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**34<sup>TH</sup> Presiding Officers and Clerks Conference, Nuku’Alofa, Tonga**

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**Attempts to Encourage Interactive Debate in the  
Australian House of Representatives**

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**Ian Harris, Clerk of the House of Representatives**

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**THE IMPORTANCE OF DEBATE**

The Australian House of Representatives, as an important element in the original meaning of Parliament as a place where Members express beliefs and opinions by way of talking, has always placed great importance on the concept of debate. In the comments that follow, the term “debate” will not be limited to a strict, technical definition of debate, that is, words spoken between a Member moving a motion and the ascertainment by the Chair of the decision of the House. A formal definition excludes many speeches made by Members in the normal routine of business such as asking and answering of questions (which, specifically, should not be “debated”), ministerial statements, matters of public importance and personal explanations. I will draw on these various items of procedure in the course of this paper. However, debate in whatever form has not always been interactive, and attempts have been made recently to make proceedings more so.<sup>1</sup>

In the early days of federation, there were occasions when a very good memory and an ability to remain in the Chamber were essential in order to be able to participate in interactive debate. Originally, there were no time limits on Members’ participation in debates. The longest ever debate in the House occurred on 9 and 13 July 1909, when William Webster spoke for a period a few minutes short of eleven hours. He quite appropriately attracted the nickname of “Jawbone” Webster. In 1912 there was Press outcry over the length of speeches in the House after a motion of no confidence in the Fisher Government was moved and debated. The Leader of the Opposition, Mr Deakin, spoke for four hours in moving the motion. The Prime Minister, responding in his own defence, spoke for two and a half hours. Whether or not it was due to the relative brevity of the Prime Minister’s speech or not, the motion was defeated. After the Press outcry, the first time limits for speeches were introduced into the proceedings of the House.

**COLOURFUL LANGUAGE**

In debate in the subsequent years, the language was frequently colourful. The early years saw contributions such as the allegation that a Member was behaving like a political sausage-skin filled with wind and water like a Chinese god, that another Member was as uneasy as an old lady upon receiving her first proposal, and that the Prayers would have to be amended to read “from plague, tuberculosis and the Opposition, Good Lord, deliver us”. In the middle years of the last century, a leader was professing that he was becoming weary of another Member who had the voice of a bull and the mind of a troglodyte. The closing years of the last century saw a Prime Minister describe another Member as having a couple of kangaroos loose in the top paddock. Another Member said that if there were a tax on brains, one of his colleague Members would be due for a refund, and another said, in more crude terms, that he wished to hear from a backside, he would pass wind himself. (On another occasion, the same Member was suspended from the service of the House for refusing to withdraw a similar expression).

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<sup>1</sup> By interactive debate, I mean parliamentary debate where speakers respond to or comment on points made by preceding speakers. In recent years, perhaps some of the best debates have been occurred when the subject involved a free vote, eg, the recent debates on the Research Involving Embryos and Prohibition of Human Cloning Bills and the debate in 1997 on the Euthanasia Laws Bill. Other examples applied where time limits were temporarily reduced, and Members abandoned prepared speeches. I will subsequently discuss interactivity with others, eg the public, and ask whether more interactive Chamber debate serves to engage the public more.

I should mention in passing that much of the language of this kind is precluded in our jurisdiction by the standing orders as it is in others. There is no suggestion that offensive language is permissible or desirable.

## **PHYSICAL ELEMENTS**

Comments like the last quotation from a Member can lead to attempts by Members to trade points of view in a more physical fashion. Indeed, the Member who uttered the last offensive words clambered across the benches in an attempt to assert his views in a more physical way.

This happened in the Chamber that the House left behind in 1988 to move to the magnificent new building. However, the episode reinforces one point made on occasion in comparing the new and the old Parliament Houses in Canberra. The old building is often described as being more intimate, a location where Members could make eye contact and where auras could mingle.

