense with oral Notices on 25 February. At its meeting on 28 March 1985, the committee resolved to inquire into alternative opportunities for Members to concisely address the House (consequent upon the adoption of sessional orders on 25 February 1985).

5. The committee was mindful of the statement by the Leader of the House that "Hopefully the...committee will not see itself as a committee which must report back here in two or three years' time...there are some rather urgent matters which can be placed before it immediately and upon which the Government feels it could report to us expeditiously."¹ In addition, many Members expressed concern that their opportunities to submit any matter for the attention of the House was somewhat limited. Accordingly, the committee determined that a report on this reference should be tabled and acted on as soon as possible. The committee took the view that for this inquiry it was preferable to hold informal discussions with those most closely concerned with the business of the House. Informal discussions on this inquiry and the general question of reform of the procedures of the House were held with Mr Speaker, Mr Young (Leader of the House) and Mr Sinclair (Leader of the National Party of Australia). Discussions were also held with Mr Brumby, Mr MacKellar and Mr Saunderson who indicated they wished to discuss the question of giving Notices in their responses to the questionnaire circulated to Members. The views of other Members who indicated an interest in the subject were also sought. The Clerk of the House also met with the committee to discuss the inquiry and valuable information on Canadian procedures was given by Mr Barlin, Deputy Clerk.

6. During the course of its deliberations it became evident to the committee that, apart from the immediate need to provide Members with a procedure whereby they could concisely raise

1. H.R. Deb. (25.2.85) 125.

matters of importance, basic to any changes to the practices and procedures of the House must be a thoroughly comprehensive review of the hours the House sits, the pattern of sittings and the most effective use of its time. The committee therefore resolved on 18 April to inquire into the days and hours of sitting and the effective use of the time of the House. The committee proposes to commence this inquiry immediately with a view to reporting to the House during the Budget sittings.

Current sessional orders

7. On 25 February 1985 the House of Representatives adopted sessional orders which, inter alia:

- . altered the procedure for giving Notices of Motion and Notices of intention to present Bills by removing the provision whereby Members could state the terms to the House;

- . with the exception of Notices expressing censure of or want of confidence in the Government, or a censure of any Member, removed the provisions whereby the Clerk reported the terms to the House at the first convenient opportunity, and

- . altered the standing order relating to the automatic adjournment to increase the period of the adjournment debate by 15 minutes.

These sessional orders in no way affected the right of Members to give Notices. A Member may do so by delivering a copy of its terms to the Clerk at the Table. If in order, the Notice is printed in the next Notice Paper and in Hansard.

8. In moving the motion for the adoption of sessional orders the Leader of the House referred to the time being taken for the giving of Notices, their increasing numbers, the problems Ministers had with scheduling meetings and what he saw as the abuse of the process. In recognition of the fact that the

opportunity to give Notices orally was being taken away and in recognition of Members' rights in an expanded House, the time set aside for the adjournment debate was extended from 30 to 45 minutes. The Minister also stated that the House should let the Procedure Committee look at the procedures and "If that committee has strong views and can reach conclusions about changes it wishes to innovate.....it can put them to the Parliament and they will receive a very sympathetic hearing from this Government"².

9. During the debate that followed, the frustration felt by Members at the rare opportunities they had to speak on matters important to them was expressed and the Leader of the National Party of Australia unsuccessfully moved an amendment to the proposed sessional orders which proposed a time limit on, and an alteration to the time for, giving oral Notices and proposed a new standing order providing for a maximum period of 12 minutes for 90 second statements by Members.

Giving Notices openly

10. There has been a significant increase in the number of Notices of Motion given openly (oral Notices) in recent years coupled with excessive use of the procedure by Members. It was submitted to the committee that: Notices given were frequently without substance; the production cost of the Notice Paper was very high; stronger rules should apply, and as oral Notices were often used for the purpose of making a short statement, opportunities should be given to Members to make statements to the House as in the Canadian House of Commons.

