
The Parliament of the Commonwealth of Australia

A history of the Procedure Committee on its 20th anniversary

Procedural reform in the House of Representatives: 1985–2005

House of Representatives
Standing Committee on Procedure

October 2005
CANBERRA

© Commonwealth of Australia 2005

ISBN 0 642 78719 0 (printed version)

ISBN 0 642 78720 4 (HTML version)

Cover design by Lisa McDonald

House of Representatives Publishing Unit



Contents

Foreword	vii
Membership	xi
Standing terms of reference	xiii
Terminology	xv
Reference guide	xix
1 First reading	1
Introduction	1
Report outline.....	2
Conclusion.....	4
2 Practices and procedures	5
3 Development of practices and procedures in the House of Representatives	9
4 Procedure Committee: Establishment and composition	19
Preparing the ground	19
Foundation.....	23
Entrenchment.....	25
Composition	26
Conclusion.....	27

5	Procedural reform: The objectives of the Procedure Committee	29
	General.....	29
	The Joint Committee on the Parliamentary Committee System	31
	The government of the day	32
	The Opposition	34
	The Committee	35
	The Speaker.....	36
	Others.....	37
	Conclusion.....	38
6	Consideration in detail: The work of the Procedure Committee	39
	Introduction	39
	Thirty-fourth Parliament: 1985–86–87	40
	Thirty-fifth Parliament: 1987–88–89–90.....	44
	Thirty-sixth Parliament: 1990–91–92–93	49
	Thirty-seventh Parliament: 1993–94–95–96.....	57
	Thirty-eighth Parliament: 1996–97–98.....	66
	Thirty-ninth Parliament: 1998–1999–2000–2001	74
	Fortieth Parliament: 2002–03–04.....	81
	Forty-first Parliament: 2004–	93
	Conclusion.....	96
7	Reflections.....	97
	Mr John Mountford	97
	The Hon. Gordon Scholes AO	99
	The Hon. Christopher Pyne MP	100
8	Summing up	105
	Introduction	105
	Claiming results.....	106
	The genesis of inquiries	107
	Types of inquiries	108
	Formulation of recommendations.....	117
	Presentation of reports.....	118
	Responses to inquiries.....	118
	Following through	119

Status of the committee.....	120
Avoiding trespass.....	121
Progress versus tradition.....	122
Recurring issues.....	123
Conclusion.....	123
 9 Third reading	 125
Introduction	125
Maintaining membership	126
Expertise versus effectiveness	126
Making it happen	127
General conclusions	128
 Appendix A—Establishment and membership	 131
 Appendix B—Chairs and members roll.....	 145
 Appendix C—Reports and responses.....	 149
 Appendix D—Annual committee activity	 159
 Appendix E—Who’s who	 161



Foreword

Although the Standing Orders Committees of the House of Representatives and Senate have, from time to time, recommended valuable reforms to the procedures of the Houses there has not been any effective ongoing consideration of procedure and practice. ... There have been few notable achievements made by either Standing Orders Committee.

JCPCS (1976), 72

The above quotation was the judgment on the effectiveness of the standing orders committees which the Joint Committee on the Parliamentary Committee System delivered in its report of May 1976. In surveying all existing parliamentary committees, the joint committee examined the record of the standing orders committees in the Senate and the House of Representatives and noted systemic impediments to procedural reform in both Houses.

As if to confirm a suggestion of institutional inertia, the Houses were slow to respond. Almost nine years were to pass before the House, in 1985, appointed its first Standing Committee on Procedure. The Senate appointed its Procedure Committee in 1987.

The House did not follow the joint committee's proposal that a newly established procedure committee coexist with the Standing Orders Committee, each having a distinct but complementary role. Rather, exercising its habitual caution in approaching procedural reform, the House appointed its Procedure Committee in lieu of the Standing Orders Committee. Nonetheless, explicit standing terms of reference and a less exclusive membership prevented any suggestion that a change of name was change enough.

The committee was first appointed early in the 34th Parliament by resolution of the House on 27 February 1985. It was reappointed by sessional order at the beginning of the 35th and 36th Parliaments (1987 and 1990). It became a lasting feature of the parliamentary landscape when, on 15 October 1992, its appointment

at the start of each subsequent Parliament became entrenched in the standing orders.

This report celebrates the 20th anniversary of the appointment of the first House of Representatives Standing Committee on Procedure.¹ The committee, now in its 8th formation, has taken this opportunity to look broadly at procedural reform in the House of Representatives since 1985 and to allow the committee's role in the process to emerge from that wider canvas.

The House did not devise the rules and orders which governed the conduct of its business when it commenced proceedings in 1901. It started with a set of provisional standing orders drafted by a former clerk of a colonial legislature which mixed colonial experience with a Westminster inheritance. This makeshift set of rules, shaped more by the past than by new circumstances, was to serve the House for fifty years.

Generally speaking, when the House's rules and operating procedures were amended during the first eight decades of the Commonwealth Parliament, the emphasis was on allowing the Government to govern. But while passing laws may be paramount, a House of Parliament should be much more than a processor of legislation. It has other functions, not least scrutiny of government and representation of constituents. At the time the Procedure Committee was established, there were many Members who believed that the existing practices and procedures of the House did not allow them to perform those functions properly.

At its inception, the Procedure Committee was expected to make the conduct of business more efficient by renovating the House's practices and procedures after decades of neglect; to enable backbenchers to participate more fully in the House's proceedings; and to assist the Speaker in resolving ambiguities and inconsistencies in the standing orders.

Twenty years later, it can be claimed that the committee has met each of these expectations. Five major accomplishments, in particular, bear witness to this assertion:

- the adoption in 1987 of a comprehensive regime for arranging private Members' business and the presentation and consideration of committee and delegation reports;
- the establishment in 1994 of the Main Committee as a parallel chamber for debate which over time has absorbed a significant portion of the House's workload and allowed private Members further opportunities;

¹ The report covers activities to the end of March 2005—while the committee was formally established on 27 February 1985, it did not meet for the first time until 20 March 1985.

- the acceptance from 2000 of a number of measures to foster community involvement in the activities of the House and its committees;
- the restructuring of sitting hours in 2003 to minimise late sittings; and
- the complete redrafting and reorganisation of the standing orders adopted by the House in 2004.

These are the more obvious achievements. However, its continuing responsiveness to emerging problems and its ability to recommend practicable solutions should also be noted. There are many examples.

A detailed examination of the committee's activities over twenty years reveals a development based on growing confidence and effectiveness. The committee has extended and refined its own operating procedures and has increasingly cultivated working relationships with the major players in the conduct of House business.

The following pages will allow readers to form their own opinions on whether procedural reform continues to occur to facilitate the passage of government business. The committee believes the evidence reveals an agent for change unmatched by its predecessors and a contribution which the House has ample reason to celebrate.

Margaret May MP
Chair
31 October 2005



Membership of the Committee

Chair Mrs M A May MP

Deputy Chair Mr D Melham MP

Members Hon B K Bishop MP

Mrs P Draper MP

Mr L Hartsuyker MP *(from 31 May 2005)*

Ms K J Hoare MP

Mr P C Neville MP *(to 31 May 2005)*

Hon L R S Price MP

Committee Secretariat

Secretary Ms Judy Middlebrook;
Ms Robyn McClelland *(from 24 August 2005)*

Research Officers John Craig, Samantha Mannette

Administrative Officer Penelope Branson

House of Representatives
Parliament House
Canberra ACT 2600
Telephone: (02) 6277 4685
Email: Procedure.Committee.Reps@aph.gov.au
URL: www.aph.gov.au/house/committee/proc/



Standing terms of reference

2004–

To inquire into and report on the practices and procedures of the House and its committees.

[Standing order 221]

1985–2004

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

[Standing order 330: 1998–2004]

[Sessional order 28C: 1987–1998]

[Resolution of appointment—1985–1987]



Terminology

Parliamentary time

This report uses parliamentary terms in the same sense as they are used in *House of Representatives Practice*. Some terms relating to the parliamentary calendar are used frequently in the following pages and, because they are often used elsewhere informally, their formal definitions² are reproduced here.

Parliament

A Parliament commences upon the first sitting day following a general election and concludes either at dissolution or at the expiration of three years from the first meeting of the House—whichever occurs first.

Session

A session commences upon the first sitting day following a general election or prorogation and concludes either by prorogation (the formal ending of a session), dissolution or at the expiration of three years from the first meeting of the House.

Sitting period

Sitting periods occur within a session. Sittings of the House in each calendar year are usually divided into distinct periods—the Autumn, Budget and Spring sittings.

² *House of Representatives Practice*, 5th edn, 212—see the **Reference guide** below for a fuller bibliographic description of this publication.

Sitting

A sitting commences pursuant to the standing or sessional orders, or in accordance with a resolution of the House at a previous sitting, and concludes with the adjournment of the same sitting. The same sitting may extend over more than one day.

Recess

A recess is a period between sessions of the Parliament or the period between the close of a session by prorogation and the dissolution or expiry of the House.

