
The Parliament of the Commonwealth of Australia

Role of the Federation Chamber

Celebrating 20 years of operation

**House of Representatives
Standing Committee on Procedure**

June 2015
Canberra

© Commonwealth of Australia 2015

ISBN 978-1-74366-326-4 (Printed version)

ISBN 978-1-74366-327-1 (HTML version)

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website:
<http://creativecommons.org/licenses/by-nc-nd/3.0/au/>.



Contents

Foreword	v
Membership of the Committee	vii
Terms of reference	ix
List of recommendations	xi
1 Introduction	1
Previous Procedure Committee commentary	2
Conduct of inquiry and structure of the report	3
2 1994 – 2014: establishment and evolution of the Federation Chamber	5
The first meeting	8
Immediate impact	9
Expanding role	11
Dissent and disorder	15
A new name	16
An appropriate venue	17
An unparalleled success	19
3 The future of the Federation Chamber	21
Programming government business	21
Consideration of committee reports	23
Constituency statements and grievance debate	25

Consideration in detail of the Main Appropriation Bill	27
Use of Standing Order 66A—encouraging interactive debate	29
4 Venue of the Federation Chamber and support services	31
Conclusion	36
Appendix A – General statistics	39
Appendix B – Proposed amendments to Standing Orders	43
Appendix C – List of submissions	47

LIST OF FIGURES

Figure 2.2 Federation Chamber order of business at 26 March 2015, Standing Order 192	14
Figure 2.3 Total hours of meeting in the House and Federation Chamber (including suspensions)	19
Figure 3.1 Bills referred to Federation Chamber and bills declared urgent or subject to debate management motions 1994-2014	22
Figure A.1 Percentage of time spent on items of business – 44 th , 43 rd and 42 nd Parliaments	40

LIST OF TABLES

Table 3.1 Debate on committee reports (42 nd – 44 th parliaments, comparable periods).....	23
Table A.1 Meetings of the Federation Chamber – 42 nd – 44 th Parliaments	39
Table A.2 Percentage of time spent on principal items of business in the Federation Chamber 1994-1999/ 2010-2015.....	39
Table A.3 Bills declared urgent 1985-2006	41
Table A.4 Bills with debate limited by debate management motions 2005-2015	41
Table A.5 Bills referred to the Federation Chamber 1994-2014.....	41
Table A.6 Percentage of bills referred to the Federation Chamber 1994-2014.....	42



Foreword

In 2014 the Federation Chamber marked its 20th year as the second chamber of the House of Representatives. The Standing Committee on Procedure recommended the establishment of the Federation Chamber in 1993 and has issued numerous reports in the intervening years aimed at improving its operations.

The occasion of its 20th anniversary was again an opportunity for the Procedure Committee to review the operations of the Federation Chamber. Reflecting on the aims for the subordinate chamber expressed by the Procedure Committee in 1993 it is clear that the benefits envisioned by the Committee have been realised. Today, the Federation Chamber is a permanent and integral part of the House of Representatives.

The Federation Chamber was established to relieve the legislative pressure on the House and to give Members greater opportunity to speak on non-controversial legislation that was being routinely 'guillotined'. Since its first meeting in 1994, the role of the Federation Chamber has evolved and the type of business it considers expanded. In addition to consideration of government legislation, the Federation Chamber now provides time for private Members' bills and motions, debate on committee reports, statements by Members on constituency issues, a grievance debate and adjournment debate. The Federation Chamber has also proved to be a valuable 'training ground' for new Members, providing an intimate and supportive venue in which to develop their skills as parliamentarians.

Despite the clear value of the Federation Chamber, the business referred to it has declined during the 44th parliament. This report makes recommendations aimed at allowing more flexibility in the time allotted for Members' constituency statements and the grievance debate so that these debates may be extended to give Members more speaking opportunities. The report also recommends that committee chairs take better advantage of the opportunity to have committee reports debated in a timely manner in the Federation Chamber.

Despite the important, largely consensus, work that occurs in the subordinate chamber, its role is not well known and the report recommends that it be better

promoted in the materials available to visitors to Parliament House and on the parliamentary website.

Finally, recognising that the current venue is likely to be the permanent venue for the Federation Chamber, the Committee has recommended some minor enhancements aimed at improving the image and usability of the venue.

The Federation Chamber has met its original purpose of providing a parallel legislative stream, and has evolved in its role in ways that enhance the operations of the House as well as give Members valuable opportunities to speak on matters of importance to their electorates. Significantly, it allows Ministers, including Parliamentary Secretaries, an opportunity to speak on constituency issues that they are not otherwise afforded in the House.

The Federation Chamber continues to play an important role in the work of the House of Representatives and its unique character of consensus and cooperation enhances the quality of debate. The Federation Chamber has proven its ability to evolve to meet the needs of the House and its Members and the Procedure Committee hopes that it continues to be an important part of the House into the future.

Don Randall MP
Chair



Membership of the Committee

Chair Don Randall MP

Deputy Chair Michael Danby MP

Members Russell Broadbent MP

Scott Buchholz MP

Ian Goodenough MP

Jill Hall MP

Joanne Ryan MP

Committee Secretariat

Secretary	Justin Baker (from April 2015) Catherine Cornish (to April 2015)
Inquiry Secretary	Siobhán Leyne (from February 2015) Lynette Eveston (to February 2015)
Research Officer	Naomi Swann
Administrative Officer	Penny Branson



Terms of reference

To inquire into and report on the role and operations of the Federation Chamber including, but not limited to:

- a) its role in the work of the House of Representatives since 1994;
- b) its operations including relevant standing orders;
- c) its venue and support services; and
- d) options to enhance its effectiveness.



List of recommendations

3 The future of the Federation Chamber

Recommendation 1 (paragraph 3.16)

The Committee recommends that the Liaison Committee of Committee Chairs and Deputy Chairs consider the mechanisms available to committees to seek to have their reports presented and/or debated in the Federation Chamber.

Recommendation 2 (paragraph 3.23)

The Committee recommends that Standing Orders 1 and 192B be amended to allow for a grievance debate of up to two hours on Mondays if there is no government business before the Federation Chamber.

Recommendation 3 (paragraph 3.24)

The Committee recommends that Standing Orders 1 and 193 be amended to allow for up to 60 minutes of three minute constituency statements on Monday, Wednesday and Thursday meetings of the Federation Chamber.

Recommendation 4 (paragraph 3.27)

The Committee recommends that Standing Order 192, Figure 4 be amended to clarify the indicative nature of the order of business for the Federation Chamber.

4 Venue of the Federation Chamber and support services

Recommendation 5 (paragraph 4.8)

The Committee recommends that the Federation Chamber be further enhanced to:

- provide a room fitout that distinguishes it from committee rooms and marks the status of the venue; and
- ensure that speech timing clocks are the same as those in the Chamber.

Recommendation 6 (paragraph 4.15)

The Committee recommends that additional resources be provided to the government and opposition Federation Chamber Whips through the provision of additional staffing to support these duties.

Recommendation 7 (paragraph 4.26)

The Committee recommends that the role and work of the Federation Chamber be promoted on the House of Representatives section of the Parliament of Australia website and in the information given to visitors to Parliament House.

Recommendation 8 (paragraph 4.27)

The Committee recommends that glass panels be fitted to all doors that are normally closed during meetings of the Federation Chamber to allow proceedings to be observed from outside.

Introduction

- 1.1 In 2014 the Federation Chamber of the House of Representatives marked its 20th anniversary. In its 20 years of operation, it has become an integral part of the way the House manages its legislative program, offering additional government business time as well as private Members' business and committee and delegation business opportunities.
- 1.2 The Federation Chamber owes its genesis to the Standing Committee on Procedure. In recognition of the increasing pressure of legislative business, following the 1993 election, the Procedure Committee (37th Parliament) inquired into how to streamline legislative activity and provide additional time for Members to consider legislation – without increasing the hours of the House.
- 1.3 Its report: *About time: Bills, questions and working hours*, presented in October 1993, acknowledged that legislative processes had been a feature of reform proposals for two decades with various proposals trialled and abandoned. The demands on the House remained.¹
- 1.4 The Committee recommended the establishment of a standing 'committee of the whole', to be known as the Main Committee (Legislation), which would meet in its own venue, concurrently with the House.²
- 1.5 Summarising the benefits to the proposal, the Procedure Committee stated:

The proposals reorganise legislative business to allow Members to use their time more productively. The dual legislative streams should make a major contribution to minimising the need for

1 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993, p. 5.

2 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993, p. 12.

closures and the use of the guillotine. It gives the House more time (by putting more of its business into committee and removing committee proceedings from the Chamber). More legislation can be dealt with in a given number of days. At the same time it is possible to give additional time to individual bills. The additional legislative time would open up fuller opportunities, in the House, for debate on the major and controversial items of the Government's legislative agenda. It would also provide more opportunities for backbenchers to make speeches for the record ... on routine bills which are of special interest to them or of importance to their electorate.³

- 1.6 It is safe to say that the benefits articulated by the Committee in 1993 have been realised and the work undertaken in the Main Committee, now known as the Federation Chamber, has been integral to the effectiveness of the House.
- 1.7 Indeed, the Federation Chamber has become a testing ground for new procedures – such as the trialling of the intervention procedure as a sessional order, now adopted in the standing orders for use in the House.⁴ The nature of consensus operation means that new standing orders can be tested and considered fairly in the Federation Chamber before introduction to the House.
- 1.8 The Federation Chamber also continues to evolve in the business it conducts. There is now time for the consideration of private Members' business, grievance debate and statements by Members.
- 1.9 Nonetheless, despite the important role it plays in the work of the House of Representatives, the Federation Chamber has always been an alternative venue to the House for a restricted range of business. It remains a subordinate body: the House refers business to the Federation Chamber, receives reports from the Federation Chamber, and confirms decisions made on business referred to the Federation Chamber.
- 1.10 The ongoing role, as well as the operations, of the Federation Chamber, its venue and further options to enhance its effectiveness are considered in this report.

Previous Procedure Committee commentary

- 1.11 The Procedure Committee has carefully monitored the role and operations of the Federation Chamber since its inception. In addition to its ongoing

3 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993, p. 12.

4 Standing Order 66A, 26 March 2015.

role in monitoring House procedures, the Committee has issued the following reports which have specifically addressed the operations of the Federation Chamber:

- 37th Parliament – *About time: Bills, questions and working hours*, October 1993;
- 37th Parliament – *Time for review: Bills, questions and working hours*, June 1995;
- 38th Parliament – *Provision for Members to make short speeches in the Main Committee*, September 1997;
- 39th Parliament – *The second chamber: Enhancing the Main Committee*, July 2000; and
- 40th Parliament – *Renaming the Main Committee: Celebrating the 10th anniversary of the Main Committee*, June 2004.