One of our Speakers, the Right Honourable Ian Sinclair, was most committed to the concept of interactive debate. He often spoke of the United Kingdom House of Commons’ concept of Members on either side being placed just beyond two sword-lengths from each other. In moving to the new Chamber, and especially after occupying the Speaker’s chair, he felt that many Members were too removed from what I describe as the prime parliamentary triangle of Speaker/Prime Minister/ Leader of the Opposition. Mr Sinclair suggested some radical remedies such as moving the Table to a more central point in the Chamber. This would have been an expensive solution, but one which would have facilitated greater interaction between Members’ debates in the Chamber. It was not carried out, and was not revived when Mr Sinclair ceased being Speaker.

While it was not among the principal aims of establishing the Main Committee (a body that our Procedure Committee has suggested be known as the Second Chamber), that body has had the effect of encouraging greater intimacy in debate. The smaller dimensions of this second chamber meeting room – a converted committee room – mean that Members are in closer proximity when debating. There are no set places for members, apart from the Deputy Speaker chairing proceedings. Former Speaker Sinclair, to whom I referred earlier, was originally not one of the strongest supporters of the Main Committee. However, after making contributions there, he is recorded as appreciating it as a debating chamber.

The Procedure Committee has stressed that moving to a purpose-designed second chamber would enhance the function of an intimate debating chamber. While initial signs were less than promising, there is some indication that the Government’s attitude may be shifting.

## **CHANGES IN PRACTICE**

### ***Attendance in the Chamber***

There have been changes in practice extending over a number of years, some which have enhanced spontaneity on debate, and some which have not done so. In the latter category has been a move from a traditional practice of members to attend the Chamber to listen to the Member speaking before them in debate, so that comment could be made on the Member’s speech, and remaining to hear the Member speaking after them, so that the Member could hear observations on his or her speech. The courtesies are sometimes retained, for example by some Ministers and Shadow Ministers and the Whips. However, many Members do not observe it. A factor of influence here has been the televising of proceedings and, in particular, televising throughout Parliament House on a House monitoring system, which has been in place since 1988. Members no longer need to attend the Chamber to monitor proceedings.

### ***Incorporation in Hansard***

One change in practice that occurred some time ago did have the effect of leading to greater spontaneity in debate related to the transcript of proceedings of the House. In one form or another, the House has always had procedures for the incorporation of unread or unspoken material into Hansard, but there were, until recent years, variations in practice, and occasionally there were expressions of unease at the fact that the practice was allowed, and in respect of some of the purposes for which it was used. However, underlying the attitude of the Chair and the House over the years has been the consistent aim of keeping the Hansard report as a record of what is said in the House (with some exceptions). Among the objections raised to the practice of incorporation were:

- A member’s speech could be lengthened way beyond a member’s entitlement under the standing orders;
- Incorporated material might contain irrelevant material or unparliamentary language, or matters that might in other circumstances be defamatory or run against the *sub judice* convention;
- Other Members would not be aware of the full contents of the material until appearing in the next day’s Hansard, and not being challenged, might appear to be more authoritative;
- The transcript containing a subsequent Member’s speech might appear to be less relevant and informed than it would have been if the Member had been aware of the unspoken material before speaking.

The modern practice of the House, defined by Speakers Snedden and Jenkins, is based on the premise that Hansard, as a record of what is said in the House that is as accurate as possible, should not incorporate unspoken material other than items such as tables, which need to be seen in visual form for comprehension.

## **CHANGES IN/PROPOSED CHANGES TO THE STANDING ORDERS**

### ***Questioning of Members after speeches***

Speaker Neil Andrew has made a contribution to proposals to enliven debate and make it more participatory. The Speaker suggested in 1999 that instead of Members being allotted twenty minutes, for example, for debate on a Bill, the maximum time limit for Members’ speeches should be fifteen minutes, with five minutes at the end of the speech during which Members might be questioned on the contents of the speech. Underlying the proposal was a suggestion that Members would be more reluctant to deliver a speech that was written by someone else (for example, a research assistant) if questions might be asked, and Members would accept more personal responsibility for their contributions. The Speaker suggested that the procedure could be trialled in the Main Committee, as it offered a degree of intimacy which made it a superior “debating” Chamber.