Adjournment

An adjournment is said to occur when the House stands adjourned, by its own resolution or in accordance with the standing orders, for any period of time. Thus the term covers the period between the end of one sitting day and the commencement of the next, the gap (usually of two weeks) between sitting weeks within a sitting period, and also the periods of time between the main sitting periods each year, which are technically not recesses, although they are often colloquially referred to as such.

Suspension of sitting

Sittings are suspended, that is, temporarily interrupted, with the Speaker or Member presiding leaving the Chair, for a variety of reasons.

Parliaments

For chronological ease, the text makes frequent reference to specific Parliaments. Parliaments, as defined above, are numbered sequentially from the first, which commenced in 1901, to the 41st which commenced on 16 November 2004. The table on the facing page, adapted from the fifth edition of *House of Representatives Practice*, sets out the Parliaments during which most of the events in this report occurred.

Chronology of recent Parliaments

<i>Parliament</i>	<i>General elections</i>	<i>Opening</i>	<i>House's last sitting day</i>	<i>Prorogation</i>	<i>Dissolution</i>
29th Parliament	18.5.1974				
First Session		9.7.1974	11.11.1975		11.11.1975
30th Parliament	13.12.1975				
First Session		17.2.1976	24.2.1977	28.2.1977	
Second Session		8.3.1977	8.11.1977		10.11.1977
31st Parliament	10.12.1977				
First Session		21.2.1978	18.9.1980		19.9.1980
32nd Parliament	18.10.1980				
First Session		25.11.1980	14-15.12.1982		4.2.1983
33rd Parliament	5.3.1983				
First Session		21.4.1983	11.10.1984		26.10.1984
34th Parliament	1.12.1984				
First Session		21.2.1985	4.6.1987		5.6.1987
35th Parliament	11.7.1987				
First Session		14.9.1987	22.12.1989		19.2.1990
36th Parliament	24.3.1990				
First Session		8.5.1990	17-18.12.1992	8.2.1993	8.2.1993
37th Parliament	13.3.1993				
First Session		4.5.1993	30.11-1.12.1995	29.1.1996	29.1.1996
38th Parliament	2.3.1996				
First Session		30.4.1996	15.7.1998	31.8.1998	31.8.1998
39th Parliament	3.10.1998				
First Session		10.11.1998	27.9.2001	8.10.2001	8.10.2001
40th Parliament	10.11.2001				
First Session		12.2.2002	12-13.8.2004	31.8.2004	31.8.2004
41st Parliament	9.10.2004				
First Session		16.11.2004			

Reference guide

General

Bach	Bach, Stanley, <i>Platypus and parliament: The Australian Senate in theory and practice</i> , Canberra: Department of the Senate, 2003
Boulton	Boulton, C. J., 'The Select Committee on Procedure, 1967' in <i>The Table</i> , The Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments, Vol XXXVI (1967), 58–62
DHR	Department of the House of Representatives, Annual report
Griffith & Ryle	Griffith, J. A. G. and Ryle, Michael, <i>Parliament: Functions, practice and procedures</i> , London: Sweet & Maxwell, 1989
Hatsell	Hatsell, John, <i>Precedents of proceedings in the House of Commons</i> , Vols I-IV, Luke Hansard & Sons, 1818 reprinted Shannon, Ireland: Irish University Press, 1971
HR Deb	House of Representatives Debates (<i>Hansard</i>). references are to date and page
HR Practice (1st edn)	Pettifer, J. A. (ed), <i>House of Representatives Practice</i> , 1st edn, Canberra: Australian Government Publishing Service, 1981
HR Practice (2nd edn)	Browning, A. R. (ed), <i>House of Representatives Practice</i> , 2nd edn, Canberra: Australian Government Publishing Service, 1989
HR Practice (3rd edn)	Barlin, L. M. (ed), <i>House of Representatives Practice</i> , 3rd edn, Canberra: Australian Government Publishing Service, 1997
HR Practice (4th edn)	Harris, I. C. (ed), <i>House of Representatives Practice</i> , 4th edn, Canberra: Department of the House of Representatives, 2001
HR Practice (5th edn)	Harris, I. C. (ed), <i>House of Representatives Practice</i> , 5th edn, Canberra: Department of the House of Representatives, 2005
Hughes	Hughes, W. M., 'The tribute of a contemporary' in Fitzhardinge, L. F., <i>Nation building in Australia</i> , Sydney: Angus & Robertson, 1941
Ilbert	Ilbert, Sir Courtney, Preface to Redlich, Joseph, <i>The Procedure of the House of Commons: A study of its history and present form</i> , London: Constable, 1908, Volume I

JCPCS (1975)	Joint Committee on the Parliamentary Committee System, <i>A proposed system of committees for the Australian Parliament</i> , Interim report, 15 October 1975, PP 275 (1975)
JCPCS (1976)	Joint Committee on the Parliamentary Committee System, <i>A new parliamentary committee system</i> , 26 May 1976, PP 128 (1976)
May	McKay, Sir William (ed), <i>Erskine May's Treatise on the law, privileges proceedings and usage of Parliament</i> , 23rd edn, London: LexisNexis UK, 2004
Norton	Norton, Philip, 'Playing by the rules: The constraining hand of parliamentary procedure' in <i>Journal of Legislative Studies</i> , Vol. 7, No. 3, Autumn 2001, 13–33
NP	House of Representatives Notice Paper
Quick & Garran	Quick, J. and Garran, R. R., <i>The Annotated Constitution of the Australian Commonwealth</i> , Sydney: Angus & Robertson, 1901
Reid	Reid, G., <i>The politics of financial control: The role of the House of Commons</i> , London.: Hutchison University Library, 1966
Reid & Forrest	Reid, G. S. and Forrest, Martyn, <i>Australia's Commonwealth Parliament 1901–1988: Ten perspectives</i> , Carlton, Vic.: Melbourne University Press, 1989
Scholes (1981)	Speech by the Hon. G. G. D. Scholes, HR Deb (19.8.1981) 420–2
SJ	Journals of the Senate
SOC (1949)	House of Representatives Standing Orders Committee, <i>Report and proposed standing orders</i> , 7 October 1949
SOC (1950)	House of Representatives Standing Orders Committee, <i>Report and proposed standing orders</i> , 16 March 1950
SOC (1962)	House of Representatives Standing Orders Committee, <i>Report together with proposed revised standing orders of the House of Representatives</i> , 28 August 1962, H of R 1 [Group I]
Souter	Souter, Gavin, <i>Acts of Parliament: a narrative history of the Senate and House of Representatives</i> , Carlton, Vic.: Melbourne University Press, 1988
Table	Society of Clerks-at-the-Table, <i>Table</i> , London: Butterworth (published annually)
VP	Votes and Proceedings of the House of Representatives
Weller	Weller, P., 'Parliamentary democracy in Australia' in <i>Parliamentary Affairs</i> , Vol. 57 No. 3, 630–45

Reports of the Standing Committee on Procedure (to March 2005)

About time	<i>About time: Bills, questions and working hours—Report of the inquiry into reform of the House of Representatives, October 1993, PP 194 (1993)</i>
Additional tellers	<i>Trial of additional tellers, December 2003, PP 408 (2003)</i>
Alternative opportunities	<i>Alternative opportunities for Members to concisely address the House, 13 May 1985, PP 207 (1985)</i>
Anticipation rule	<i>The anticipation rule: Aspects of the application of the rule, March 2005, PP 82 (2005)</i>
Application of technology to committees	<i>Application of modern technology to committee proceedings, November 1994, PP 364 (1994)</i>
Balancing tradition and progress	<i>Balancing tradition and progress: Procedures for the opening of Parliament, August 2001, PP 165 (2001)</i>
Conduct of business and opening of Parliament	<i>The standing orders governing: General rule for the conduct of business; Procedures for the opening of Parliament, June 1991, PP 167 (1991)</i>
Conduct of committees	<i>The standing orders governing the conduct of committees of the House, November 1989, PP 458 (1989)</i>
Conduct of divisions	<i>Conduct of divisions, November 1996, PP 290 (1996)</i>
Conduct of Question Time	<i>The standing orders and practices which govern the conduct of Question Time, November 1986, PP 354 (1986)</i>
Days and hours	<i>Days and hours of sitting and the effective use of the time of the House, May 1986, PP 108 (1986)</i>
Dealing with witnesses	<i>Committee procedures for dealing with witnesses, April 1989, PP 100 (1989)</i>
Debate on reports	<i>Greater opportunities for debate on reports from parliamentary committees, September 1990, PP 176 (1990)</i>
Disclosure of in camera evidence	<i>Disclosure of in camera evidence, November 1991, PP 295 (1991)</i>
Disorder and strangers	<i>The standing orders governing disorder and strangers, October 1992, PP 243 (1992)</i>
Election of Speaker	<i>The election of Speaker, May 1989, PP 146 (1989)</i>
e-motions	<i>e-motions: The electronic transaction of questions, answers and notices of motion and related matters, April 2000, PP 76 (2000)</i>
House estimates	<i>House estimates: Consideration of the annual estimates by the House of Representatives, October 2003, PP 211 (2003)</i>
Improved opportunities	<i>Improved opportunities for private Members: proposed sessional orders, November 1987, PP 219 (1987)</i>
It's your House	<i>It's your House: Community involvement in the procedures and practices of the House of Representatives and its committees, October 1999, PP 363 (1999)</i>