A note on terminology

- 1.12 The Main Committee was renamed the Federation Chamber of the House of Representatives in 2012 and Chapter 2 discusses the history and reason for this change. ‘Federation Chamber’ is used in this report unless a specific reference necessitates the use of ‘Main Committee’.
- 1.13 The Procedure Committee has reported frequently on the role and operations of the Federation Chamber. Committees are referenced by the relevant Parliament number⁵ and reports are referred to by short title.

Conduct of inquiry and structure of the report

- 1.14 On 23 October 2014 the Committee agreed to undertake an inquiry into the role and operations of the Federation Chamber.
- 1.15 The Committee sought comment from all Members and parliamentary officers. Five submissions were received and are listed at Appendix C. The Committee conducted a private roundtable to which all Members were invited in March 2015. This was invaluable for informing the Committee’s deliberations and the ideas discussed at the roundtable are reflected in this report.
- 1.16 Recognising the 20th anniversary of the Federation Chamber, chapter 2 provides a general history of its evolution from 1994 to present day.
- 1.17 Chapter 3 examines the current role and operations of the Federation Chamber and options to enhance its effectiveness.
- 1.18 Chapter 4 considers the suitability of the current venue for meetings of the Federation Chamber and associated support services.

5 See *House of Representatives Practice*, 6th edn, 2012, p. 800.

- 1.19 Appendix A lists selected statistics regarding the operations of the Federation Chamber and Appendix B provides proposed new standing orders as a result of the recommendations of this report.

1994 – 2014: establishment and evolution of the Federation Chamber

2.1 The Federation Chamber was proposed as a solution to the increasing pressure of legislative business in the House. Since Federation, a gradual increase in the number of bills before the House resulted in less time available for detailed consideration of each individual bill. In the first decade of Federation the House sat for 25 hours for each Act passed and by 1992 this figure had reduced to just 2 hours per Act.¹ The imposition, from 1986, of Senate deadlines for the receipt of bills from the House also added time pressure.²

2.2 In order to manage the legislative program, there were an increasing number of bills declared urgent, particularly in the period from 1986 (See Appendix A, Table A.3). Known as the ‘guillotine’ this procedure allows a Minister to declare a bill urgent and, if the declaration of urgency is agreed to, to then move a motion imposing a timetable on consideration of the bill.³ As a consequence, Members that might wish to contribute to debate on a bill may not have an opportunity to do so. The Procedure Committee (37th Parliament) noted:

The detailed consideration of legislation is one of the major casualties of the guillotine procedure. The amount of time available often means that government amendments are agreed to

1 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993, p. 4.

2 *House of Representatives Practice*, 6th edn, 2012, p. 393.

3 Standing Order 82, 26 March 2015. In more recent parliaments, it has become common practice for a Minister to move a suspension of standing orders to limit debate on a bill or group of bills, rather than using the formal guillotine procedure provided by Standing Order 82.

without debate, even when there has not been time to move them formally, and opposition amendments cannot even be moved, let alone considered.⁴

- 2.3 In examining options to relieve the legislative pressure on the House, the Committee considered the use of legislation committees. The referral of bills to legislation committees for detailed consideration had been trialled in 1978 – 1980 as an alternative to the House undertaking a consideration in detail process. In 1986, the Procedure Committee (34th Parliament) recommended the use of legislation committees noting:

Given the large volume of legislation dealt with each year and its increasing complexity, there is a need for some legislation at least to be given detailed consideration in legislation committees. Advantages would be that bills may receive a more thorough examination, there would be better opportunities for Members to participate and they would have less formal and more efficient involvement in the legislative process. Also, there may be savings in the time of the House.⁵

- 2.4 However, in the 1993 *About Time* report the Procedure Committee rejected its predecessor's recommendation noting:

That in the period 1978-80 the use of the [legislation] committees does not seem to have saved the House time. The report stage in the House – normally a formality – took up considerable additional time, eliminating the time savings gained from removing the committee stage from the Chamber.⁶

- 2.5 In its *About Time* report, the Committee also noted the complexity of the 'committee of the whole' stage of bill consideration:

Current House of Representatives practice is that a bill almost always goes through its 'committee' stage (if it goes through at all) immediately following its second reading and is considered 'in committee' by the Members present in the Chamber who have just participated in the second reading debate. The Chair of the House moves to a different place, changing in title from Speaker to Chairman or Deputy Chairman. Following the consideration of

4 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993, p. 4.

5 Standing Committee on Procedure (34th Parliament), *Second report: Days and hours of sitting and the effective use of the time of the House*, May 1986, p. 29.

6 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993, p. 6.

amendments the Chair of the committee reports back to the Chair of the House (with the exception of the Speaker who only takes the Chair in the plenary, both of these positions are filled at different times by the same Members under different titles). The Members present then agree formally, as 'the House', to accept what they, seconds before, have agreed to as the committee of the whole.⁷

2.6 The abolition of the committee of the whole was one of the procedural changes flowing from the *About Time* report, and accompanied other changes to the legislative process, including the establishment of a subordinate chamber to be known as the 'Main Committee' to relieve pressure on the House and allow greater opportunity for contribution to debate.⁸

2.7 The recommendation for a second chamber was not unanimous, with a dissenting report raising concerns about the capacity of the proposal to be sufficiently responsive:

the suggested new procedure could be very inflexible by precluding the pursuit in committee of the whole in the House of Representatives Chamber of those matters that arise in debate in the Main Committee which may not have been anticipated. Matters cannot be addressed by moving additional amendments in the House.⁹

2.8 The proposal also had critics when the report was debated by the House:

With regard to these proposals, the idea of the main committee has some flaws. I can see a real danger in that committee becoming an alternative chamber in much the same way as the Senate and the House of Representatives debates become not just confusing but almost have a dialectical tension.

Putting that into the one House could be quite counterproductive. I am not, however, suggesting that it be ruled out of order as such. The methods that have been put before us in the report do not sufficiently prescribe the idea of the main committee. It would have to be much narrower, defined and prescribed when the committee reports back to the House for the idea to take a form

7 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993, pp. 7-8.

8 *House of Representatives Practice*, 6th edn, 2012, p. 374.

9 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993, pp. 5-6.

that would not just become a replica or a repeat performance of what occurs in the committee stages here.¹⁰

- 2.9 Notwithstanding the concerns expressed by some Members, there was also support for the proposed reform, with Members noting the need to lessen the physical burden of long sitting hours as well as to improve the quality of debate and demonstrate the times when the House acted in a collegiate manner.¹¹
- 2.10 The Leader of the House moved that the standing orders be amended to give effect to the Committee's recommendations on 10 February 1994. The House divided but the motion was carried and the Main Committee was established. On 2 June 1994 the first bills were referred to the Main Committee by the House.¹²

The first meeting

- 2.11 The Main Committee first met on 8 June 1994 and at the start of business, the Deputy Speaker remarked:

The physical arrangements for the Main Committee enable members of the public and others to be much closer to where consideration of legislation and other matters is taking place than is possible in the House of Representatives chamber. However, the area allotted to members in this room is clearly delineated, and the integrity of that area must be respected at all times.

The first meeting of the Main Committee heralds a new era in the deliberations of the parliament. There has been much discussion about and interest in the proposed operation of this Committee. I am sure that, with the cooperation of all members, the Main Committee will make the positive contribution to the workings of the House of Representatives envisaged by the Standing Committee on Procedure.¹³

- 2.12 The first speakers included the Minister for Finance (the Member for Swan) and the Manager of Opposition Business (the Member for Bennelong), both of whom welcomed the innovation. The Manager of Opposition Business noted:

10 Mr A. Morris MP, H.R. Deb. (21.12.1993) 4496.

11 H.R. Deb. (10.02.1994) 833-854.

12 VP No. 53, 10 February 1994, pp. 766-777, VP No. 75, 2 June 1994, p. 1047.

13 Mr H. Jenkins MP, Deputy Speaker, H.R. Deb. (08.06.1994) 1725.

If the Main Committee can add to the intelligent dispatch of business and, in this rather more intimate atmosphere, lift the quality of debate on some of the less contentious but nonetheless detailed pieces of legislation, the whole parliamentary system and the community will be the beneficiaries.¹⁴

2.13 Members also noted that the physical space would enhance debate:

The main reason for this committee is to deal with non-controversial legislation. I think the message is that it is often forgotten by many people out there in broader Australia – and it is an opportunity to say it this morning – that much of the legislation that actually goes through the parliament is non-controversial and goes through with the support of all members of the parliament. I believe that, as the debate goes on in this chamber, this is going to give us the opportunity to emphasise that more.¹⁵

2.14 With little further comment, the Federation Chamber proceeded with the work before it, being debate on two bills.

Immediate impact

2.15 The impact of the Federation Chamber was immediately felt through the reduction in the use of the guillotine from a record high of 132 bills guillotined in 1993 to only 14 in 1994. The number of bills being guillotined (or otherwise subjected to a limitation of time) has not since reached the record 100+ reached in 1988, 1991, 1992 and 1993.¹⁶

2.16 In late 1994, after nearly six months of successful operation, the Leader of the House noted:

Normally at this stage of the year – in fact, slightly earlier than this – I would be hunkered down with the Parliamentary Liaison Officer working out a guillotine and crunching legislation through the House in order to get it into the Senate.

There may be a requirement at the end of the day to guillotine some legislation. But the process which we have gone through in the past has been completely obviated. The reason for that is that something like 30-odd bills have gone through the Main Committee without the gag. Members have had the opportunity to fully discuss them, albeit that they are the sort of non-controversial

14 Mr J. Howard MP, Manager of Opposition Business, H.R. Deb. (08.06.1994) 1728.

15 Mr L. Scott MP, H.R. Deb. (08.06.1994) 1733.

16 *House of Representatives Practice*, 6th edn, 2012, p. 818.

things which would have appeared on the Notice Paper in a guillotine for a half an hour or an hour's discussion – and there would have been half an hour or an hour's discussion.

In the Main Committee, honourable members can bat through legislation at precisely the pace they think they ought to bat through it. When they have talked themselves out, that is the end of the matter. The effect of the Main Committee on the decency of procedures in the House has really been quite manifold.¹⁷

- 2.17 In 1995 the Procedure Committee reviewed the significant procedural reforms put in place as a result of its 1993 report. It noted 'the improvement in the amount of time available to debate business and the dramatic fall in the use of the guillotine' (see Appendix A, Table A.3).¹⁸
- 2.18 On the conduct of operations of the Federation Chamber it noted that there had been an overwhelmingly positive reception to the innovation by Members, including by those who had originally opposed the innovation. It stated:

Other comments have been made to the committee that there is a better interplay in debate and the more intimate environment encourages true debate and response to others' contributions. Signs of less formal and more responsive debate in the Main Committee are encouraging. It is to be hoped that this trend will continue and any sterility in the atmosphere will dissipate in time.¹⁹

A model for Westminster

- 2.19 The success of the Federation Chamber in managing the workload of the House was noticed by other legislatures experiencing similar challenges. The model was first looked at in 1998 by the House of Commons (United Kingdom) Select Committee on Modernisation but the establishment of a similar parallel chamber was considered a 'radical innovation' which the Select Committee was initially reluctant to advocate.
- 2.20 The Select Committee's reservations were not dissimilar to those expressed in the Australian House of Representatives prior to the introduction of the Federation Chamber: it was considered that a parallel

17 Mr K. Beazley MP, Leader of the House, H.R. Deb. (09.11.1994) 2949.

18 Standing Committee on Procedure (37th Parliament), *Time for review: Bills, questions and working hours*, June 1995, p. 4.