The matter has not so far been proceeded with.

### ***Canadian Practice***

Speaker Andrew drew on Canadian practice, which in summary provides that:

- A ten minute question or comment period be provided for most speeches (the exceptions being those by the Prime Minister, the Leader of the Opposition, a Minister moving a Government Order or a Member speaking in response to a Minister moving a Government Order);
- The provision was governed by the Chair;
- Questions and comments were subject to the relevancy rule;
- An adjournment motion, a motion to extend the hours of sitting of the House or amendments to a Bill could not be moved during the period;

- Preference in the period was given to members of parties other than the one of which the Member who had spoken was a member, but not to the exclusion of members of the same party.

### ***Questioning of Ministers in the UK***

The changes proposed by Speaker Andrew would parallel the way in which I understand ministerial statements are delivered in the United Kingdom. In the Australian context, a Minister makes a ministerial statement by leave, and the Opposition spokesperson then makes a statement, by leave, on the same subject. According to *May*, under the older practice under which ministerial statements were volunteered spontaneously, leave of the House is not required. As no question is before the House, debate on statements of this kind is irregular, but questions arising from the statement are frequently raised and replies given. As well as giving the Minister the opportunity to demonstrate that he or she has command of the matter that is the subject of the ministerial statement, this practice also leads to greater mental interaction than two consecutive statements, with the second statement perhaps reflecting comments made in the initial statement, but not necessarily so.

### ***Members speaking without notes***

Before moving to discussion of consideration in detail, a time when Members rarely make use of fully scripted contributions, I should comment that a number of Members do not in fact enter into debate with their contributions fully written out. They are usually regarded as being effective participants in debate.

### ***Consideration in detail***

One subtle change leading to the opportunity for greater interaction between Members occurred following the abolition of consideration of proposed legislation in committee of the whole, and the commencement of consideration in detail in its place. Under the standing orders relating to committee of the whole, the time limits indicated that the Minister in charge could participate as frequently and for as long as he or she wished, whereas all other Members were limited to two periods, each not exceeding ten minutes, for each question before the Chair. After the commencement of the process of consideration in detail, the corresponding standing order provided that all Members could speak on an unlimited number of occasions, but all were limited to periods of five minutes. A number of five-minute periods can be strung together if no other Member rises.

My assessment today is that one of the greatest periods of mingling of minds that occurs in the House occurs during consideration in detail. This in my opinion is due to the fact that Members can ask and answer questions, pursue lines of argument, and explore numerous aspects of a clause before moving to the next.

Suggestions have been made from staff from time to time about physical arrangements during consideration in detail that would lead to greater debating intimacy. The suggestion was that, at times when the Chamber was sparsely populated, members might leave their allocated place, and from which under the standing orders they must address the House, and come to sit around the Table. Proceedings would then be conducted in a manner like that around a conference table. However, nothing has come of the suggestion so far. The Minister and Shadow Minister are often the two principal participants in the consideration in detail stage. As they both speak at the Table, cross-table dialogue is often achieved in practice.

### ***Interventions in the Main Committee***

Following a recommendation from the Standing Committee on Procedure, a procedure for facilitating interventions was tested in the Main Committee from 16 September 2002 until the last sitting day of 2002. The object of the trial was to determine whether the introduction of

interventions would encourage “spontaneity in debate”: a more active debating style and make the Main Committee more interactive. The procedure outlined to the Main Committee indicating the way in which the procedure would be administered was that a Member would be enabled to seek to ask a question concerning another Member’s speech. If the Member gave way, the other Member would be able to ask a short question relating to the Member’s speech. The speech-timing clock would not be stopped. The Chair remained in control, and would not permit a question to be posed if of the view that it was an abuse of the orders or forms of the House (for example, if proposed interventions were persistent, repetitive, mischievous or too lengthy). If the member with the call declined to accept an intervention, that was the end of the matter. The terms of the sessional order (84A) are attached.