Joint meetings	<i>Arrangements for joint meetings with the Senate, June 2004, PP 151 (2004)</i>
Media coverage	<i>Media coverage of House proceedings: Including the Chamber, Main Committee and committees—Interim report, June 2004</i>
Opening procedures	<i>Procedures for the opening of Parliament, September 1995, PP 195 (1995)</i>
Private Members' business	<i>Private Members' business: Speech time limits for individual Members and priority to notices for private Members' bills, March 1991, PP 51 (1991)</i>
Promoting community involvement	<i>Promoting community involvement in the work of committees: Conference of committee chairs, deputy chairs and secretaries, 6 March 2001, May 2001, PP 114 (2001)</i>
Publication of tabled papers	<i>The publication of tabled papers, November 1988, PP 262 (1988)</i>
Questions seeking information	<i>The standing orders governing questions seeking information, June 1992, PP 179 (1992)</i>
Renaming the Main Committee	<i>Renaming the Main Committee—Celebrating the 10th Anniversary of the Main Committee, June 2004, PP 118 (2004)</i>
Responses to petitions	<i>Responses to petitions, November 1990, PP 267 (1990)</i>
Review of conduct of divisions	<i>Review of the conduct of divisions, August 2003, PP 163 (2003)</i>
Review of reports	<i>Review of reports of previous Procedure Committees which have not received a government response, November 1996, PP 350 (1996)</i>
Revised standing orders	<i>Revised standing orders: The standing orders of the House of Representatives as last amended on 6 February 2003, redrafted and reorganised, November 2003, PP 394 (2003)</i>
Right of reply	<i>A citizen's right of reply, June 1991, PP 168 (1991)</i>
Ringling of bells	<i>The ringing of bells and the chamber precincts in the New Parliament House—Certification of petitions not in the English language, April 1988, PP 149 (1988)</i>
Second chamber	<i>The second chamber: Enhancing the Main Committee, July 2000, PP 158 (2001)</i>
Second reading speeches	<i>Arrangements for second reading speeches, December 2003, PP 407 (2003)</i>
Seconding notices	<i>Seconding of private Members' notices of motions, March 1992, PP 102 (1992)</i>
Short speeches in the Main Committee	<i>Provision for Members to make short speeches in the Main Committee, September 1997, PP 184 (1997)</i>
SO 143	<i>The operation of standing order 143: Questions to Members other than Ministers, September 1996, PP 115 (1996)</i>
SO 226	<i>Bills—Consideration in detail: Review of the operation of standing order 226, October 1996, PP 190 (1996)</i>
SO 344	<i>Sessional order 344, June 2003, PP 119 (2003)</i>
Speaker, Chairman etc.	<i>The standing orders governing the Speaker, Chairman, Deputy Chairmen and officers, March 1992, PP 101 (1992)</i>

<i>Ten years on</i>	<i>Ten years on: A review of the House of Representatives committee system</i> , May 1998, PP 91 (1998)
<i>Time for review</i>	<i>Time for review: Bills, questions and working hours—Review of procedural changes operating since 21 February 1994</i> , June 1995, PP 108 (1995)

Discussion papers

<i>Proposed revised standing orders</i>	<i>Discussion paper: Proposed revised standing orders</i> , September 2002
<i>Question Time</i>	<i>Question time in the House of Representatives: A discussion paper</i> , June 1995

Minutes of the Standing Committee on Procedure

Committee minutes	Extracts from the minutes of committee meetings relating to a specific inquiry are tabled together with the report of that inquiry in accordance with standing order 247(a). Those extracts from the minutes are therefore public in accordance with standing order 203. However, the confidentiality of the minutes of private meetings not concerned with inquiries is subject to standing order 242.
--------------------------	---

First reading

The effectiveness of Parliament in Australia and elsewhere has been the subject of a continuing debate, sometimes ill-informed, as to its present failings and past effectiveness. Parliament is, and ever has been, an imperfect institution, but it has a flexibility which enables it to change and so remain relevant and responsive to the changing aspirations and demands of the society it serves. Therefore, to advocate reform of the Parliament is not necessarily to question its worth or significance but rather to seek to ensure its continuing resilience and enhance its effectiveness as a democratic institution.

HR Practice (1st edn), 697

Introduction

- 1.1 This report is a celebration of twenty years of steadfast toil which has gone largely unremarked—even within the House of Representatives—but has delivered outcomes which in retrospect are significant. The aim is not simply to chronicle the bare facts of the committee's establishment, catalogue its many inquiries and reports or list the roll of its members but to reveal a fundamental shift in the impetus for procedural reform in the House of Representatives.
- 1.2 The members of this, the eighth formation of the committee since it was first established in 1985, have found that the Procedure Committee has widened the focus of procedural reform from a narrow concern for supporting the passage of government business to a fuller recognition of the House's wider interests. Before the committee's establishment, this was not the case. Procedural reform did not have this wide focus.

- 1.3 From the outset the committee has acted in a broad arena. It has championed the right of private Members to participate more actively in the House's proceedings. It has attended to practical issues—like the conduct of divisions—and to matters of parliamentary tradition and national symbolism, like the opening procedures for a new Parliament. It has undertaken major inquiries which led to a comprehensive regime for dealing with private Members' business, the establishment of a parallel stream for debate and a fresh and complete revision of the standing orders.
- 1.4 Through all its endeavours the committee has not lost sight of the prime function of the Parliament to support the peace, order and good government of the Commonwealth.

Report outline

- 1.5 The chapters in this report comprise a detailed survey of procedural reform in the House of Representatives over the twenty years between 1985 and 2005.
- 1.6 The committee's domain encompasses the 'practices and procedures of the House and its committees'. Chapter 2 explores what these terms mean in the House of Representatives and the extent to which they determine the committee's activities.
- 1.7 The committee was established in 1985 to overcome perceived deficiencies in the existing machinery for procedural reform. Chapter 3 briefly outlines the development of the House's practices and procedures before the committee was established.
- 1.8 When its establishment was originally proposed, the committee was expected to operate in conjunction with the Standing Orders Committee. However, when it eventually came into being it supplanted that committee. Chapter 4 covers the genesis of the committee and its cautious progress to a broader exercise of its responsibilities and greater autonomy in its operations.
- 1.9 Many interests are at work in a legislature and thus different participants have their own expectations of how the House's processes should meet their objectives. The anticipated role of the Procedure Committee is examined from a number of perspectives in Chapter 5.
- 1.10 The committee has met at the very least one of the early expectations which supported its establishment: it has been far more active than the

Standing Orders Committee was at any time during the eighty-four years of its existence. Chapter 6, which is essentially a chronology of the Procedure Committee, examines in some detail the work of the committee and provides the evidence for an evaluation of its part in procedural reform over two decades.

- 1.11 To add a personal dimension, each of the surviving former Chairs of the Procedure Committee was invited to contribute to this report. Chapter 7 contains their comments and recollections.
- 1.12 There are many criteria by which outcomes may be judged. Drawing on the previous two chapters, an attempt is made in Chapter 8 to assess the committee's contribution to procedural reform in the House of Representatives and to consider how it has responded to some of the challenges it has confronted along the way.
- 1.13 What lies in the future for the committee? Is there sufficient evidence from its activities and impact over the last twenty years on which to base proposals for further adjustments to the machinery for procedural reform? Some of the issues are canvassed in the final chapter.
- 1.14 The body of the report is supplemented by several appendixes. Some will be particularly useful for readers navigating the more detailed chapters, like Chapters 6 and 8.¹ The appendixes include:
- A: a table summarising the establishment of each formation of the committee, its membership and reports;
 - B: consolidated lists of chairs, deputy chairs and members of the committee;
 - C: tabulated details of the committee's reports, subsequent responses and resulting action;
 - D: tabulated details of annual activity; and
 - E: a list of principal office holders in the House.

¹ For example, Appendix E provides a 'Who's who' identifying the principal office holders in the House at any time between 1985 and 2005.

Conclusion

- 1.15 This report delivers a generally positive verdict on the committee's part in procedural reform within the House of Representatives over the last twenty years. What emerges is a clearly visible expansion of the scope of procedural change from a preoccupation with expediting government business to an appreciation of the House's roles which extend beyond passing legislation and of its interaction with the community its Members represent.
- 1.16 There will be many views on the extent to which the Executive has shared the initiative for procedural reform in the House of Representatives, especially, as may be seen in Chapter 7, among Members. The committee hopes nonetheless that there is a sufficient breadth of perspective in these pages to accommodate a range of views on the achievements of the House of Representatives Standing Committee on Procedure.

Practices and procedures

It is more material that there should be a rule to go by than what that rule is: in order that there may be a uniformity of proceeding in the business of the House, not subject to the momentary caprice of the Speaker or to the captious disputes of any of the Members.