19 Standing Committee on Procedure (37th Parliament), *Time for review: Bills, questions and working hours*, June 1995, p. 13.

chamber may devalue the Chamber as the focus of the UK House's activities. The Select Committee was also concerned about the potential for Members being conflicted over which debate to attend.²⁰

- 2.21 Instead, the Select Committee presented detailed information on the Australian model and invited Members to submit their views on the concept of a parallel chamber and how it might be adapted to suit the House of Commons. The Select Committee indicated that it would consider feedback from Members before determining whether or not to undertake further work on how such a proposal might be implemented.²¹
- 2.22 In its subsequent report, the Committee recommended that the House of Commons adopt a sessional order which provided for the establishment of a parallel chamber. On 24 May 1999 the House of Commons agreed to the establishment of a parallel chamber and on 30 November 1999 Westminster Hall met for the first time.²²
- 2.23 Westminster Hall maintains a focus on private Members' business (referred to as backbench business) and committee reports, rather than legislation. An October 2014 report by the UK Procedure Committee described it as a valuable way for backbenchers to hold the executive to account.²³

Expanding role

- 2.24 As the role of the Federation Chamber became more firmly established, the range of work it undertook increased. By 1995 the business conducted by the Federation Chamber had expanded to include debate on motions to take note of papers and debate on committee and delegation reports. Whilst the Procedure Committee cautioned that the consideration of bills should always take priority, it also noted that moving this business from

20 Select Committee on Modernisation of the House of Commons (1998-99), *First Report: The Legislative Process*, December 1998.

21 Select Committee on Modernisation of the House of Commons (1998-99), *First Report: The Legislative Process*, December 1998.

22 Standing Committee on Procedure (39th Parliament), *The Second Chamber: Enhancing the Main Committee*, July 2000, p. 25.

23 House of Commons Procedure Committee, *Business in Westminster Hall: First report of session 2014-15*, 13 October 2014, accessed 9 April 2015, <parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/news/business-in-wh-report-chairs-comments/>.

- the House had significantly relieved pressure on House time and was a welcome development.²⁴
- 2.25 The expansion of work centred on the desire of Members to have more opportunity to raise constituency matters. In 1997, the Procedure Committee noted that this had the potential to change the nature of the second chamber due to the possibility of controversial issues being raised. Nonetheless, the Committee recommended a further expansion of business be trialled to accommodate an adjournment debate and a period for Members' 90-second statements in the Federation Chamber.²⁵
- 2.26 On 4 December 1997 the House adopted sessional orders to allow for Members (excluding Ministers and Parliamentary Secretaries) to make three minute constituency statements in the Federation Chamber on Thursday mornings and for an adjournment debate to take place at the conclusion of Thursday meetings. The Procedure Committee had favoured a period for Members' 90 second statements, but the House opted for the introduction of three minute constituency statements as an innovation to allow Members to make a more 'substantive, constructive contribution' than 90 second statements allow.²⁶ These sessional orders were adopted as standing orders on 30 June 1998.²⁷
- 2.27 Standing orders were amended in 1999 to allow Parliamentary Secretaries to make constituency statements in the Federation Chamber, and in 2008 to extend the opportunity to Ministers, recognising the limitation on these Members fulfilling their representative duties in the House.²⁸
- 2.28 In response to a 1999 Procedure Committee report on community involvement in the House, standing orders were amended to allow the presentation of petitions during constituency statements, recognising the desire of some to formalise this process.²⁹
- 2.29 Despite the initial caution expressed by the Procedure Committee about the potential for contention in the Federation Chamber with the expansion

24 Standing Committee on Procedure (37th Parliament), *Time for review: Bills, questions and working hours*, June 1995, p. 14.

25 Standing Committee on Procedure (39th Parliament), *Provision for Members to make short speeches in the Main Committee*, September 1997.

26 Mr P. Reith MP, Leader of the House, H.R. Deb. (04.12.1997) 12029.

27 VP No. 137, 4 December 1997, pp. 2642-2644; VP No. 173, 30 June 1998, pp. 3170-3171.

28 Mr P. Reith MP, Leader of the House, H.R. Deb. (31.03.1999) 4898, VP No. 34, 31 March 1999, p. 486; Mr A. Albanese MP, Leader of the House, H.R. Deb. (24.06.2008) 5790-5791, VP No. 32, 24 June 2008, p. 423.

29 Mr P. Reith MP, Leader of the House, H.R. Deb. (06.12.2000) 23539, VP No. 160, 6 December 2000, p. 1984.

of business considered, by the time of its 2000 review of operations the Procedure Committee (39th Parliament) noted:

While it is apparent that the Main Committee acts effectively as a parallel legislative stream, it is not at all apparent that its capacity to consider motions to take note of government papers and committee and delegation reports is being exploited to the extent it could be.³⁰

2.30 This review also examined areas for improvement. It found that:

- there was little public recognition of the role and operations of the second chamber, but this was in keeping with the lack of general awareness of parliamentary activities;
- there was merit in the argument to rename the chamber to the ‘Second Chamber’, echoing findings of the report *Time for Review*; and
- the Federation Chamber should be co-located with the main Chamber and immediately accessible to the public.³¹

2.31 In considering how to improve debate and recommending the trialling of the intervention procedure the Committee stated:

there is a belief that the Main Committee is an appropriate laboratory for experiments which, if successful, might be extended to the Chamber.³²

2.32 In his submission to this inquiry, the Clerk of the House noted the successful role played by the Federation Chamber in trialling both procedures and equipment:

- in August 2002 a sessional order was adopted by the House, with effect from 16 September 2002, that permitted interventions to be made during debate on any order of the day in the Main Committee. This provision was extended to the Chamber in 2013; and
- use of display screens to inform those present of the current item of business were first used in the Federation Chamber on a trial basis in 2012. Screens were subsequently introduced into the House in October 2014.³³

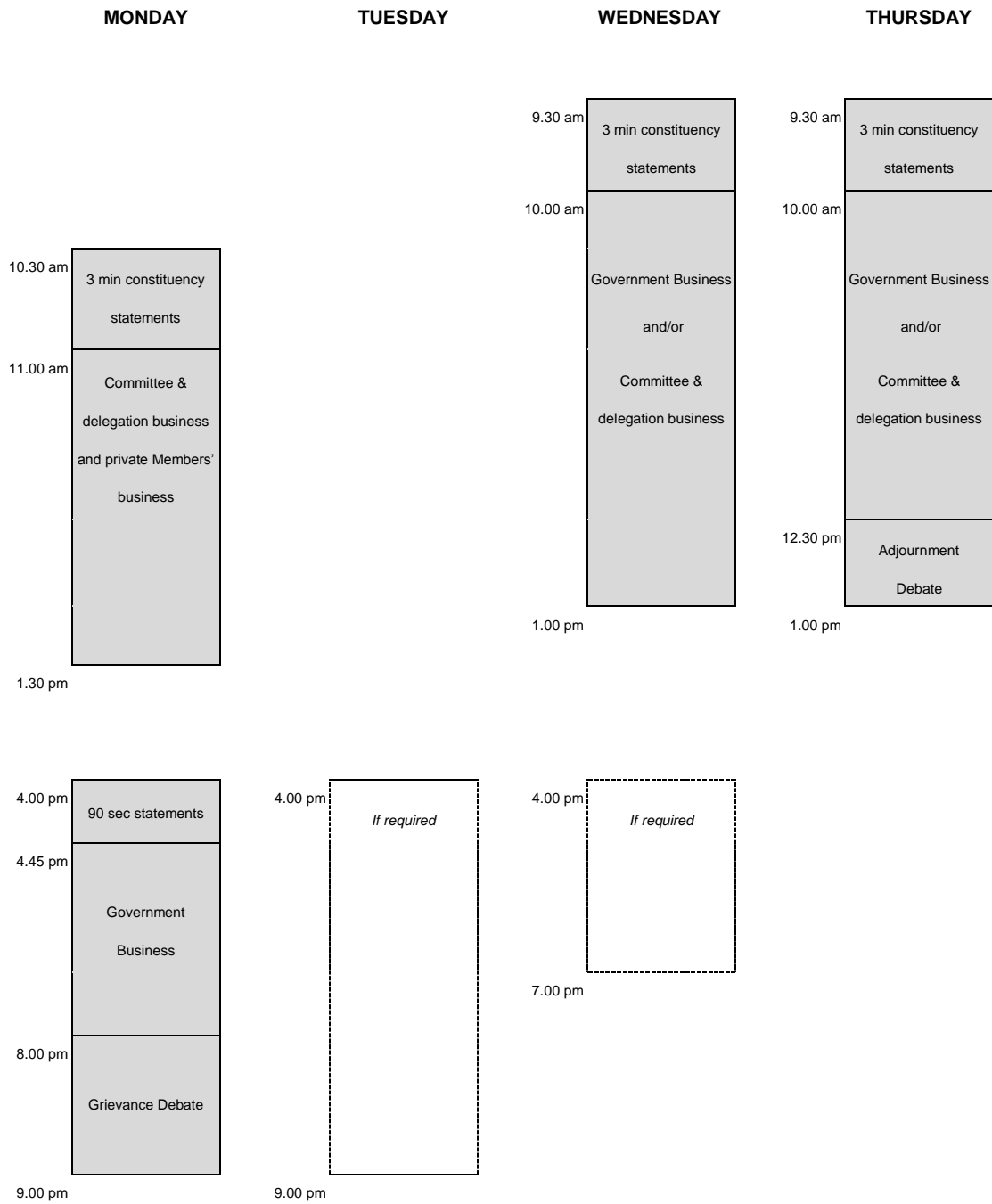
30 Standing Committee on Procedure (39th Parliament), *The Second Chamber: Enhancing the Main Committee*, July 2000, p. 24.

31 Standing Committee on Procedure (39th Parliament), *The Second Chamber: Enhancing the Main Committee*, July 2000, pp. 33-35.

32 Standing Committee on Procedure (39th Parliament), *The Second Chamber: Enhancing the Main Committee*, July 2000, p. 36.

