

Refinements to improve the efficiency of proceedings

Introduction

- 2.1 In its first report for the inquiry into 'Monitoring and review of procedural changes implemented in the 43rd Parliament', the Committee noted a number of possible refinements to standing orders to address issues that arose during the implementation of those procedural reforms. The Committee recommended:
- ... that draft amendments to standing orders which enhance the operations of the House and correct oversights and inconsistencies be prepared and proposed for consideration by the House.¹
- 2.2 The Government Response supported this and stated:
- Amendments to Standing Orders moved by the Government and agreed to by the House on the 8 February 2012 represent the implementation of the recommendation.²
- 2.3 However, the amendments to the standing orders introduced in February 2012 did not satisfactorily address all the issues encompassed by the recommendation. While those amendments did deal with the renaming of the Main Committee (to become known as the Federation Chamber), they did not address the other points.

1 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, April 2011, p. 59.

2 *Government Response to the Procedure Committee Report: Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, http://aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/reports.htm. Votes and Proceedings No. 85, 8 February 2012, 1177-1178

- 2.4 Consequently the Committee restated many of these issues in its most recent report on the procedural reforms and reiterated its support for the ongoing fine-tuning of the standing orders to improve the efficiency of House proceedings.³
- 2.5 Four areas in particular could be more efficient:
- the referral of private Members' business items to the Federation Chamber and their return to the Chamber;
 - presentation of private Members' bills;
 - speaking times for debates 'not otherwise provided for'; and
 - the appointment of supplementary Members to House committees.
- 2.6 In this chapter, the Committee examines these areas and recommends amendments to enhance the relevant procedures.

Private Members' business items in the Federation Chamber

Referral of private Members' business items to the Federation Chamber

- 2.7 In his submission to the Committee's inquiry into the procedural reforms in the 43rd Parliament, the Clerk suggested that procedural efficiency could be improved regarding the scheduling and referral of private Members' items to the Federation Chamber.⁴
- 2.8 At present, the Selection Committee determines which private Members' bills and motions (and committee and delegation reports) will be considered in the Federation Chamber. After the Selection Committee report is presented to the House, the Speaker, on the following Monday, formally presents the terms of the private Members' business items (and occasionally committee and delegation reports) in the House. Debate is then referred automatically to the Federation Chamber.⁵ This practice reflects the principle that business items should not originate in the Federation Chamber, but must be referred by the House.

3 Standing Committee on Procedure, *Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th Report*, November 2012, p. 57.

4 Mr B Wright, Clerk of the House of Representatives, submission to the Standing Committee on Procedure inquiry into 'Monitoring and review of procedural changes implemented in the 43rd Parliament', p. 2.

5 Standing orders 39(e) and 41(d).

- 2.9 The Clerk suggested that a refinement to the standing orders would provide that when the Selection Committee schedules items for consideration in the Federation Chamber (and the House adopts the Selection Committee report) the items are deemed to have been referred to the Federation Chamber by the House. This would streamline the process and remove 'double handling':
- This would obviate the need for the Speaker to table the terms of matters in the House and for the matters to be deemed to be presented or moved before they can stand referred to the [Federation Chamber]. It would also allow the Member responsible for a notice to initiate a matter in the [Federation Chamber] by presenting a bill or moving a motion.⁶
- 2.10 The Committee acknowledges that amending the standing orders to facilitate this change will reduce paperwork and increase the efficiency of the Chamber.
- 2.11 The following recommendations are expressed in general terms for ease of reference. They should be read in conjunction with the draft amendments at Appendix A (pages 28-40).

Recommendation 1

- 2.12 **The Committee recommends that:**
- a) standing order 183 be amended to provide for private Members' business and committee and delegation business to be referred directly to the Federation Chamber by the Selection Committee report mechanism;**
 - b) standing order 222 be amended to clarify that the Selection Committee may initiate referral of certain matters to the Federation Chamber and that such referrals are deemed referrals of the House;**
 - c) standing order 39 be amended to allow committee and delegation reports selected by the Selection Committee to be presented in the Federation Chamber and remove the need for the Speaker's involvement in the formal referral;**
 - d) standing order 41 be amended to remove the need for the Speaker's involvement in the referral of private Members'**

6 Mr B Wright, Clerk of the House of Representatives, submission to the Standing Committee on Procedure inquiry into 'Monitoring and review of procedural changes implemented in the 43rd Parliament', p. 2.

bills and motions scheduled by the Selection Committee for consideration in the Federation Chamber; and

- e) standing order 140 be amended to maintain consistency with the amendment to standing order 41 and remove the involvement of the Speaker in the referral of private Members' bills to the Federation Chamber.**

(See Appendix A, pages 31-32, 34, and 36-39, for detailed proposed amendments.)

Return of items from the Federation Chamber

- 2.13 Likewise, the Clerk suggested in his submission to the inquiry into procedural reforms that the return of items from the Federation Chamber could be simplified. Currently, the return of private Members' business items from the Federation Chamber is achieved by a formal report by the Speaker or a motion moved in the House.
- 2.14 The Clerk suggested that a 'simpler alternative would be to have a Member move, in the [Federation Chamber] that further proceedings be conducted in the House' under standing order 197(a).⁷ Those items would then be listed on the Notice Paper under business before the House. The items could then be called on, for example, if standing orders were suspended to enable them to be voted on during government business time in the House, rather than first moving for their return.
- 2.15 The Committee understands that this change could be achieved as a matter of practice without any need to amend the standing orders.