Hatsell, II, 207-8

- 2.1 From its inception, the Procedure Committee has been appointed each Parliament to inquire into and report upon matters concerning ‘the practices and procedures of the House’. So what, then, are practices and procedures? These are terms commonly used in the House whose meaning is generally taken for granted. In this chapter it is argued that there is some variation in how the terms are used here and in different legislatures and that they are not sufficiently precise to restrict the area over which the committee may range.
- 2.2 Consider first the different activities covered by the House’s practices and procedures. The early operation of the two Houses of the Commonwealth Parliament was modelled on that of the UK House of Commons but strongly influenced by the experience of the legislatures in the Australian colonies. In Hatsell’s¹ time—the late 18th Century—the activities of the UK House of Commons were confined almost exclusively to the Chamber. However, two centuries later the proceedings of the House of Representatives extend beyond the physical limits of the Chamber to the Main Committee, each of the parliamentary committees to which

¹ John Hatsell, compiler of *Precedents of proceedings in the House of Commons*, was Clerk of the UK House of Commons from 1768 to 1820.

Members belong and, in certain circumstances, Members' offices, wherever they are located.²

- 2.3 Moreover, the rules for proceedings increasingly govern much more than the actions of the Members themselves. Standing, sessional and continuing orders also deal with such issues as the treatment of witnesses, the presence of visitors, the publication of proceedings in a wide range of media (explicitly from paper, implicitly into cyberspace) and the right of citizens to reply to damaging references to them in the House.
- 2.4 If there is no neat boundary around what comprises the business of the House or the rules that govern it, what distinction can be made between practices and procedures? Even the use of the singular or plural conveys shades of meaning in parliamentary discourse.
- 2.5 The Australian Parliament, like its British forebear, operates within a body of law resembling, in the organic way it develops, the common law. Parliamentary law in its most general form is an amalgam of inherited customs, explicit rules and established routines each with varying degrees of force.
- 2.6 For example, there is no explicit rule that the Government—that is, in this context the Ministry formed by certain Members of the House—should occupy the front benches to the right of the Speaker's Chair. This is an inherited custom, one which is recognised in the standing orders but not directly mandated by them. That a Member cannot lodge a petition from himself or herself is an explicit rule contained in the standing orders. The incorporation of unmoved non-Government amendments in *Hansard* when a bill is under guillotine is a concession established by precedent but nowhere provided in the standing orders.
- 2.7 Unlike the British Parliament, the Australian Parliament is subordinate to a written constitution. Nonetheless, the Australian Constitution imposes few limits on the ability of either House to determine the way it goes about its business. The powers, privileges and immunities of each House may be declared by the Parliament³ and each House may make rules and orders for the order and conduct of its business and proceedings.⁴
- 2.8 In the British parliamentary environment, procedure may be taken to subsume practice:

² See HR Practice (5th edn), 712–4 for a discussion of the ambit of 'proceedings in Parliament' in the context of parliamentary privilege.

³ Constitution, s. 49 (which also provides that until declared, they shall be those of the UK House of Commons as at the establishment of the Commonwealth).

⁴ Constitution, s. 50.

The four principal sources of procedure are, (i) practice, (ii) the standing orders and occasionally other orders or resolutions of the House, (iii) rulings from the Chair, including enforcement of many customs of the House, and (iv) a few statutory provisions.⁵

The Australian Constitution seemingly affords the House a narrower compass. At the outset, the rules and orders referred to in subsection 50(ii) were seen to comprise ‘(1) standing rules and orders, (2) sessional rules and orders, (3) orders and resolutions undetermined in regard to duration’.⁶ This does not seem to accommodate inherited practice as such.

- 2.9 However, what for 103 years in the House of Representatives was the general rule for conduct of business—Standing Order 1—in effect ‘imported’ whatever practices of the UK House of Commons were required to buttress the House of Representatives’ own rules and orders:

In all cases not provided for hereinafter, or by sessional or other orders or practice of the House, resort shall be had to the practice of the Commons House of the Parliament of the United Kingdom of Great Britain and Northern Ireland in force for the time being, which shall be followed as far as it can be applied.⁷

- 2.10 This leaves us with an implied separation between practice and procedure and a melange of parliamentary terms: ‘big P’ practice, ‘big P’ procedure, individual practices and procedures, rules and orders of varying kinds—standing, sessional and with continuing effect. The associated blurring of semantic distinctions is probably inevitable in a system that develops organically. This would be consistent with the shifts in meaning that follow when a language is transplanted to new soil, a phenomenon common in Australian English.⁸

- 2.11 There are several good reasons not to follow British terminology too closely in any case. Inevitably, over the course of more than a century the two parliamentary environments have grown increasingly dissimilar and the same terms can refer to markedly different processes.⁹ In other words, we can afford to use our parliamentary vocabulary a little less pedantically.

⁵ Griffith & Ryle, 176.

⁶ Quick & Garran, 507.

⁷ SO 1 (before 16.11.2004), as amended from time to time.

⁸ See for example Ramson, W. S., ‘The vocabulary of Australian English’ in *The Macquarie Dictionary*, Second revision, Sydney: The Macquarie Library, 1981.

⁹ For example, the *adjournment debate* operates quite differently in each place; *standing* and *select committees* are also established differently.

- 2.12 A sufficient distinction for our purposes is that the term ‘procedures’ may be taken to refer to formal actions prescribed by explicit rules. On the other hand, ‘practices’ may refer to relatively informal ways of doing things based on custom, general acceptance and precedent rather than black and white prescription. A change to a procedure will usually require amendment of the standing orders or other resolution of the House; a change to practice may occur at any time—if there is adequate agreement—or otherwise gradually over several years.
- 2.13 In certain cases practice may override procedure. For example, until recently the standing orders required all motions to be seconded. However, in practice the House did not require a motion moved by a Minister to be seconded.¹⁰ Following the recent adoption by the House of redrafted and reorganised standing orders, this exemption is now explicit.¹¹ In our parlance, practice has become procedure.
- 2.14 The elasticity in the use of what in some other parliaments may be rigidly defined terms supports the open-minded manner in which the committee has approached its terms of reference. As will be seen in a later chapter, it has ventured into areas which a Standing Orders Committee may have seen to be not within its jurisdiction.

¹⁰ HR Practice (4th edn), 292. But see HR Deb (31.3.2004) 27736 for an unusual seconding by a Minister of a motion moved by the Prime Minister.

¹¹ SO 116 (as at 8.2.2005). HR Practice (5th edn), 296.

Development of practices and procedures in the House of Representatives

... the values incorporated in both the Constitution and the initial Standing Orders have been subordinated to those associated with Executive government.

Reid & Forrest, 17

- 3.1 It is a commonplace opinion that the House of Representatives has become merely the rubber stamp of the Executive.¹ There is nothing particularly novel about this observation—the House was not quite forty years old when a former Prime Minister reminisced that:

The business of Parliament in the early years of Federation was controlled by its members to a very much greater extent than nowadays. The legislature was then a deliberative body, decisions were arrived at after questions had been thoroughly debated. ... Parliament was then the supreme authority in something more than name, and not, as too often occurs these days, a mere machine for registering Government decisions.²

- 3.2 However, if there ever was a golden age in which the House was untrammelled by executive dominance it was rather short-lived. The pattern for the ministry taking the procedural initiative was set very early: at the second sitting of the House the first Prime Minister, Edmund

¹ See Bach, 239–48, for a selection of published opinions on the reputation of the House (as well as the author's disinterested remarks in mitigation).

² Hughes, 243.

Barton, presented ‘a copy of Draft Standing Orders relative to Public Business, for provisional use’.³

- 3.3 The provisional standing orders had been prepared supposedly by the clerks of the two Houses but in fact by the Clerk of the Senate, Mr E. G. Blackmore,⁴ in ‘a mood of passive emulation—a willingness to conduct the business of each house of the new federal Parliament along lines that the Parliaments of the Australian colonies had been conducted during the previous half-century’ as a result of which the draft standing orders ‘demonstrated a lack of enterprise, originality, imagination and zeal to try new methods or to match new procedures to the new Constitution, to the new federation, or to the executive government’s new responsibilities’.⁵
- 3.4 In fact, Barton had expected that these rules and orders would serve as a stopgap until the House adopted enduring standing orders to be recommended by its nascent Standing Orders Committee. A slightly revised version of the draft orders presented, again by Barton, at the next sitting was to serve for almost five decades, despite occasional reports by the committee proposing wholesale replacements. It may be argued that ‘the House’ as an agent of its own destiny lacked a sufficiently coherent identity to assert itself—the ongoing responsibility for procedural change fell to the government of the day by default.
- 3.5 It is therefore not surprising that, until recent times, most of the major developments in the House’s procedures were government initiatives intended to streamline the conduct of government business.⁶
- 3.6 First came the introduction of the closure,⁷ or ‘gag’, in 1905. Prime Minister Alfred Deakin, in response to Opposition delaying tactics on the passage of a bill, led debate on the motion for its adoption. The new standing order to accommodate the gag was agreed to after a debate that extended over several days.⁸ Despite the Government’s urgent desire to

³ VP 1901 / 13.