33 D. Elder, Clerk of the House of Representatives, *Submission 2*, p. 8.

Figure 2.2 Federation Chamber order of business at 26 March 2015, Standing Order 192



2.33 The Clerk also noted that the Federation Chamber has proved to be a useful forum for new Members to participate in debate in a less intimidating venue. It is also a valuable training ground for 'new members

of the Speaker's panel to gain experience in the Chair' as well as for 'departmental staff who serve at the Table and as attendants.'³⁴

- 2.34 The role of the Federation Chamber has grown considerably in its first 20 years of operation – from being established to consider non-controversial legislation, it now allows time for the consideration of private Members' business and committee and delegation business, and is recognised as an appropriate place to test procedures prior to introduction to the House (see Figure 2.2).

Dissent and disorder

- 2.35 The Federation Chamber operates on the principle of consensus. The Deputy Speaker, one government Member and one non-government Member comprise the quorum.³⁵ This means that meetings can easily be brought to an end by either side withdrawing the presence of its Members.
- 2.36 There is no provision for divisions in the Federation Chamber and while questions are decided on the voices, if any Member dissents from the announced result, the question is unresolved and reported back to the House.³⁶
- 2.37 In the event of disorder, the standing orders allow for the Deputy Speaker to direct the Member or Members concerned to leave the room for a period of 15 minutes or may suspend or adjourn the sitting and report the disorder to the House.³⁷
- 2.38 Both procedures and the culture of the chamber have developed in such a way that disorder is rare; however, recent instances suggest that the current procedures of the Federation Chamber are suitable for managing disorder in a manner which asserts the authority of the House.³⁸

34 D. Elder, Clerk of the House of Representatives, *Submission 2*, p. 8. See also V. Riggio, Office Manager, Member for Forrest, *Submission 4*.

35 Standing Order 184, 26 March 2015.

36 Standing Order 188b, 26 March 2015.

37 Standing Order 187, 26 March 2015.

38 H.R. Deb. (31.10.1996) 6346; H.R. Deb. (08.02.2001) 24313; H.R. Deb. (20.03.2002) 1830. On 24 March 2015, the Member for Corangamite reported to the Speaker an incident of disorder occurring in the Federation Chamber concerning the Member for Bowman. Consequently, on 25 March 2015, the Speaker reported the incident to the House and the Member for Bowman was suspended for a period of 24 hours.

A new name

- 2.39 The name of the House's parallel chamber has been considered by the Procedure Committee on a number of occasions. Various alternatives to Main Committee have been considered including 'Main Committee (Legislation)'³⁹ and 'Second Chamber'.⁴⁰
- 2.40 On being established, the Main Committee was located in a refurbished committee room (2R3) some distance (a walk of several minutes) from the House of Representatives Chamber. This room naturally took on the name 'Main Committee Room' which caused a degree of confusion with the (already existing) main committee room being the shared facility of the same name located in the central part of the building. A Member noted:
- When I first went to find it, I learned the difference between the Main Committee and the main committee room – and trying to find out the difference was a lot of fun.⁴¹
- 2.41 In 2000 the Procedure Committee (39th Parliament) recommended that the 'Main Committee' be renamed the 'Second Chamber', noting that this term was in common usage amongst Members.⁴²
- 2.42 The recommendation was agreed in principle but the suggestion of 'Second Chamber' was not agreed due to the potential confusion with the Senate, sometimes referred to as the 'second chamber'.⁴³
- 2.43 In 2004 the Procedure Committee specifically inquired into renaming the Main Committee, stating that the name 'Main Committee' lessened the status of the institution as a parallel chamber and that it required a name that 'better reflects the status and function' of the chamber. The Committee recommended that it be renamed 'Federation Chamber of the House of Representatives' to be known as the 'Federation Chamber'.⁴⁴

39 Standing Committee on Procedure (37th Parliament), *About time: Bills, questions and working hours*, October 1993.

40 Standing Committee on Procedure (39th Parliament), *The Second Chamber: Enhancing the Main Committee*, July 2000.

41 Mrs J. Gash MP, H.R. Deb. (14.08.2000) 18820.

42 Standing Committee on Procedure (39th Parliament), *The Second Chamber: Enhancing the Main Committee*, July 2000, p. 34.

43 *Government response to the report of the House of Representatives Standing Committee on Procedure: 'The Second chamber: Enhancing the work of the Main Committee*, June 2002, p. 1.

44 Standing Committee on Procedure (40th Parliament), *Renaming the Main Committee: Celebrating the 10th anniversary of the Main Committee*, June 2004, p. 5, 7.

- 2.44 Again, this recommendation was not immediately agreed due to concerns about the potential for confusion.⁴⁵
- 2.45 However, in 2012, the House amended standing orders to rename the Main Committee as the Federation Chamber. On introducing the change, the Leader of the House stated:
- This recognises the importance of the House's second chamber. ...
- It is pretty clear that there is some confusion, even among members of parliament occasionally, arising from the fact that the Main Committee does not meet in the room that is known as the main committee room. There is also confusion from time to time about the status of the Main Committee. It has been suggested to me, for example, when debating the referral of a bill to the Main Committee, that such a referral somehow gives the bill less status because the Main Committee is not seen as the equal chamber that it is. It is simply this chamber meeting in another place at the same time so as to improve the efficiency of the parliament.⁴⁶
- 2.46 The name took effect from 27 February 2012.

An appropriate venue

- 2.47 As described above, the venue used for the Federation Chamber is a refurbished committee room ('2R3'). The suitability of this venue has been the subject of considerable discussion by the Procedure Committee. The Committee has previously argued the need for a dedicated venue for the Federation Chamber, closer to the House Chamber to elevate the status of proceedings and to make them more accessible to the public.⁴⁷
- 2.48 Nonetheless, the Committee has also recognised the architectural and cost constraints on moving the venue. In light of these constraints, in 2004 the Committee stated:
- the current room (2R3) should be equipped and furnished to reflect the value that the Main Committee has come to assume. The room was refurbished in 1994 when the Main Committee commenced but its ambience remains that of an ordinary committee room. It is devoid of ornamentation and does not have the "feel" of a parallel debating chamber. Even the addition of

45 *Government response*, H.R. Deb. (09.12.2004) 93.

46 Mr A. Albanese MP, Leader of the House, H.R. Deb. (08.02.2012) 207.

47 Standing Committee on Procedure (39th Parliament), *The Second Chamber: Enhancing the Main Committee*, July 2000, p. 47; Standing Committee on Procedure (40th Parliament), *Renaming the Main Committee: Celebrating the 10th anniversary of the Main Committee*, June 2004, pp. 8-9.

appropriate pieces from the Parliament's art collection would improve the room and would not be an additional expense.⁴⁸

- 2.49 Improvements have been made to the Federation Chamber, beginning in 2014, its 20th anniversary year:

The occasion is being acknowledged with some physical enhancements to the Federation Chamber, commencing with the new screens which have been installed on the side walls, adjacent to the television lights. These screens display the current item of business and the question before the chair. The trial arrangement which was in place prior to this meeting was met with general approval from members, so this more formal installation of screens has now taken place.⁴⁹

...

I am pleased to report that several of these enhancements are now in place. In additions to the screens displaying captions about proceedings, there is improved signage at the main north-east chamber entrance, a redesigned desk for the Deputy Speaker and the clerks, a central table to accommodate chamber documents and purpose-built lecterns in the front row of members' seats – which I warmly encourage members to use. They have been designed so there are no chairs in front of them, enhancing the lecterns and giving the speaker's words to the chamber greater authority. A new coat of arms, enhanced lighting and some artwork are anticipated in the future.⁵⁰

- 2.50 The Committee again sought views on the location of the Federation Chamber during the current inquiry. There appeared to be a broad acknowledgment that the cost of a custom built location would be too prohibitive – and so the Federation Chamber should remain where it is. Some questions remain about the suitability of the venue and these will be canvassed in chapter 4.

48 Standing Committee on Procedure (40th Parliament), *Renaming the Main Committee: Celebrating the 10th anniversary of the Main Committee*, June 2004, p. 8.

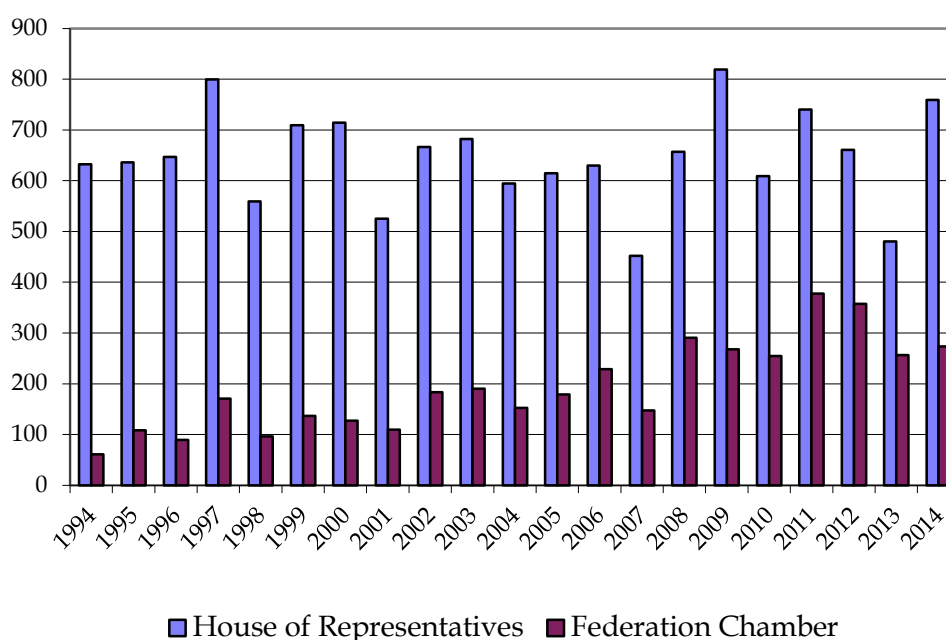
49 Mr B. Scott MP, Deputy Speaker, H.R. Deb. (22.09.2014) 10065.

50 Mr B. Scott MP, Deputy Speaker, H.R. Deb. (24.11.2014) 12923.

An unparalleled success

- 2.51 The evolution of the Federation Chamber can be said to demonstrate its success. It is safe to say that, on its 20th anniversary, the parallel chamber has earned its permanent place in the functioning of the House. It has met the aims first put forward by the Procedure Committee in its 1993 report and evolved with the needs of the House.
- 2.52 Appendix A lists the statistical data on the changing dynamics of the Federation Chamber. This data reveals that both the hours of meeting and the workload of the chamber have steadily increased since its inception.

Figure 2.3 Total hours of meeting in the House and Federation Chamber (including suspensions)



- 2.53 In 1995, its first full year of operation, the Federation Chamber provided an additional 94 hours debating time for the House of Representatives. In 2014, this figure reached 209 hours. Between 1995 and 2014, the Federation Chamber met for an average of 165 hours each year (excluding suspensions).
- 2.54 In the current parliament, a reduction in the number of government bills and committee reports referred to and debated in the Federation Chamber has led to concern that it is currently being underutilised. This inquiry therefore provides a timely opportunity to evaluate its role and future.