Recommendation 2

- 2.16 **The Committee recommends that standing order 197(a) be relied on to return private Members' business items from the Federation Chamber to the House.**

7 Mr B Wright, Clerk of the House of Representatives, submission to the Standing Committee on Procedure inquiry into 'Monitoring and review of procedural changes implemented in the 43rd Parliament', p. 2.

Presentation of private Members' bills

- 2.17 At present, private Members may make a 10 minute 'statement' on presentation of a bill they sponsor. If the Selection Committee then selects the bill for debate at the second reading stage (as is currently the general practice), sponsoring Members will also be allocated time to move the second reading at a later stage. In that case, a Member must make a second reading speech (maximum time limit of 30 minutes), opening up the potential for duplication and inefficient use of time.
- 2.18 The Clerk proposed in his submission to the inquiry into procedural reforms that the process for the presentation of private Members' bills could follow that for Government legislation. He suggested that the Committee may wish to consider whether:
- ... private Members presenting bills should be able to move the second reading at the time of presentation, instead of making a statement and debate then being adjourned. This would mirror the practice that applies to government bills.⁸
- 2.19 The Committee agrees that, in the interests of efficiency, the procedure for presenting private Members' bills should be brought into line with that for presenting Government bills. The Committee recommends that Members be allocated 10 minutes for a second reading speech instead of the current 10 minutes for a presentation statement. If required, a Member could speak in continuation for a further 5 minutes when the debate is resumed.
- 2.20 The draft amendment proposed (see Appendix A, page 28) also simplifies time limits for the whole second reading debate of private Members' bills by providing that all Members (except the mover) may speak for 15 minutes or lesser time determined by the Selection Committee. This would reduce the default time limits for certain Members. However, in practice the Selection Committee typically sets speaking times for debate on private Members' bills.⁹

8 Mr B Wright, Clerk of the House of Representatives, submission to the Standing Committee on Procedure inquiry into 'Monitoring and review of procedural changes implemented in the 43rd Parliament', p. 2.

9 The Selection Committee typically sets speaking times of 10 minutes for the mover and 5 minutes for additional Members wishing to speak.

Recommendation 3

- 2.21 The Committee recommends that provisions for the presentation and debate of private Members' bills be amended, specifically:
- a) standing order 41 be amended to provide for private Members to speak to the second reading instead of making a presentation statement;
 - b) standing order 1 be amended to provide for private Members to make a second reading speech for up to 10 minutes in place of a statement on presentation of a private Members' bill and, if required, speak in continuation for a further 5 minutes when debate resumes;
 - c) standing order 1 also be amended to provide for all Members (except the mover) who speak on the second reading of private Members' bills to speak for 15 minutes or lesser time as determined by the Selection Committee;
 - d) standing order 141 be amended to provide consistency by removing reference to the statement on presentation of a private Member's bill; and
 - e) standing order 142 be amended to remove the requirement that after a private Member's bill is presented, the motion for the second reading of a private Member's bill be placed on the Notice Paper for a later date.

(See Appendix A, pages 28, 32 and 34, for detailed proposed amendments.)

Time limits for debates 'not otherwise provided for'

- 2.22 Another suggestion by the Clerk to the review of procedural reforms, related to time limits for debates 'not otherwise provided for' in standing order 1.¹⁰ The Clerk suggested that standing order 1 be amended in relation to these debates, reducing the time limit to 15

10 Debates 'not otherwise provided for' is a general provision and includes motions to take note of papers, motions to suspend standing orders moved on notice, censure of Ministers, references to committees and approval of public works.

minutes (from 20) for the mover and to 10 minutes (from 15) for other Members.¹¹

- 2.23 At the beginning of the 43rd Parliament, the House amended the standing orders to reduce the time limit for most second reading speeches from 20 minutes to 15. This appears to have worked well and improved efficiency.
- 2.24 The Committee notes the improvement that the reduction in time limits for second reading speeches has provided to the working of the House and recommends that a similar reduction be made in the time limits for debates 'not otherwise provided for'.

Recommendation 4

- 2.25 **The Committee recommends that standing order 1 be amended to reduce the maximum time limits for speeches in debates 'not otherwise provided for' to 15 minutes for the mover and to 10 minutes for other Members.**

(See Appendix A, page 29, for detailed proposed amendments.)

Appointment of supplementary members to House committees

- 2.26 The Committee received informal feedback during its inquiry into the procedural reforms which indicated some confusion may have arisen over the appointment of supplementary Members to House Committees.¹² The provision for supplementary Members was strengthened in the 43rd Parliament to provide greater opportunities for Members to serve on committees conducting inquiries of particular interest to them.¹³
- 2.27 Currently standing order 215(d) states that each committee 'may supplement its membership' and standing order 229(c) refers to 'the power of a general purpose standing committee to supplement its

11 Mr B Wright, Clerk of the House of Representatives, submission to the Standing Committee on Procedure inquiry into 'Monitoring and review of procedural changes implemented in the 43rd Parliament', p. 3.

12 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, April 2011, p. 58.

13 In the 43rd Parliament, provision for the appointment of supplementary Members of committees was increased from two to four Members (standing order 215(d), 20 October 2010).

membership'. Supplementary Members of House Committees are appointed, like all committee Members, by resolution of the House. The Committee recommends the wording of both standing orders be amended to avoid any possible impression that committees may appoint their supplementary Members.

Recommendation 5

- 2.28 **The Committee recommends that standing orders 215(d) and 229(c) be amended to indicate clearly that supplementary Members of House Committees are appointed by a resolution of the House.**

(See Appendix A, pages 38 and 40, for detailed proposed amendments.)