11. The committee is in no doubt that it has been a reflection of the frustration felt by private Members over a long period of time that Notices of Motion were often given primarily for their immediate publicity. The procedure was abused in that they often were inordinately and unnecessarily long and contained

2. H.R. Deb. (25.2.85) 128.

debating points and issues of argument. Speaker Snedden made a major statement on the trend in 1977³ and the Chair has pointed out to Members on numerous occasions that Notices of Motion should not be seen as a vehicle for making statements, in effect short speeches, and for introducing arguments in support of Motions. Despite these rulings and many interventions by Speakers Snedden and Jenkins, the Chair was not successful in having Members present their Notices of Motion in an appropriate form.

12. In 1980 the number of oral Notices was 167 (an average of 3.3 per sitting day) and the time taken was an average of almost three minutes per day. In 1984 the number had risen to 633 (an average of 12.2 per sitting day), taking up an average of over 11 minutes per day. Full details are given at Appendix B.

13. In discussions with the committee the Clerk of the House stated that proceedings had reached the stage where Members were often writing the Notices out at the time to refute earlier Notices. The number of Notices had increased costs in producing the Notice Paper and caused logistical problems in printing and distributing Notice Papers to meet 10 a.m. sittings of the House.

14. Whilst recognising the problems which had occurred, the committee is of the opinion that Members should retain their traditional right to give oral Notices within the arrangements proposed for statements by Members and therefore proposes that Members have the opportunity to give Notices by stating their terms to the House.

15. The standing orders of the House are not prescriptive as to the content of Notices of Motion. Standing orders 136 and 137 give the Speaker the power to divide a Notice of Motion containing matters not relevant to each other and direct him to amend any Notices containing unbecoming expressions or which offend against any other standing order. There is, however, a very clear reliance by the Chair on the practice of the House in ensuring Notices of Motion are given in an appropriate form.

3. H.R. Deb. (4.5.77) 1510.

16. The House has clear guidelines as to the content of Notices of Motion. The committee accepts the rules and practice that Notices should be expressed in a form and with content appropriate for a resolution of the House, should clearly indicate the issue to be raised for debate, and include only such material as may be necessary to identify the facts or matter to which the Motion relates. They should not contain any unbecoming or offensive expression or any expression or words which would not be permitted in debate, nor should they contain any unnecessary information and argument in support of the Motion. With the reintroduction of oral Notices Members must take heed of these guidelines to facilitate the orderly conduct of the business of the House.

Statements by Members

17. The committee has examined the possibility of instituting a procedure by which Members have the opportunity to make short statements to the House for a set time each sitting day. The institution of the procedure was supported by Members with whom the committee spoke and by the Clerk of the House.

18. This practice has been a feature of the proceedings of the Canadian House of Commons since December 1982, whereby Members may make statements for not more than 90 seconds during a 15 minute period immediately preceding the oral question period. In the United States House of Representatives the Speaker may recognise Members to address the House on any subject they wish for one minute before consideration of regularly scheduled business. No overall time limit applies to the statements.

19. The committee believes that there is no insurmountable reason why a similar practice could not be adopted by the House of Representatives, that it would be an appropriate procedure to allow Members to briefly address the House on matters of concern and importance and would be a suitable alternative to the situation that existed in the House previously when private Members vented their frustration through the mechanism of oral Notices.

20. In considering placement of Members' statements in the routine of business of the House, the committee is mindful of the comments of the Leader of the House regarding the necessity to establish a balance between the importance of the Chamber and demands on the time of Ministers and Members with other commitments and to maintain a set time for question time. The committee agreed that the most suitable time in the routine of business for Members' statements was following the presentation of papers.

21. The committee is of the opinion that during the period set aside for Members' statements, Members receiving the call be able to give oral Notices should they so wish.

22. In regard to the operation of the period of Members' statements the committee recommends the following procedures apply:

- . the rules of the House governing the content of speeches, such as those relating to unparliamentary language and personal attacks on those whose action can only be questioned by way of substantive motion;
- . the maximum period for which a Member may be recognised to make a statement be 90 seconds;
- . the period for Members' statements be of 15 minutes duration;
- . during a statement a Member may give an oral Notice;
- . the period set aside for Members' statements follow presentation of papers in the routine of business, and
- . recognition that the calling of quorums, the raising of specious points of order, the moving of motions for the closure of a Member and motions without notice to suspend standing orders be strongly discouraged during the period for Members' statements.