⁴ Previously Clerk of the Legislative Council of South Australia and Clerk of the Australasian Federal Convention 1897–98.

⁵ Reid & Forrest, 135–9.

⁶ Reid & Forrest, 40.

⁷ Two forms of closure were introduced—closure of debate on the question before the House (as a motion ‘That the question be now put’) and closure of the Member speaking (as a motion ‘That the Member be not further heard’ or, following the 2004 revision of the standing orders ‘That the Member be no longer heard’), respectively. The term ‘gag’ is mostly used to refer to the first form.

⁸ Souter, 93–4; VP 1905 / 167–9, 171–3, 175–8, 181–3.

add the closure mechanism to its procedural armoury, the measure was not used for the first time until 1909.⁹

- 3.7 Speech time limits were applied from 1912. Ostensibly, this was not a government initiative. However, Prime Minister Andrew Fisher played a part in instigating an expeditious examination by the Standing Orders Committee of setting time limits for debates. It was in fact a private Member who moved a motion in general terms, which, by way of amendment during debate, introduced specific time limits.¹⁰
- 3.8 The notice of motion to add the guillotine¹¹ to the standing orders first appeared on the Notice Paper on 20 September 1918. In a ministerial statement at the previous sitting, Acting Prime Minister Watt stated that the Government intended ‘to make the present session essentially a business one’ and that a proposed amendment to the standing orders would, if adopted, ‘substantially expedite public business’.¹²
- 3.9 In moving the adoption of new standing order 262A (Limitation of debate) some sittings later, the Acting Prime Minister offered some general remarks on how ‘that which was designed to effect despatch has become the instrument of delay ... largely because of the antiquity of the forms which British Parliaments the world over, including ourselves, have persisted in using’ and went on to say that:
- I am optimistic enough to believe that some day a Parliament with sufficient time and intention will wipe the slate clean, and will develop totally new rules for its procedure—rules that will be safe and elastic enough to meet the constantly increasing pressure of modern parliamentary assemblies.¹³
- 3.10 After considerable debate,¹⁴ the standing order was adopted.¹⁵ Less than a month later the guillotine descended for the first time: on 6 November

⁹ HR Practice (5th edn), 517.

¹⁰ The Standing Orders Committee met on 16 July 1912 to deliberate on ‘the question of a time limit of speeches’. Later that day, the Prime Minister presented its report. Later again at the same sitting, Mr McWilliams, pursuant to notice given on 10 July, moved a motion seeking an unspecified time limit on speeches. Several amendments were considered during debate before a complicated formulation was adopted at the next sitting. See VP 1912/38, 42–5, 339–40 and Reid & Forrest, 150–1.

¹¹ Like the term ‘gag’, ‘guillotine’ is parliamentary slang. In the form used by the House of Representatives, it comprises a separate declaration of urgency followed by a motion to allot time. It is mostly used for expediting the passage of bills but may also be applied to other proceedings such as debate on a motion.

¹² HR Deb (19.9.1918) 6256.

¹³ HR Deb (4.10.1918) 6684.

¹⁴ HR Deb (4.10.1918) 6682–5, (9.10.1918) 6715–53, (16.10.1918) 6967–78.

1918 the House agreed to a motion that the Electoral Bill (1918) be considered an urgent bill.¹⁶

- 3.11 The introduction of the guillotine was the last significant procedural change to the ‘temporary’ standing orders until 1950. There were a number of minor changes in the meantime which, though of moment in an institutional sense, exerted limited influence on the practices and procedures of the House.
- 3.12 A standing order was adopted on 5 October 1927 to depute the Clerk’s powers, functions and duties if the office became vacant.¹⁷ Adoption of the new standing order was agreed to without debate when Prime Minister Bruce, in moving its adoption by leave, noted that following the recent death of the Clerk there was no one to certify the passage of a bill which had just been read a third time. (The Parliament sat in Canberra for the first time on 9 May 1927. The Clerk of the House of Representatives, Mr W. A. Gale, died on 27 July before the House met again. His successor, Mr J. R. McGregor, died during the very next sitting on 28 September.)¹⁸
- 3.13 On 26 June 1931, the House adopted a new standing order—recommended by the Standing Orders Committee—to streamline the provision of answers to questions on notice. Previously, Ministers had read answers aloud in the Chamber, or, if reading was inconvenient, obtained leave for them to be incorporated in *Hansard*. Under the new provision Ministers would deliver answers to the Clerk, who would arrange for copies to be forwarded to the Members who asked the questions, and for their incorporation straight into *Hansard*.¹⁹
- 3.14 The House changed the procedure for electing the Speaker by amending the standing orders at the last sitting of the Fourteenth Parliament on 15 September 1937.²⁰ Again this followed a recommendation of the Standing Orders Committee, one of whose members noted that the proposal was but one element of yet another hopeful attempt for wholesale replacement of the temporary standing orders:

The House realizes of course, that we have had no complete revision of the Standing Orders since first we provisionally adopted Standing Orders in 1901. All attempts at a complete

¹⁵ VP 1917-18-19/318–9.

¹⁶ VP 1917-18-19/345.

¹⁷ VP 1926-27-28/366; HR Deb (5.10.1927) 247.

¹⁸ VP 1926-27-28/354, 359.

¹⁹ VP 1929-30-31/693; HR Deb (26.6.1931) 3127–9.

²⁰ VP 1937/120–2.

revision have been fruitless. It is realized—I realize at any rate—that the whole of the proposed new Standing Orders are not likely to be speedily passed by this Parliament, but I do think, from my own experience in this House and elsewhere, that it would be excellent to adopt this Standing Order, which provides for the election of the Speaker.²¹

- 3.15 Minor embellishing of the standing orders continued in the 1940s. A new standing order was added to allow for the appointment of a Deputy Chairman of Committees.²² The Committee of Privileges was established for the first time by virtue of a standing order adopted on 7 March 1944.²³
- 3.16 Throughout these tumultuous decades in Australia's history, the temporary standing orders continued to prevail despite the efforts of the Standing Orders Committee to furnish a replacement. With an enlarged House looming,²⁴ the committee tried again in 1949. In the report it presented on 7 October 1949, the committee recapitulated the labours of almost half a century:

The present Standing Rules and Orders of the House of Representatives are those which were adopted temporarily in 1901 as amended from time to time in specific instances.

In 1902, 1903, and again in 1905, amended Rules and Orders were recommended to the House after review by the Standing Orders Committee but on each occasion the proposals lapsed at Dissolution.

The 1905 proposals, together with amendments considered by the Committee in 1929 and such alterations as had been made to the 1901 Standing Orders, formed the basis of the deliberations of the Standing Orders Committee in 1937. This Committee brought down a comprehensive report in June of that year but no further action was taken.

In 1943, the Standing Orders Committee reviewed the 1937 Report. Standing Orders were rearranged and renumbered, unused Orders, e.g. Returns, Previous Question, etc., were omitted and new Orders framed to declare existing procedure based on

²¹ HR Deb (15.9.1937) 1143.

²² VP 1940/23.

²³ VP 1943-44/80.

²⁴ The *Representation Act 1948* increased the number of Senators from 6 to 10 for each of the original States. Consequentially through the nexus provision in section 24 of the Constitution, membership of the House increased from 75 to 123.

established precedents. On 12th February, 1943, a Schedule of Standing Rules and Orders was submitted to the House with a recommendation that it be adopted. The Report was taken into consideration in Committee of the Whole on 1st April, 1943, progress being reported on proposed Standing Order No. 1. Consideration was not resumed and lapsed at Dissolution.

The present Standing Orders Committee has considered the 1943 proposals and has made further amendments which it considers are required to provide a procedure adequate to meet the needs of the enlarged House to be elected this year.²⁵

- 3.17 The committee concluded its report by recommending that the proposed standing orders be adopted before the forthcoming dissolution. The report was not considered before the House was dissolved on 31 October 1949.
- 3.18 The House, having been enlarged from 75 to 123 Members, met for the first sitting of the 19th Parliament on 22 February 1950. The Standing Orders Committee met a number of times to make several changes to the 1949 proposals and then presented its report on 16 March 1950. The latest revision was adopted at the next sitting after a short debate. While a large number of the old orders were retained either unaltered or redrafted, thirty new orders were made and twenty-one culled as unused or unnecessary. Again the emphasis was on streamlining the passage of government business, a prominent feature being a general reduction in speech time limits.²⁶ At long last on 21 March 1950 the House adopted 'permanent' standing orders.
- 3.19 There may be many reasons for the House taking half a century to adopt permanent standing orders. Perhaps there was always something more urgent to attend to, at least from the Government's standpoint. Maybe Clerk Blackmore's provisional standing orders were a less than ideal springboard for procedural innovation. It may have been that the primacy of the Commonwealth was still emerging. At the outset, Prime Minister Barton had alluded to likely hindrance because of interstate rivalry:

I take it that this Commonwealth Parliament does not want to slavishly adhere to the practice of any one House among the States Houses. If we adopted the standing orders of New South Wales entirely, we should possibly find that that was unsatisfactory to

²⁵ SOC (1949), 1.