The future of the Federation Chamber

- 3.1 The range of business dealt with by the Federation Chamber has expanded from the consideration of non-controversial bills to include Members' statements, presentation of petitions, private Members' business, consideration of committee and delegation reports, condolence motions, motions to take note of documents and grievance and adjournment debates.
- 3.2 Through the course of the inquiry, the Committee did not consider any further expansion of the range of business, but did hear a number of concerns that the Federation Chamber is not being used to its full capacity. Of particular interest is the decline in government bills referred to the Federation Chamber during the 44th Parliament.¹

Programming government business

- 3.3 Under existing arrangements, business may be referred to the Federation Chamber in a number of ways:
- on motion of the House;²
 - the Leader of the House or Chief Government Whip may make a programming declaration in relation to government business;³ and

1 See Appendix A, Table A.5.

2 Standing Order 143, 26 March 2015.

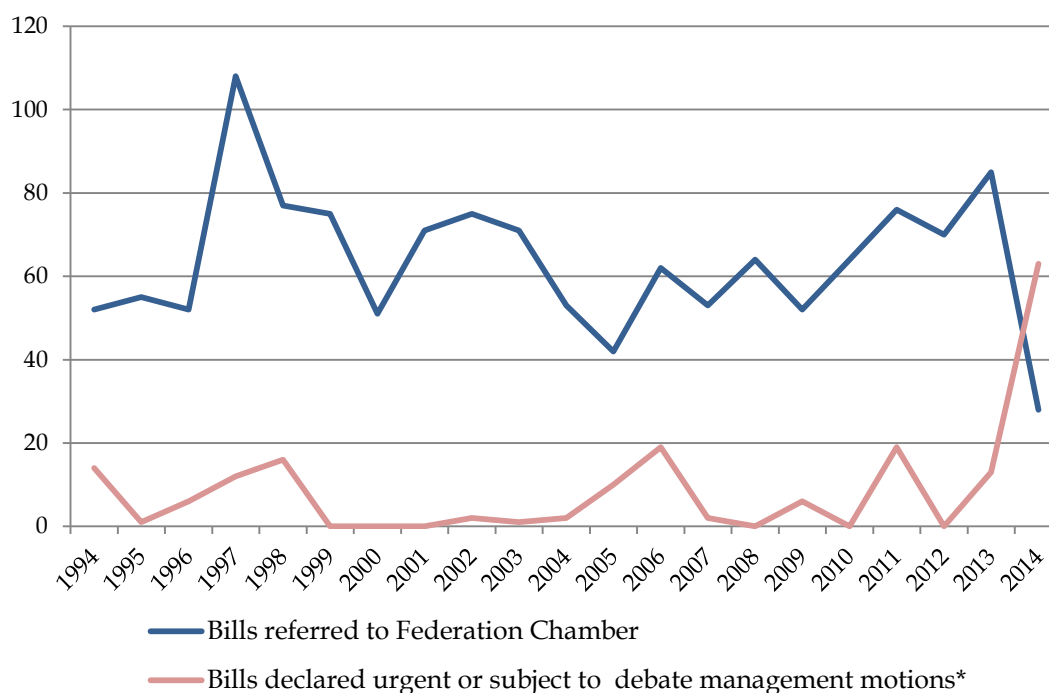
3 Standing Order 45, 26 March 2015. On 13 November 2013, Standing Order 45 was amended to allow the Leader of the House or Chief Government Whip to make a programming declaration in the House, to refer a government business order of the day to the Federation Chamber or to require a government business order of the day to be returned from the Federation Chamber. Prior to this, government bills were referred to the Federation Chamber by motion moved in the House.

- a Selection Committee report scheduling items of private Members' business and committee and delegation business.⁴

3.4 The introduction of the programming declaration in this Parliament has allowed for a straightforward process for referring government bills to the Federation Chamber. The declaration has been used on 16 occasions, referring 41 bills.⁵

3.5 Despite the introduction of the programming declaration, there was a significant decline in bills referred during 2014. There was also an increase in the number of bills being subject to time restrictions, usually through a suspension of standing orders to consider related bills together and to set time limits for each stage (often referred to by Members as 'debate management motions').

Figure 3.1 Bills referred to Federation Chamber and bills declared urgent or subject to debate management motions 1994-2014



* In practice, from 2006 debate management motions have replaced the guillotine procedure (declaration of urgency). See *House of Representatives Practice*, 6th edn, p. 392-3.

4 Standing Order 222, 26 March 2015. Selection Committee reports are treated as having been adopted when presented.

5 Including two declarations regarding six appropriations bills. See VP No. 38, 26 May 2014 and VP No. 39, 27 May 2014.

- 3.6 The Leader of the House referred to the quorum of the Federation Chamber (the Deputy Speaker, one government Member and one non-government Member) and the ability of the Opposition to effectively veto referrals by withdrawing the quorum.⁶ He noted that the reduction in referrals has ‘regrettably meant that the Government has been forced to curtail debate more often than it would otherwise need to do, thus depriving Members of both sides speaking opportunities.’⁷
- 3.7 It is, of course, a matter for the Government which of its bills and other business items it wishes to refer to the Federation Chamber. As the Federation Chamber operates on the principle of cooperation, the referral of government business is also contingent on agreement being reached between the major parties about which matters will be referred.
- 3.8 The Committee notes the possibilities offered by the blocks of government business time available in the Federation Chamber. These provide opportunities for large numbers of Members to contribute to debates on bills and, if used fully, would minimise the need for debate to be curtailed in the House.

Consideration of committee reports

- 3.9 There has also been a significant decline in the number of committee reports debated in the Federation Chamber during the 44th Parliament despite a comparable number of reports referred for debate as previous parliaments.

Table 3.1 Debate on committee reports (42nd – 44th parliaments, comparable periods)

	42nd Parliament (12.2.08 to 26.6.09)	43rd Parliament (28.09.10 to 23.3.12)	44th Parliament (12.11.13 to 26.3.15)
No. of reports presented in the House	105	207	149
No. of reports referred to the Federation Chamber	30	47	32
No. of reports debated in the Federation Chamber	24	31	14
Time (h:m) spent debating reports in the Federation Chamber	17:07	19:07	6:07
Percentage of Federation Chamber meeting time spent debating committee reports	4.4%	5.1%	2.2%

6 This provision has been a feature of the Federation Chamber since its inception.

7 Hon C. Pyne MP, Leader of the House, *Submission 5*.

- 3.10 The Clerk of the House proposed that in lieu of there being government business to debate:
- Consideration also could be given to providing the opportunity for committee reports to be debated during government business time on those occasions when government bills are not referred. [As at 27 November 2014] 20 committee reports stand referred to the Federation Chamber for debate, with six currently due to be discharged from the Notice Paper as they have not been accorded priority for eight sitting Mondays.⁸
- 3.11 The Committee's consultation with Members found that there is general agreement that opportunities to debate committee business in the Federation Chamber should be better used and, if there is no government business referred, then this time could be used for debating committee reports, ideally soon after a report is presented.
- 3.12 As at 26 March 2015, 14 committee reports stand referred to the Federation Chamber⁹ and there is nothing to prevent these reports being scheduled for debate (the Federation Chamber order of business allows for consideration of committee business each meeting day). Two of these reports have been listed for six months and while the issues may remain current, this is a considerable delay in debate.
- 3.13 Timely debate in the Federation Chamber may also afford Ministers an opportunity to immediately respond to urgent issues raised by a committee report, prior to the presentation of a detailed government response.¹⁰
- 3.14 In the Committee's view, Chairs of committees must take greater responsibility for seeking reports to be scheduled for debate and encouraging Members to speak on them. The Committee is concerned that this may not be occurring because Chairs and Deputy Chairs may not be aware that they are able to seek to have debate on reports scheduled.
- 3.15 In addition, Standing Order 39 allows for the presentation of reports to occur in the Federation Chamber. Previously reports could only be presented in the House and as such, Chairs may not be aware that they can seek that the Selection Committee determine that committee and delegation reports be presented in the Federation Chamber. Greater awareness of this standing order may facilitate increased debate on committee reports in the Federation Chamber.

8 D. Elder, Clerk of the House of Representatives, *Submission 2*, p. 9.

9 Notice Paper No. 110, 26 March 2015.

10 H.R. Deb. (26.06.2013) 7222.

Recommendation 1

- 3.16 **The Committee recommends that the Liaison Committee of Committee Chairs and Deputy Chairs consider the mechanisms available to committees to seek to have their reports presented and/or debated in the Federation Chamber.**

Constituency statements and grievance debate

- 3.17 Three-minute constituency statements by Members are scheduled for the first 30 minutes of business on any day that the Federation Chamber meets.
- 3.18 On 17 occasions in the 44th Parliament¹¹ constituency statements have been extended to a 60 minute period. This practice has become more frequent over the course of the Parliament, with 8 of 14 statement periods being increased to 60 minutes in the 2015 autumn sitting period.
- 3.19 This has provided considerable additional time for Members (including Ministers and Parliamentary Secretaries) to speak on matters of importance to their electorates. In 2014, the extension of constituency statements provided 80 additional speaking slots. In total, 642 constituency statements were made by 130 different Members, including 33 constituency statements made by 13 different Ministers.¹²
- 3.20 It was noted that speaking times during three minute constituency statements 'seem to be the most popular and most sought after', compared to other opportunities for statements by Members.¹³
- 3.21 As stated above, Ministers are also regularly making use of three minute constituency statements.¹⁴ Given the limitations on Ministers (under the standing orders or in practice) speaking during opportunities usually reserved for private Members, there is merit in expanding the opportunity for these Members to speak on matters concerning their constituencies.
- 3.22 The Committee also heard proposals for the grievance debate, currently held for one hour on Mondays, to be extended to two hours (six speakers from each side) where there is no government business before the

11 To 26 March 2015.

12 Includes: Ministers, Parliamentary Secretaries and the Deputy Speaker.

13 V. Riggio, Office Manager, Office of Nola Marino, *Submission 4*, p. [2].

14 The Deputy Speaker has utilised this opportunity to speak on constituency matters, as did Speaker Burke in the 43rd Parliament (H.R. Deb. (26.06.2013) 7192).

Federation Chamber. This would provide significant additional speaking time on matters of interest to Members.