Whilst no specific power need be given the Chair by way of amendment of the standing orders, the committee believes the Chair should intervene if necessary to ensure the correct procedures are followed in accordance with the guidelines set out above.

23. The committee concluded that prior to any introduction of a period for Members' statements it would be appropriate in establishing clear guidelines for Members for the Speaker to make a statement to the House and this statement should constitute a ruling as to the practice to be followed.

Adjournment and grievance debates

24. The committee briefly considered existing opportunities for Members to address the House on matters of concern or importance during the adjournment and grievance debates and decided to defer any major consideration and possible recommendations until its next inquiry as it relates to the effective use of the time of the House.

Recommendation and conclusion

25. The committee recommends the adoption of the following new standing order:

Statements by Members

101B. At the times indicated in standing order 101, a Member, other than a Minister or an Assistant Minister, may be called by the Chair to make a statement for a period not exceeding 90 seconds. The period allowed for these statements shall not exceed 15 minutes.

It should be noted that consequential amendments will need to be made to standing and sessional orders.

26. The committee determined it should report expeditiously on this matter so as to provide the earliest opportunity for the House to take action on its recommendation in order to ensure operation of the procedure from the commencement of the Budget sittings.

27. In recognising the need for an early inquiry on the question of oral Notices, the committee's conclusions as to alternative opportunities for Members to concisely address the House have been confined to the introduction of the Members' statement procedure. The committee records that it does so without prejudice to the committee examining other opportunities for Members to concisely address the House or for Members to initiate matters in the House.

28. As indicated, the committee has examined aspects of the two principal existing opportunities for short speeches by Members on the grievance and adjournment debates. The committee takes the view that these forms of debate will be further examined in the context of its next inquiry as it relates to the effective use of the time of the House.

29. The committee is acutely aware of the need for a balance to be reached between the needs of the executive government for adequate time for the consideration of government business and the requirements of private Members. The committee is firmly of the view that, bearing in mind the enlarged House, the balance is being increasingly tilted away from a reasonable share of the House's time for private Members.

30. The committee concludes that the introduction of the Members' statement procedure will be a welcome innovation and will serve to enhance the private Member's role in the House. At the same time it believes that the concern of the Leader of the House and the Government in regard to the timing of a period for these purposes has been reasonably accommodated by placing this

procedure after the presentation of papers. The committee believes that the onus will be on Members not to abuse the new procedure which is being proposed to further their speaking opportunities in the House.

LEN KEOGH
Chairman

Parliament House,
13 May 1985

QUESTIONNAIRE ON POSSIBLE GENERAL SUBJECTS
FOR INQUIRY - SUMMARY OF RESPONSES

Questionnaire topic	Number and percentage of respondents listing topic as meriting investigation	Percentage of Members of the House who received the questionnaire listing topic as meriting investigation
Division procedures	47 (68.1%)	34.6%
Questions without notice	46 (66.7%)	33.8%
Programming of business of the House	42 (60.9%)	30.9%
Giving notices openly, including possibility of instituting a period for short statements	40 (58%)	29.4%
The quorum of the House	35 (50.7%)	25.7%
Rules governing debate	33 (47.8%)	24.3%
The Committee system of the House of Representatives	32 (46.4%)	23.5%
General review of standing orders	31 (44.9%)	22.8%
Procedures for considering legislation	25 (36.2%)	18.4%
Presentation of petitions	20 (29%)	14.7%

HOUSE OF REPRESENTATIVES

NOTICES OF MOTION GIVEN OPENLY BY PRIVATE MEMBERS

Year	No. of sitting days	No. of notices excluding those ruled out of order	Average per day	Average time per day
1980	51 (41*)	167	3.3	2 min. 50 secs.
1981	62 (48*)	117	1.9	1 min. 40 secs.
1982	53 (40*)	165	3.1	2 min. 40 secs.
1983	49 (48*)	371	7.6	6 min. 10 secs.
1984	52 (52*)	633	12.2	11 min. 10 secs.

* No. of days notices given