²⁶ See VP 1950-51 / 34, 36; HR Deb (21.3.1950) 942-54; SOC (1950); *Table XIX* (1950) 63-7 and Reid & Forrest, 156.

members from Victoria, and the same thing would happen if we adopted the standing orders of Queensland or South Australia.²⁷

Half a century later, prior service with State legislatures would not weigh so heavily on the spirit for procedural reform.

- 3.20 The tendency for incremental change continued for another decade or so. The MPI was introduced in 1952.²⁸ Standing order 1A providing for Her Majesty to open a session of Parliament was added in 1953.²⁹
- 3.21 The next major change to the standing orders came in 1963 in response to a 1962 report of the Standing Orders Committee. Given the fundamental importance of financial procedures in the operation of Parliament, this of all the Standing Orders Committee's proposals was arguably to have the most far-reaching impact on the House's practices and procedures.
- 3.22 In 1960 the Standing Orders Committee of the 24th Parliament started a review of the standing orders, the purposes of which were:
- As a general principle, the elimination of unnecessary form and the adoption of procedures allowing more effective consideration and debating time;
 - The establishment of new simplified procedures appropriate to the modern needs of the House;
 - The omission of obsolete provisions long since discarded by the House of Commons, and their replacement, where necessary, by Orders expressing modern practice;
 - The definition of established practice not stated in existing Orders;
 - The amendment of Orders which do not clearly express their purpose or which are in conflict with the practice of the House.³⁰
- 3.23 The report the committee presented on 28 August 1962³¹ recommended among other changes a major streamlining of the House's financial procedures. Some measure of the scope of the committee's recommendations, which but for some minor changes were adopted by

²⁷ HR Deb (6.6.1901) 782.

²⁸ VP 1951-52-53/334-5. The discussion of a matter of public importance (MPI) was a refinement of the 'urgency debate' allowed under the guise of a motion 'That the House do now adjourn'. See HR Practice (1st edn), 503-6 for a brief history of the procedure.

²⁹ VP 1953-54/66. The Queen opened the third session of the Twentieth Parliament on 15 February 1954.

³⁰ SOC (1962), 3.

³¹ VP 1962-63/201.

the House on 1 May 1963,³² may be seen in what the report enumerated as ‘the most important of the changes’, dealing with: (a) new financial procedures, (b) giving notice of motion, (c) giving notice of intention to present a bill, (d) first reading of a bill, (e) second reading of a bill, (f) supersession of the committee stage in certain cases, (g) grossly disorderly conduct, (h) casting vote by Deputy Speaker and (i) presentation of papers.³³

- 3.24 The 1963 changes involved the amendment of 101 of the 403 existing standing orders, the omission of 60 and the insertion of 59 new or substitute orders and of course significant renumbering.³⁴ On this one outcome alone, the 1976 Joint Committee on the Parliamentary System was perhaps a little harsh in downplaying the achievements of the Standing Orders Committee.³⁵
- 3.25 As notable an achievement as they were, the 1963 changes could also be seen as conforming with the persisting pattern of adapting procedure to support the Government in the House. One of the most trenchant critics of the changes remarked that:

The Australian House of Representatives on May Day 1963, after sixty-two years of confused application and misunderstanding, abolished much of the ancient financial paraphernalia and the mysterious jargon of financial control it inherited from the Imperial Parliament. But with that abolition have gone many of the parliamentary aspirations in finance that the Imperial procedures symbolised. And now, bereft of the ancient forms, the procedures remaining illustrate in stark relief a brute authority that the Executive wields in finance over the lower House.³⁶

- 3.26 Over the next two decades, most of the changes amounted to tinkering with the sitting days and hours and routine of business. The focus for innovation within the operations of the House shifted from procedural reform to the delegation of work to House committees. There was a brief experiment with legislation and estimates committees in the late 1970s but by 1981 this had been abandoned.³⁷

³² VP 1962-63/455.

³³ SOC (1962), 3.

³⁴ For a fuller description of the 1963 changes see SOC (1962); HR Practice (1st edn), 345–6 and articles by A. G. Turner in *Table XXXI* (1962) 85–7 and *Table XXXIII* (1964) 37–47.

³⁵ See the Foreword.

³⁶ Reid, 11.

³⁷ A brief description of the inception and operation of estimates and legislation committees appears in HR Practice (1st edn), 331–2 and 359; their demise is reported in HR Practice (2nd

- 3.27 The Committee of Members' Interests was created on 9 October 1984.³⁸ This was a recommendation of the Standing Orders Committee and, in effect, its last gasp. The report *Possible changes to the standing orders in respect of declaration and registration of private interests of Members* (Part 1) was its first report in about five years and the last report it ever presented.³⁹
- 3.28 The changes in the House's procedures to this point are relatively well recorded. In the background, changes to practices were occurring too. But these, naturally, were less visible and their observance relied on the memories of long-serving Members and the clerks. The next logical step after regularising procedure was some attempt at articulating practice.
- 3.29 The inexorable drift from Westminster ways and the need for new procedural authorities had been noted in 1979:

Reliance on May, particularly in the early years of the Parliament, is attributable to the requirements of section 49 of the Constitution and standing order 1. However, there has been a steady increase over the years in the body of House of Representatives practice and procedure, precedent and case history which has led to less reliance being placed on Westminster practice. Indeed today the need to resort to the procedure and practice of the House of Commons is infrequent, except in relation to privilege.

Over recent years there has been some criticism inside and outside the House regarding the reliance on Commons' practice and procedure expressed in May's *Parliamentary Practice*. At the same time the need for a reference text on the practice and procedure of the House has been regularly expressed. The lack of a comprehensive and authoritative work has posed difficulties for Members, officers and others with a serious interest in the workings of the House. House of Representatives Practice will aim to meet this deficiency.⁴⁰

- 3.30 The first edition of *House or Representatives Practice* was published in December 1981. Earlier that year, Speaker Snedden had made his feelings on the pace of procedural reform known to the House:

The recent reforms of Parliament's procedures have not been great. The parliamentary institution has exhibited a resistance to

edn), 394 and 423.

³⁸ VP 1983-84/943-4; HR Deb (9.10.1984) 1867-76.

³⁹ VP 1983-84/762; presented 7 June 1984; PP 144 (1984).

⁴⁰ DHR (1979), 7.

change and the fact that there has been reform at all is a major advance. We must ensure that we continue to examine critically our own procedures and proposed avenues of parliamentary reform. We must implement revised practices where necessary. We must ensure that our procedures, or initial moves toward reform, are not allowed to atrophy.⁴¹

3.31 In the meantime there was action to establish a procedure committee.

⁴¹ HR Deb (24.3.1981) 817.

Procedure Committee: Establishment and composition

... it is highly desirable that a house of parliament should reserve unto itself the right to consider its own procedures ...

Scholes (1981), 421

Preparing the ground

- 4.1 The proposal to create a procedure committee emerged about thirty years ago from an inquiry of the Joint Committee on the Parliamentary Committee System. That committee was first established by resolutions of the two Houses in 1974. It presented an interim report on 15 October 1975.¹ The report covered not only the role of investigative and scrutiny committees in the functioning of parliament but also that of the humbler domestic committees, like the standing orders committees in the Senate and the House of Representatives.
- 4.2 At that stage, there was no intention to establish a procedure committee in its own right. Rather, the objective was to augment the terms of reference of the standing orders committees in both Houses:

It is recommended that the standing orders committees of the two Houses be given specific terms of reference to continually review and report on desirable changes in practices and procedures of the Parliament. It is also recommended that such newly structured

¹ VP 1974-75/976.

standing orders committees not contain a preponderance of office holders, party leaders, etc., and that from time to time they make recommendations directly to the Presiding Officers on matters of practice and interpretation which need not have the ratification of the plenum.²

The report attracted little attention in the House not least because of other distractions. On 11 November 1975, less than a month after the report had been presented, the 29th Parliament was dissolved in memorable circumstances and a change of government followed.

- 4.3 The joint committee was revived in the 30th Parliament with a deadline to report by 26 May 1976. It did so, building on much of the work undertaken in the preceding Parliament. Among its recommendations for a comprehensive restructuring of the entire arrangement of parliamentary committees—including the abolition of the Public Accounts Committee and the Public Works Committee—was a different platform for procedural reform from that proposed in the interim report:

Recommendation 19

249 It is recommended that the standing orders of the Senate and the House of Representatives be amended to provide for the appointment of a Committee on Procedure in each House; that the committees be of no more than 7 members; that no office holders other than the Presiding Officer and his deputy be eligible for appointment; and that the terms of reference of the committees be as follows:

To maintain a continuing surveillance of the practices and procedures of the Senate (House) with a view to making recommendations for their improvement or changes and for the development of new procedures; such recommendations being made normally by report to the Senate (House) but, on certain occasions, being made directly to the Presiding Officer when the recommendations relate to the exercise of existing powers.³

- 4.4 Like the recommendations in the interim report, those in the final report attracted little immediate interest on the floor of the House. A motion to take note of the report was not called on for debate and eventually lapsed at the end of the first session of the 30th Parliament. While the proposals concerning estimates and legislation committees were later implemented

² JCPCS (1975), 53.