Recommendation 2

- 3.23 **The Committee recommends that Standing Orders 1 and 192B be amended to allow for a grievance debate of up to two hours on Mondays if there is no government business before the Federation Chamber.**

Recommendation 3

- 3.24 **The Committee recommends that Standing Orders 1 and 193 be amended to allow for up to 60 minutes of three minute constituency statements on Monday, Wednesday and Thursday meetings of the Federation Chamber.**
- 3.25 The Committee also notes that a previous recommendation of the Procedure Committee (43rd Parliament)¹⁵ that Standing Order 192, Figure 4, be amended to better reflect the indicative nature of the Federation Chamber order of business, was only implemented in part.
- 3.26 As the recommendations of this report rely on the flexibility inherent in the order of business of the Federation Chamber, the Committee maintains the view of its predecessor that its indicative nature should be made clear in Standing Order 192 by retitling 'Figure 4. Federation Chamber order of business' as 'Figure 4. Federation Chamber indicative order of business'.

Recommendation 4

- 3.27 **The Committee recommends that Standing Order 192, Figure 4 be amended to clarify the indicative nature of the order of business for the Federation Chamber.**

15 Standing Committee on Procedure (43rd Parliament), *Maintenance of the standing and sessional orders*, June 2013, p. 18.

Consideration in detail of the Main Appropriation Bill

3.28 Consideration in detail of Appropriation Bill (No. 1) generally occurs in the Federation Chamber and the Bill is considered by portfolio with relevant Ministers present for the debate. However, the practice has varied over time. Rather than the more traditional consideration in detail style debate, the format for the consideration of the Main Appropriation Bill has become more informal, with Members asking the responsible Minister a short question, or questions, and the Minister making a short reply to each or grouping replies.

3.29 *House of Representatives Practice* outlines this format:

In recent years debate has become progressively more focussed as successive Deputy Speakers have encouraged a question and answer format in the Federation Chamber rather than general debate. Consideration of each portfolio sometimes starts with introductory remarks by the responsible Minister. Shadow ministers usually play an important role and may speak first. Members seek the call to question the Minister, often not taking their full five minutes. Ministers may respond to questions individually, may wait until several Members have spoken before responding, or may respond to all questions in their closing remarks.¹⁶

3.30 This practice has led to the consideration of the Main Appropriation Bill affording Members an opportunity to directly test Ministers on aspects of the budget estimates or discover information directly relevant to their electorates. The question and answer format has, however, created some confusion about the allocation of the call¹⁷ and led to time allocated to a particular portfolio to be taken up with points of order as Members debate procedural aspects.¹⁸

3.31 There have been a number of calls for the standing orders to be amended to provide for the 'question and answer' format:

I will begin by making a brief observation about the estimates process, particularly since the minister is Leader of the House — and I do this in a genuine spirit of trying to make this process

16 *House of Representatives Practice*, 6th edn, 2012, p. 432. Past practice has been for Ministers to either answer questions directly or answer them in writing, although answers in writing do not form part of the proceedings of the House.

17 For example, where a non-government Member questions a Minister, who then responds, after which a government Member is given the call. Some Members have argued that this results in the government side being given the call twice.

18 See for example H.R. Deb. (05.06.2008) 4767, H.R. Deb. (18.06.2008) 5291, H. R. Deb. (17.06.2014) 6311.

work better. I have been disappointed that this year's estimates process has been largely taken up by speeches by government members which have occupied the time and therefore denied the capacity for opposition members to ask serious questions of the minister and give them an opportunity to give account for their stewardship of their portfolio. I am not suggesting that anybody has broken the standing orders or that the Speaker has ruled inappropriately in those matters, but the spirit and the conduct of the estimates process has changed this year.

It was, I think, a convention that this time was used essentially by opposition members to ask questions of the minister. I have to say that as a minister I quite enjoyed the challenge, even though sometimes I would be found out, including sometimes by the member opposite when he was asking questions of me. But I think we do need to look at the standing orders to make this process meaningful, because it is the only opportunity for members of parliament to ask questions of ministers as a part of the budget process.¹⁹

- 3.32 The Procedure Committee of the 43rd Parliament considered this issue and outlined the following proposal:
- standing orders could specifically provide for Members to ask questions and Ministers to provide answers during consideration in detail of the Main Appropriation Bill;
 - Members could have an unlimited number of two minute periods to ask questions; and
 - Ministers could have an unlimited number of four minute periods to respond to questions.²⁰
- 3.33 That Committee acknowledged the merit of the proposal and noted that it 'would allow Members to pursue specific constituency issues' but declined to make any recommendations.²¹
- 3.34 As part of this inquiry, the Committee has again considered proposals for amending the standing orders to encourage a more effective consideration in detail of the Main Appropriation Bill.
- 3.35 The proposal outlined above would formalise the question and answer format already possible under the current standing orders. It would also encourage a more efficient debate through the introduction of a shorter

19 W. Truss MP, Leader of the Nationals, H.R. Deb. (18.06.2008) 5289.

20 Standing Committee on Procedure (43rd Parliament), *Maintenance of the Standing and Sessional Orders*, June 2013, p. 22.

21 Standing Committee on Procedure (43rd Parliament), *Maintenance of the Standing and Sessional Orders*, June 2013, p. 22.

time limit for both questions and answers and allow a form of estimates scrutiny not otherwise undertaken by the House or its committees.

- 3.36 Despite the merits of the suggestion, the Committee declines to make any recommendations without wider consultation with Members. The Committee will closely monitor the conduct of the consideration in detail stage of the Main Appropriation Bill as part of its ongoing monitoring of the standing orders.

Use of Standing Order 66A—encouraging interactive debate

- 3.37 Standing Order 66A provides that a Member may rise during consideration of any order of the day and seek to interrupt the Member speaking to ask a short question or make a brief response. After an extended trial in the Federation Chamber, standing orders were amended to also allow interventions in the House.²²
- 3.38 Standing Order 66A has been used on occasion²³ in both the House and Federation Chamber since its introduction but Members are not making extensive use of it. Greater awareness and use of this standing order in the Federation Chamber may result in a more dynamic and interactive debate, appropriate for the second chamber.
- 3.39 Greater use of the intervention procedure could be encouraged by the provision of written advice on the use of the standing order being made available on desks in the Federation Chamber and by reminding members of the Chair's panel of its possible use.

22 D Elder, *Submission 2*, p. 8.

23 H.R. Deb. (13.11.2013) 201; H.R. Deb. (18.11.2013) 503; H.R. Deb. (12.12.2013) 2594, 2597; H.R. Deb. (26.03.2014) 3158, 3162, 3187; H.R. Deb. (26.05.2014) 4206; H.R. Deb. (25.06.15) 7385.

Venue of the Federation Chamber and support services

Venue

- 4.1 There have been numerous calls over the years for the Federation Chamber to have its own, custom-built, venue close to the main Chamber, rather than remain in its present venue some three minutes' walk and two floors above the main chamber. This is not convenient, particularly for Members who have closely scheduled speaking responsibilities in both chambers.¹
- 4.2 However, the likely significant cost of such a proposal has 'inhibited real progress in establishing a distinct Federation Chamber, adjacent to the Chamber itself.'² In lieu, a number of modest enhancements have been made to the existing venue over the last year including:
- Improved signage, fixed screens on the walls displaying captions about proceedings, a redesigned desk for the Deputy Speaker and Clerks, new lecterns and a central table to hold chamber documents, are some of the initial steps taken. Further enhancements, including a new Coat of Arms, some art work and enhanced lighting are anticipated.³
- 4.3 The Committee was told by some Members that, whilst the enhancements have improved the ambiance of the Federation Chamber, it still does not

1 Standing Committee on Procedure (39th Parliament), *The Second Chamber: Enhancing the Main Committee*, July 2000, p. 35; Standing Committee on Procedure (40th Parliament), *Renaming the Main Committee: Celebrating the 10th anniversary of the Main Committee*, June 2004, p. 9.

2 D. Elder, Clerk of the House of Representatives, *Submission 2*, p. 9.

3 D. Elder, Clerk of the House of Representatives, *Submission 2*, p. 9.

have the setting suitable to a parliamentary chamber. Given the importance of this venue for Members, including those raising constituency issues – and the widespread use of this footage for promotion on Members’ social media and websites – a room fitout, or ‘backdrop’, is needed that enhances the status of meetings of the Federation Chamber. This may be a change to the colour of the wall panels to mirror that of the main Chamber or the use of some prominent and relevant artworks. However, what would be appropriate remains a decision for the Deputy Speaker in consultation with the building architect.

- 4.4 Some Members commented about particular changes they would like to see made to the Federation Chamber.
- 4.5 One Member submitted that the speech timing clocks are still difficult to read⁴ and the Committee heard comments about this possibly being because the figures on the clocks are red rather than green (as they are in the Chamber) and therefore not so visible.
- 4.6 It was also proposed by one Member that the screens in the Federation Chamber that identify the item of business under consideration also display information on business occurring in the House so that Members may be aware of pending divisions. The Committee notes that division bells in the House can also be seen and heard in the Federation Chamber and that Members have access to pagers and webcasts of proceedings in both places.
- 4.7 The Committee notes the role played by the Deputy Speaker (who presides over the Federation Chamber) in working towards further enhancing its setting and responding to Members seeking the same outcome. The Committee supports the Deputy Speaker in his endeavours and notes that although there are significant architectural heritage issues associated with potential changes to the Federation Chamber given its original designation as a committee room, it is time for its distinctive status to be demonstrated in the design and fitout of the room.

4 Mr T. Zappia MP, Member for Makin, *Submission 1*.

Recommendation 5

- 4.8 The Committee recommends that the Federation Chamber be further enhanced to:
- provide a room fitout that distinguishes it from committee rooms and marks the status of the venue; and
 - ensure that speech timing clocks are the same as those in the Chamber.

Support services

- 4.9 Because of its lower public profile and the relatively restricted nature of its business, the Federation Chamber serves as a useful venue for professional development of new Members, new Members of the Speaker's Panel (who chair meetings), and also for party Whips and support staff from the Department of the House of Representatives.⁵
- 4.10 The operations of the Federation Chamber – although welcome – also increase the workload of the Government and Opposition Whips' offices. With 90 second and 3 minute statements and grievance and adjournment debates providing at least 72 opportunities⁶ to speak each week, as well as time spent on government, committee and delegation and private Members' business, this substantially increases the coordination responsibilities for these offices. If these speaking times (many of them brief) are increased, there will be further responsibility for these offices (in ensuring that speakers are available and so on).
- 4.11 On average, the Federation Chamber has met for 26 per cent⁷ of the time of the Chamber, effectively increasing the number of sitting hours of the House and therefore increasing the management responsibility of Whips' offices.
- 4.12 So far as the Committee is aware, the offices of Federation Chamber Whips are not complemented by additional staff resources. It does not seem reasonable that carriage of this significant responsibility could leave an office under-resourced. Moreover, it would be unfortunate if the role of Whips' offices in supporting meetings of the Federation Chamber were to

5 Mr D. Elder, *Submission 2*, Hon. T. Burke MP, Manager of Opposition Business, *Submission 3*, Ms V. Riggio, Office Manager, Office of Nola Marino MP, *Submission 4*.

6 Mr D. Elder, *Submission 2*, p. 3.

7 For statistics on sitting hours see Appendix A.

impact on the ability of those Members to adequately serve their electorates.