At the completion of the trial, the Procedure Committee reviewed the operation of sessional order 84A. It considered that the trial was too short for a proper evaluation to be made. However, it provided the following overview in support of an extension of the trial:

- Interventions were attempted on 7 days of 16 sitting days; there were 20 attempted interventions, of which 13 were accepted; most interventions occurred in the first sitting fortnight of the operation of the sessional order;
- All interventions were across parties; only one was from a Member of the same party as the Member addressing the Main Committee;
- There was some misunderstanding, for example that an intervention was an entitlement and that interjections were now not disorderly;
- Members declining to accept an intervention often cited lack of time to do so; others appeared to assume that the questioner wanted to be disruptive.

The Procedure Committee concluded that there were grounds supportive of the conclusion that sessional order 84A assisted an interactive debating style when its objects and rules were understood. Many Members appeared to be unaware of the possibility of making an intervention, and some who refused interventions may not have understood the objectives of the procedure. The Committee felt that these conclusions pointed to the fact that attempts to inform Members about the procedure were only partially successful. The Committee felt that the eight weeks of the trial was not a sufficiently long period for Members to hear about the procedure and learn about its objects and rules. The Committee recommended that the trial be extended for the remainder of the session, but that more would need to be done to achieve the objectives of interventions; the Chair should repeat the explanation of the procedure from time to time, particularly after sitting breaks. Also, reminder explanatory cards should be placed on the desks at which members sit in the Main Committee for six months, so that members could become familiar with the procedure and how it should operate.

The sessional order was reinstated on 13 May for the remainder of the session. By 15 May, it was again being used in the Main Committee and its usage was much more frequent than previously. Anecdotal evidence suggests that the cards reminding Members of the procedure placed on desks in the room where the Main committee meets may be stimulating greater exercising of the procedure. The conclusions of the Procedure Committee based over a longer period are awaited with interest.

### ***Interactivity with the public***

In the footnote at the commencement of this paper, I raised the matter of whether greater interaction of debate in the Chamber led to increased interaction with the public. Certainly, our Procedure Committee has asked whether a more interactive chamber serves to engage the public more. The House has recently launched a CD Rom called “A House for the Nation”, covering the first hundred years of the House of Representatives. We have located a touch screen kiosk on the House side in the building, and we plan a website in the near future. The Procedure Committee is

also considering installing screens within the Chamber so that visitors can be informed of debates occurring there.

There has been some allowance of the use of articles for Members to display during their speeches. Items used have included a flag, plants, a golden nugget, a bionic ear, a flashing marker for air/sea rescue, a gynaecological instrument, hemp fibres and a heroin cap. However, a Member was ordered to remove two petrol cans he had brought into the Chamber (in the security environment of today, it is questionable as to whether they would be permitted into the building).

I have seen some examples in Canadian provinces where proceedings were carried on cable television of Members' speeches being introduced with video grabs taken from their electorates. One example was in Saskatchewan, where a rural Member's speech was introduced with shots of wheat fields blowing in the wind. The House of Representatives has no plans of this kind.

***Invitation for comment***

It would be interesting to learn of the experience of other jurisdictions relating to the extent to which debate in their chambers is formalised or interactive. It will also be interesting to learn of any attempts that have been made to encourage a different style of debate or consideration of matters.

## **ATTACHMENT**

### ***Interventions in the Main Committee***

**84A. During consideration of any order of the day in the Main Committee a Member may rise and, if given the call, ask the Chair whether the Member speaking is willing to give way. The Member speaking will either indicate his or her:**

**(a) refusal and continue speaking, or**

**(b) acceptance and allow the other Member to ask a short question immediately relevant to the Member's speech—**

**Provided that, if, in the opinion of the Chair, it is an abuse of the orders or forms of the House, the intervention may be denied or curtailed.**