³ JCPCS (1976), 71.

in one form or another,⁴ the impetus for establishing mechanisms for procedural reform fell into temporary abeyance.

- 4.5 Nevertheless the cause had at least two champions: speaking to a motion to adopt sessional orders early in the second session of the 30th Parliament, two early chairmen of the joint committee,^{5,6} called on the Leader of the House to bring on the report's recommendations for the House's consideration.⁷
- 4.6 Speaker Snedden told the House in 1979⁸ that it was 'appropriate that the Clerk should prepare, for the consideration of the House, comprehensive discussion papers on parliamentary reform' to determine a reform agenda and establish an 'appropriate method to undertake long term reviews and to bring forward proposals to the House'.
- 4.7 There was very little other promotion of procedural reform during the 31st Parliament. However, in the next Parliament, the 32nd and the last before another change of government, the pace began to quicken.
- 4.8 In 1981 Messrs Scholes and Jenkins—the joint committee chairmen referred to above—took more direct action. Having given notice at the very first sitting of the 32nd Parliament,⁹ the former moved a general business¹⁰ motion to appoint a standing committee:

... to maintain a continuing surveillance of the practices and procedures of the House of Representatives with a view to making recommendations which would enhance the role of the House and its operational efficiency.¹¹

⁴ DHR (1978), 3–4; DHR (1979), 4–6; and see para 3.26.

⁵ The Hon. G. G. D. Scholes, Member for Corio 1967–93, Speaker of the House of Representatives 1975, Chairman of the Joint Committee on the Parliamentary Committee System 1974–75 (until elected Speaker); *later* Minister for Defence 1983–84 and Minister for Territories 1984–87.

⁶ The Hon. Dr H. A. Jenkins, Member for Scullin 1969–85, member of the Joint Committee on the Parliamentary Committee System 1974–6 and chairman for most of 1975; *later* Speaker of the House of Representatives 1983–85.

⁷ HR Deb (10.3.1977) 99–109.

⁸ (While presenting the first annual report of the Department of the House of Representatives) HR Deb (5.4.1979) 1590–1.

⁹ HR Deb (25.11.1980) 25.

¹⁰ The term used for private Members' business until 1988.

¹¹ VP 1980-81-82-83/413.

The latter seconded the motion. Both speakers stressed that the procedure committee they envisaged would complement the Standing Orders Committee and would neither compete against nor replace it.¹²

- 4.9 Two Government backbenchers spoke in general opposition to the motion alluding, among other things, to the establishment of a procedure committee being already on the Standing Orders Committee's agenda, the 'mental constipation' caused by the existing busyness of committees and the probability that other mechanisms would be more effective. In summing up, the mover observed that 'the Standing Orders Committee is a cumbersome committee and its personnel are almost totally unable to deal with any sort of discussion other than in an extremely cursory manner'. The question was negated on the voices.¹³

- 4.10 A sense of frustration was evident in a notice of motion lodged by the Leader of the Opposition, like that of Mr Scholes, at the very first sitting of the 32nd Parliament on 25 November 1980.¹⁴ This called for the establishment of a joint committee to look at nearly every conceivable aspect of the operation of the Australian Parliament, including its 'proceedings and usage'. During Question Time on 17 September 1981 Mr Hayden referred to his notice and remarked that:

So many of the procedures in this House belong to a much earlier age, perhaps measured in centuries distant from the present time. They are irrelevant in many important respects to the things we have to consider and the way in which our society wishes to proceed. There is, as Laurie Oakes very correctly observed, at least in this respect, a great burden of frustration upon the shoulders of so many intelligent and able members of Parliament who wish to be diligent. The present procedures stand in the way of what could be many instances of valuable productive work. The proposal I have put forward, which is quite comprehensive, is that a joint committee of the Parliament should exhaustively explore the way in which the Parliament functions.¹⁵

- 4.11 During a statement to the House on 20 April 1982,¹⁶ Speaker Snedden referred to a detailed schedule of 'action on various reform proposals over the last several years'. The schedule—which was incorporated in

¹² HR Deb (19.8.1981) 420–8.

¹³ VP 1980-81-82-83 / 413.

¹⁴ HR Deb (25.11.1980) 26.

¹⁵ HR Deb (17.9.1981) 1472.

¹⁶ (While presenting the fourth annual report of the Department of the House of Representatives) HR Deb (20.4.1982) 1514–27.

Hansard—included a potted history of attempts to establish a procedure committee and noted that: ‘The subject of the appointment of a committee on procedure is scheduled for discussion at the next meeting of the Standing Orders Committee’.

- 4.12 The Standing Orders Committee seems not to have met again during the 32nd Parliament.
- 4.13 A change of government preceded the opening of the 33rd Parliament on 21 April 1983. Two allusions during the course of the opening day may have been read as signs that the Procedure Committee’s hour to be born had come at last. In congratulating the new Speaker, Dr Jenkins, the new Prime Minister, Mr Hawke, referred to the former’s service as Chairman of the Joint Committee on the Parliamentary Committee System.¹⁷ In addition, the Governor-General’s speech contained a commitment to parliamentary, legal and constitutional reform including an undertaking—and echo of the joint committee’s vision—that:

The Parliamentary Committee system of the national Parliament will be strengthened to give Members of Parliament a more effective role and participation in the great affairs of this nation.¹⁸

Foundation

- 4.14 In 1948 the Parliament passed legislation to increase the size of the Senate thereby increasing the number of seats in the House of Representatives from 75 to 123.¹⁹ In 1983 a similar measure saw the House enlarged a second time, in this instance from 125 to 148.²⁰ In accepting his re-election to the Speakership on the opening day of the 34th Parliament, Dr Jenkins revisited the need for procedural reform:

We have an enlarged House. The shift to the new Parliament House is imminent. I believe that we need to look at the procedures of the House. I take the point that, when looking at these procedures, a bipartisan approach must be taken so that we are assured that not only Government but also Opposition members are able to participate freely in the discussion that goes

¹⁷ HR Deb (21.4.1983) 7.

¹⁸ HR Deb (21.4.1983) 17.

¹⁹ See para 3.16.

²⁰ The *Representation Act 1983* increased the number of Senators from 10 to 12 for each of the original States.

on. While I have a liking for some tradition and ceremonial, I believe that if procedures become archaic and need modernising to allow honourable members on both sides of the House to participate more fully we should do something about it.²¹

- 4.15 On this occasion, however, there was no signal in the Governor-General's speech of plans to enhance the operation of Parliament or its committees.²² Nevertheless, action was not long in coming. During the second sitting of the new Parliament, the Leader of the House, Mr Young,²³ gave notice of motion to implement a number of sessional orders relating to the conduct of business.²⁴ In moving the motion at the next sitting, the Leader of the House foreshadowed the appointment, two days later, of the first Procedure Committee and went on to remark that:

Hopefully, the procedures committee will not see itself as a committee which must report back here in two or three years' time. However, there are some rather urgent matters which can be placed before it immediately and upon which the Government feels it could report to us expeditiously.²⁵

- 4.16 On 26 February 1985, the Leader of the House lodged notices of motion to appoint a number of committees, including a standing committee 'to inquire into and report upon the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures'.²⁶ The notice was called on at the next sitting.
- 4.17 The Leader of the House did not speak to his motion when he moved it. Both Opposition Members who did speak, though opposing aspects of the new sessional orders adopted at the earlier sitting, supported the establishment of the committee and the question was carried on the voices. At approximately 5.40 p.m. on 27 February 1985, the Procedure Committee had arrived.²⁷

²¹ HR Deb (21.2.1985) 7.

²² HR Deb (21.2.1985) 10–5.

²³ The Hon. M. J. Young AO, Member for Port Adelaide 1974–88, Special Minister of State 1983 and 1984–87, Vice-President of the Executive Council 1983 and 1987–88, Minister: for Immigration and Ethnic Affairs 1987, for Immigration, Local Government and Ethnic Affairs 1987–88 and assisting the Prime Minister for Multicultural Affairs 1987–88; Leader of the House 1983 and 1984–88.

²⁴ HR Deb (22.2.1985) 90–2.

²⁵ HR Deb (25.2.1985) 124–5.

²⁶ HR Deb (26.2.1985) 240.

²⁷ HR Deb (27.2.1985) 310–3; VP 1985–86–87/56–7.

- 4.18 Immediately before the adjournment debate for that sitting, the House agreed to a suspension of standing order 25 (Standing Orders Committee) for the remainder of the session.²⁸ No Member spoke to mourn its passing.