- 4.13 The Committee notes that chairs of committees receive additional electoral entitlement to allow an officer to accompany them when travelling on committee business in recognition of the need for additional support to balance their parliamentary and electorate duties while performing this additional duty.
- 4.14 The Committee is of the opinion that a similar level of support should be provided to the government and opposition Federation Chamber Whips through the provision of additional staffing to support these duties.

Recommendation 6

- 4.15 **The Committee recommends that additional resources be provided to the government and opposition Federation Chamber Whips through the provision of additional staffing to support these duties.**

Public access to the Federation Chamber

- 4.16 Public access is permitted to the Federation Chamber and meetings are broadcast on the Parliament House website. However there is still limited public awareness of the existence and work of the Federation Chamber and its contribution to the House of Representatives. Visitors connected with business being considered during a meeting, for example, witnesses to a committee whose report is being debated, or who have a particular interest in a private Member's motion, do sometimes observe meetings but it is otherwise relatively rare to see members of the public in the visitors' gallery of the Federation Chamber.
- 4.17 Information about the Federation Chamber on the Parliament's website is limited. While there is a dedicated Department of the House of Representatives *Infosheet* on the Federation Chamber online, there is little other information about the Federation Chamber and its role in the House available.⁸
- 4.18 While the Parliament House tour guides provide no information material to the public specifically on the Federation Chamber, they do include discussion on it in tours. However, the venue is not available for members

8 Parliament of Australia website, Department of the House of Representatives *Infosheet 16 – The Federation Chamber*, accessed 2 April 2015 at www.aph.gov.au/infosheets.

of the public to view when it is not meeting so the guides are limited in their capacity to show this chamber to the visiting public.

- 4.19 In its report *The Second Chamber*, the Procedure Committee (39th Parliament) noted:

The cost of the more intimate atmosphere in the confines of the Main Committee is that it is easier to cause inadvertent disruption. The opening and closing of the doors on either side of the Deputy Speaker's chair can be distracting and could be minimised if proceedings could be inspected briefly from the outside.⁹

- 4.20 The Committee recommended that glass panels be fitted to all doors which are normally kept closed during proceedings. This recommendation was supported but not implemented.¹⁰ This Committee sees that there is merit in this proposal – for the benefit of Members and visitors.

- 4.21 One of the key benefits of the Federation Chamber being located where it is, is the intimate setting. The House's elevated public galleries give observers a full view of proceedings in the Chamber, whereas the floor-level public galleries in the smaller Federation Chamber allow observers to feel a closer part of proceedings. The less formal atmosphere, including the fact that Members do not have allocated seats so are not separated by frontbench or backbench roles, provide a unique parliamentary experience.

- 4.22 Visitors to the Federation Chamber have a real opportunity to see the House at work in a consensus manner as well as see debate on constituency matters of direct relevance to them or committee inquiries they may have participated in. However, the fact that this room is closed off to viewing by the public may make it feel intimidating for observers to enter for short periods as they do in the main Chamber.

- 4.23 In his submission, the Clerk noted the limited knowledge about the Federation Chamber and stated:

There may be scope for additional publicising of the sittings of the Federation Chamber to encourage visitors to the building to attend. Information material for use by visitors, similar to material currently distributed in the galleries of the Chamber, also may be of use.¹¹

9 Standing Committee on Procedure (39th Parliament), *The Second chamber: Enhancing the Main Committee*, July 2000, p. 46.

10 *Government response to the report of the House of Representatives Standing Committee on Procedure: 'The Second chamber: Enhancing the work of the Main Committee*, June 2002, p. 3.

11 D. Elder, *Submission 2*, p. 10.

- 4.24 The distinctive work and role (albeit subordinate) of the Federation Chamber should be promoted on the Parliament of Australia website and in the information provided to visitors to Parliament House.
- 4.25 The insertion of glass panels in the doors adjacent to the Deputy Speaker's chair would also allow proceedings to be observed from outside which would minimise distractions to room occupants as well as make it more encouraging for visitors to enter and observe proceedings.

Recommendation 7

- 4.26 **The Committee recommends that the role and work of the Federation Chamber be promoted on the House of Representatives section of the Parliament of Australia website and in the information given to visitors to Parliament House.**

Recommendation 8

- 4.27 **The Committee recommends that glass panels be fitted to all doors that are normally closed during meetings of the Federation Chamber to allow proceedings to be observed from outside.**

Conclusion

- 4.28 This report sets out both the history and future of the Federation Chamber. From an innovation in 1994, the Federation Chamber today has become an integral part of how the House manages its business.
- 4.29 As the progenitor of the Federation Chamber, the Procedure Committee has taken a close interest in its development. This report, issued to coincide with the 20th anniversary of the Federation Chamber, is the sixth Procedure Committee report specifically addressing issues related to the operation of the parallel chamber.
- 4.30 The procedures used in the Federation Chamber are sound and contribute to its effective operations. However, the Committee would like to see greater use of existing procedures which encourage a more interactive debate, such as interventions under Standing Order 66A.
- 4.31 The Committee is concerned about the decline in government business being scheduled for debate in the Federation Chamber. While the reasons behind this are unclear, the Committee strongly encourages better use of

government business time in the Federation Chamber if not for government business, then for timely debate on committee reports.

- 4.32 Despite recent enhancements, the fitout of the venue is still of some concern to Members. There have been multiple calls for a custom-built venue close to the Chamber but given the unlikely eventuation of this aim, the Committee strongly support calls for the existing venue to be fitted out in such a manner that distinguishes it from committee rooms and more closely aligns it with the main Chamber.
- 4.33 The Federation Chamber epitomises the best of the House of Representatives working in a collaborative manner and has earned its place as a permanent part of the operations of the House. The Procedure Committee will continue to monitor its functioning into the future.

Don Randall MP
Chair
4 June 2015



Appendix A – General statistics

Table A.1 Meetings of the Federation Chamber – 42nd – 44th Parliaments

	42 nd Parliament	43 rd Parliament	44 th Parliament**
Number of meetings	148	160	80
Total time of meeting (hours)	615	810	283

Table A.2 Percentage of time spent on principal items of business in the Federation Chamber 1994-1999/ 2010-2015

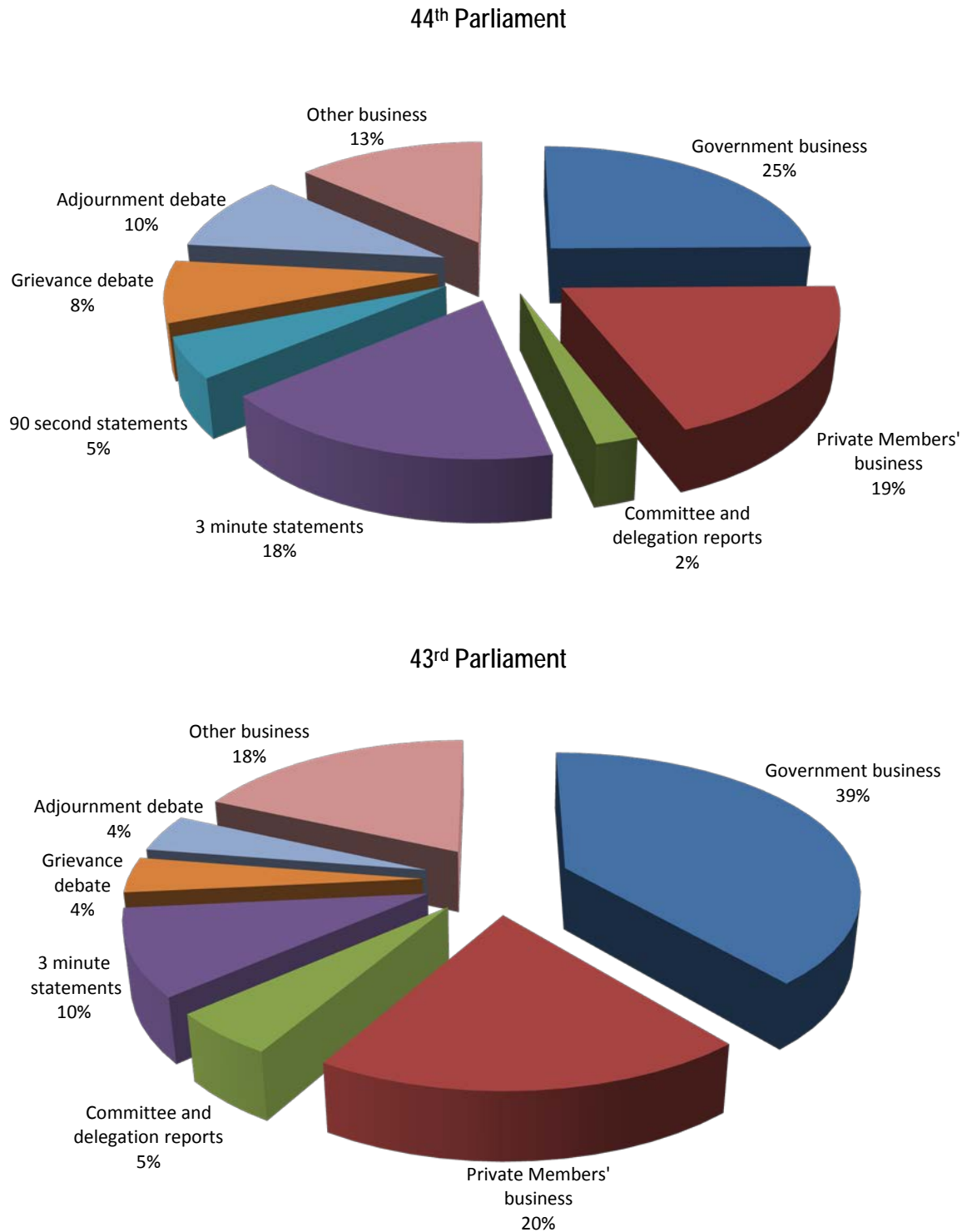
Year	Government legislation	Committee and delegation reports	Private Members' business [#]	Other opportunities for private Members [†]
1994	78%	17%	0%	0%
1995	57%	24%	0%	0%
1996*	75%	3%	17%	0%
1997	83%	12%	0%	0%
1998*	78%	5%	0%	11%
1999	68%	5%	0%	15%
2010*	44%	3%	13%	21%
2011	39%	5%	19%	19%
2012	39%	6%	20%	20%
2013*	44%	5%	19%	18%
2014	30%	2%	17%	36%
2015**	4%	6%	27%	58%

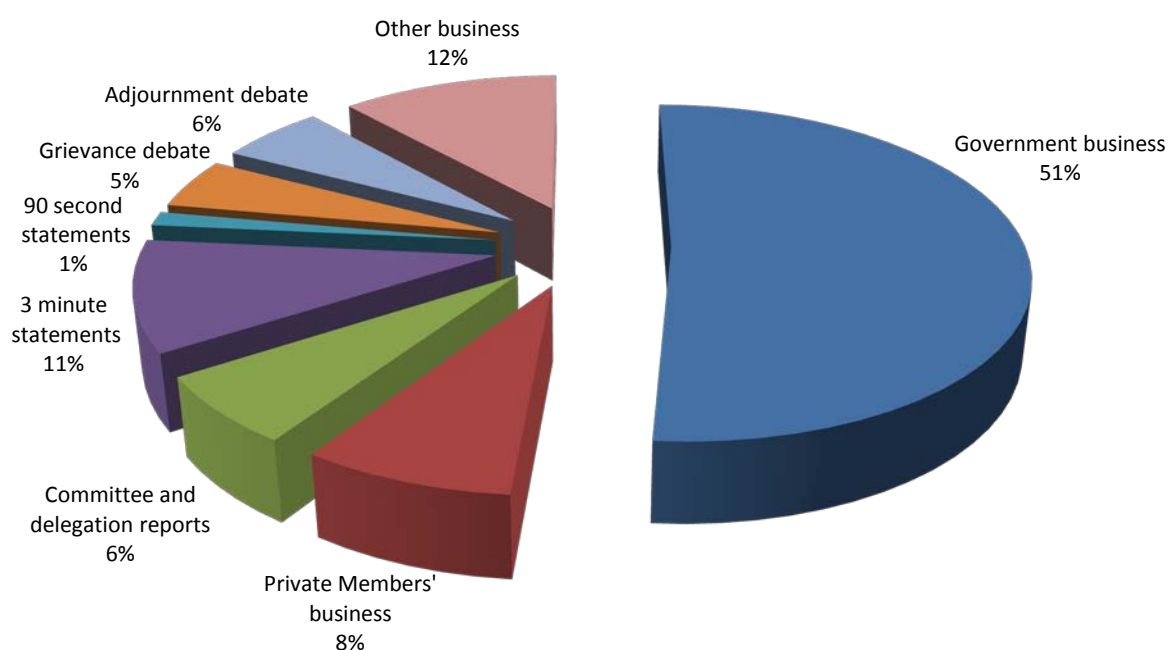
** To 26 March 2015.

[#] Includes private Members' bills and motions.

[†] Includes 90 second statements, 3 minute constituency statements, grievance debate and adjournment debate.

* Years in which an election was held.

Figure A.1 Percentage of time spent on items of business – 44th, 43rd and 42nd Parliaments

42nd ParliamentTable A.3 Bills declared urgent 1985-2006[∇]

1985	1986	1987*	1988	1989	1990*	1991	1992	1993*	1994	1995
20	40	1	102	59	78	101	132	111	14	1
1996*	1997	1998*	1999	2000	2001*	2002	2003	2004*	2005	2006
6	12	16	0	0	0	2	2	2	3	1

Table A.4 Bills with debate limited by debate management motions 2005-2015[∇]

2005	2006	2007*	2008	2009	2010*	2011	2012	2013*	2014	2015**
7	18	2	0	6	0	19	0	13	35	0

Table A.5 Bills referred to the Federation Chamber 1994-2014

1994	1995	1996*	1997	1998*	1999	2000	2001*	2002	2003	2004*
45	55	52	108	97	75	51	71	75	71	53
2005	2006	2007*	2008	2009	2010*	2011	2012	2013*	2014	
42	62	53	64	52	64	76	70	85	28	

[∇] In practice, from 2006, debate management motions replaced the formal guillotine procedure (declaration of urgency). *House of Representatives Practice*, pp. 392-3.

* Years in which an election was held.

** To 26 March 2015.

Table A.6 Percentage of bills referred to the Federation Chamber 1994-2014

1994	1995	1996*	1997	1998*	1999	2000	2001*	2002	2003	2004*
22.84	31.25	30.06	45.96	34.70	33.48	26.56	39.44	29.52	40.80	23.76
2005	2006	2007*	2008	2009	2010*	2011	2012	2013*	2014	
23.07	32.97	31.54	31.25	23.00	28.95	31.93	33.33	41.87	12.61	

* Years in which an election was held.



Appendix B – Proposed amendments to Standing Orders

1 Maximum speaking times¹

The maximum time limits that apply to debates, speeches and statements are as follows.

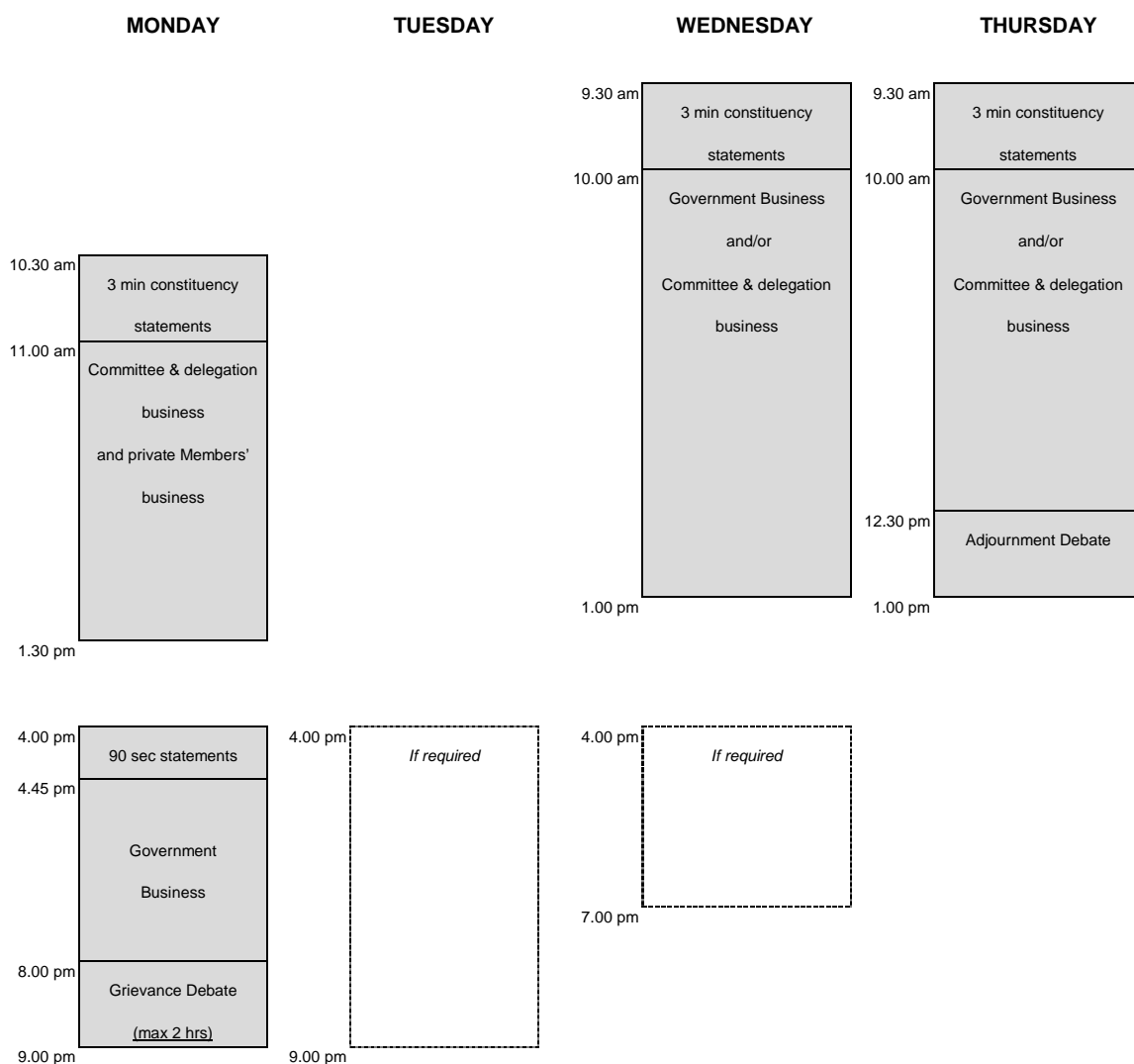
<i>subject</i>	<i>time (max)</i>
<i>Grievances</i>	
Whole debate	1 hour (<u>up to 2 hours by agreement</u>)
Each Member	10 mins
<i>(standing order 192B)</i>	

<i>subject</i>	<i>time (max)</i>
<i>Members' statements</i>	
<i>3 minute constituency statements</i>	
Whole period	30 mins (<u>up to 60 mins by agreement</u>)
Each Member	3 mins
<i>(standing order 193)</i>	

¹ In line with Recommendations 2 and 3 that Standing Order 1 be amended to allow for the extension of the grievance debate to two hours and three minute constituency statements to one hour.

192 Federation Chamber's order of business²

Figure 4. Federation Chamber indicative order of business



The meeting times of the Federation Chamber are fixed by the Deputy Speaker and are subject to change. Times shown for the start and finish of items of business are approximate. Constituency statements may extend for up to 60 minutes by agreement between the Whips. Grievance debates may extend for up to 2 hours by agreement between the Whips. Adjournment debates can occur on days other than Thursdays by agreement between the Whips.

- 2 In line with Recommendation 4 that Standing Order 192, Figure 4 be amended to reflect the indicative nature of the order of business and with Recommendations 2 and 3 which propose allowance for an extension of three minute constituency statements and the grievance debate.

192B Grievance debate³

- (a) The order of the day for the grievance debate stands referred to the Federation Chamber and shall be taken as the final item of business each Monday.
- (b) After the Deputy Speaker proposes the question –

That grievances be noted –

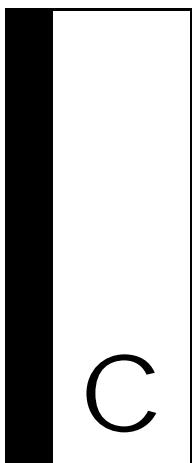
any Member may address the Federation Chamber or move any amendment to the question. When debate is interrupted ~~after one hour or if it concludes earlier~~, the Deputy Speaker shall adjourn the debate on the motion, and the resumption of the debate shall be made an order of the day for the next sitting.

193 Members' three minute constituency statements⁴

The first item of business on any day that the Federation Chamber meets shall be constituency statements by Members. The Deputy Speaker may call a Member to make a constituency statement for no longer than three minutes. The period for Members' constituency statements may continue for ~~30~~ up to 60 minutes, irrespective of suspensions for divisions in the House.

3 In line with Recommendation 2 that up to two hours be allowed for the grievance debate.

4 In line with Recommendation 3 that up to 60 minutes be allowed for three minute constituency statements.



Appendix C – List of submissions

- 1 Mr Tony Zappia MP
- 2 Mr David Elder
- 3 Hon Tony Burke MP
- 4 Ms Vicki Riggio
- 5 Hon Christopher Pyne MP