Entrenchment

By sessional order

- 4.19 The first formation of the committee expired with the dissolution of the 34th Parliament on 5 June 1987. Early in the 35th Parliament,²⁹ the House agreed to a sessional order in similar terms to the resolution of 27 February 1985 by which a Standing Committee on Procedure would be appointed at the commencement of each Parliament.³⁰ The House revived the sessional order in the 36th Parliament:³¹ the only notable change in the terms of the sessional order agreed on 8 May 1990 were at paragraph (b) which allowed for nomination for membership by an Independent Member.³²
- 4.20 On both ‘revivals’, the adoption of the sessional order was accompanied by the suspension of standing order 25 (Standing Orders Committee).

By standing order

- 4.21 There was probably never any doubt about the eventual acceptance of the Procedure Committee as a fixture. However, the committee itself, in its *Conduct of committees* report presented late in the 35th Parliament,³³ proposed that ‘the Standing Orders Committee be abolished and replaced

²⁸ VP 1985–86–87 / 69.

²⁹ The 35th Parliament opened on 14 September 1987. On 24 September the House agreed to adopt sessional order 28C—VP 1987-88-89-90 / 84–5.

³⁰ Of itself, the provision in sessional order 28C(a) that ‘A Standing Committee on Procedure shall be appointed at the commencement of each Parliament’ may seem redundant given that the sessional order would expire before the commencement of the next Parliament. However, it can be taken as signifying an intention of impending permanency, that is its eventual entrenchment as a standing order.

³¹ VP 1990–91–92–93 / 13–4.

³² In Mr E. C. Mack, who served in the 36th and 37th Parliaments before retiring, the House had its first elected Independent Member since Mr S. J. Benson in the 26th Parliament (1966 to 1969).

³³ VP 1987–88–89–90 / 1677.

with the Procedure Committee'.³⁴ This had to wait until the next Parliament.

- 4.22 There was a suggestion of action in late 1989. The Leader of the House, the Hon. K. C. Beazley, lodged a notice of motion on 30 November 1989 which sought to give effect to various amendments to the standing orders including the omission of standing order 25 and the appointment of a Standing Committee on Standing Orders and Procedure.³⁵ The notice was still listed on the Notice Paper when the House was dissolved on 19 February 1990.
- 4.23 It was a little curious, then, that the intention to make the committee permanent was not expressed at the start of the next Parliament. As noted above, sessional order 28C was revived on 8 May 1990 and two years were to pass before there were further developments. Sessional order 28C became standing order 28C on 15 October 1992. This ascension was concealed among many other sessional orders similarly made permanent and little note was made in debate of the committee's new status.³⁶
- 4.24 Standing order 28C endured from 1992 in the 36th Parliament to late 1998 in the 39th Parliament. The standing orders governing committees were overhauled following the committee's report *Ten years on* which reviewed the House's committee system.³⁷ As a consequence, standing order 28C was omitted on 3 December 1998 and in its place standing order 330 became the authority for appointing the committee.
- 4.25 Standing order 330 was recast as standing order 221 in the 2004 revision of the standing orders. These came into effect at the opening of the 41st Parliament on 16 November 2004.³⁸

Composition

- 4.26 As has been noted elsewhere, one of the systemic problems identified as contributing to the ineffectualness of the Standing Orders Committee was the top-heavy nature of its membership: ex officio appointees were too

³⁴ *Conduct of committees*, 4.

³⁵ HR Deb (30.11.1989) 3339.

³⁶ With the honourable exception of the Chairman of the Procedure Committee, Mr Scholes; discussed later at para 6.68.

³⁷ Presented to the House on 1 June 1998; VP 1996–97–98/3062.

³⁸ Discussed later at para 6.199.

busy with their other responsibilities to devote much time to committee activities.

- 4.27 From the outset, the Procedure Committee was a committee of backbench Members. The Joint Committee on the Parliamentary Committee System had stipulated in its recommendation ‘that no office holders other than the Presiding Officer and his deputy be eligible for appointment’.³⁹ This prohibition was never implemented—in the original resolution of appointment, sessional order 28C, standing order 28C, standing order 330 or standing order 221—and in any event it would be difficult to apply.⁴⁰ In practice its intention has been followed, more or less. Moreover, no Speaker or Deputy Speaker has been a member although members of the Speaker’s panel have.
- 4.28 Until the arrival of standing order 330 in December 1998, the committee membership stood at eight. In the first two formations of the committee the prescribed allocation was five Government Members and three Opposition Members. The latter were recategorised as non-Government Members when, as has been noted above, an Independent Member was elected to the House.
- 4.29 In December 1998 the size of the committee was reduced to seven members, four Government and three non-Government.

Conclusion

- 4.30 In this chapter we have examined the various mechanisms and formulas used to constitute the committee, first by resolution of the House, then by sessional order and finally by standing order. It has been a journey of increasing confidence in the committee and a cautious approach by the House toward procedural reform. However through most of that journey the committee’s ‘mission statement’⁴¹ remained essentially the same: ‘to inquire into and report upon the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures’.

³⁹ See para 4.3.

⁴⁰ The term ‘office holder’ is not well defined and seems to have meant different things at different times. It is not, for example, among the definitions in standing order 3.

⁴¹ Expressed in the resolution of appointment and subsequent sessional and standing orders until 2004—in standing order 221 of the 2004 revision, however, this has been simplified and broadened to ‘the practices and procedures of the House and its committees’.

- 4.31 In the next chapter we will consider the role of the committee above and beyond that expressed in its mission statement.

Procedural reform: The objectives of the Procedure Committee

A committee is a cul-de-sac down which ideas are lured and then quietly strangled.

(attributed to) Sir Barnett Cocks¹

General

- 5.1 In earlier chapters we described the Procedure Committee's establishment, identified its 'mission statement'—to inquire into and report upon the practices and procedures of the House—and considered the scope of the term 'practices and procedures' along the way. In this chapter we take a closer look at objectives for the committee's establishment.
- 5.2 The early proponents of a procedure committee used the example of similar bodies in the UK and Canadian Houses of Commons.² Procedure committees in the former were select committees appointed from time to time not becoming what we would call a standing committee until 1997.³ The work of one such select committee, that for the 1958–59 session, was described as falling under three categories: (1) considering minor proposals for revising procedure to give it a more modern and businesslike aspect while paying due respect to tradition, (2) removing as

¹ Clerk of the UK House of Commons 1962–73.

² JCPCS (1976), 72; HR Deb (19.8.1981) 420–8.

³ May, 786.

much detail in procedures as was practicable and (3) providing further opportunity for back-bench activity.⁴

- 5.3 That description goes some way to providing a simple duty statement for a procedure committee: revision, simplification and balancing. Nevertheless, the roles of the corresponding committees in the UK and Canada have evolved in markedly different environments and no longer serve as similar models for comparison with the Australian variant.
- 5.4 For example, the UK House of Commons Select Committee on Procedure—whose role is to consider ‘the practice and procedure of the House in the conduct of public business’—coexists with a Select Committee on Modernisation of the House of Commons whose role is ‘to consider how the practices and procedures of the House should be modernised’.⁵
- 5.5 Meanwhile, the Canadian House of Commons Committee on Procedure and House Affairs now has a much wider ambit: the administration of the House and the provision of services and facilities to Members; ‘the Standing Orders, procedure and practice in the House and its committees; radio and television broadcasting of the proceedings of the House and its committees; Private Members’ Business; all matters relating to the election of members to the House of Commons; and miscellaneous other matters’.⁶
- 5.6 When some Members in the House of Representatives were advocating new mechanisms for procedural reform they did so in an environment where some of the functions of the UK and Canadian committees were already being undertaken by longstanding domestic committees. It would not be surprising therefore if those procedure committees followed different paths from the Australian model and there is probably little point in using overseas models for subsequent comparison.
- 5.7 In this chapter we examine perceptions of the purpose of the committee in the House of Representatives at its inception. The expectations of those who proposed and established the committee are obviously prime indicators of its anticipated role. However it is the day-to-day demands on the committee, by the government of the day, the major parties, individual Members and various others that will in time reveal a range of objectives.

⁴ Table XXVIII (1959) 31.

⁵ UK House of Commons web page: http://www.parliament.uk/parliamentary_committees/parliamentary_committees16.cfm [accessed 8 October 2004].

⁶ Canadian House of Commons standing order 108(3)(a).

The Joint Committee on the Parliamentary Committee System

- 5.8 After years of Members' concern within the House about the lack of action on procedural reform referred to previously, the Joint Committee on the Parliamentary Committee System in 1976 identified the existing Standing Orders Committee in the House of Representatives as 'a top-heavy body unable to function as an instrument of reform'.⁷
- 5.9 The joint committee proposed that a procedure committee should be appointed in each of the two Houses to remedy the defects in the existing arrangements. It recommended the committee's terms of reference (in the House of Representatives) should be:
- To maintain a continuing surveillance of the practices and procedures of the [House] with a view to making recommendations for their improvement or change and for the development of new procedures; such recommendations being made normally by report to the [House] but, on certain occasions, being made directly to the [Speaker] when the recommendations relate to the exercise of existing powers.⁸
- 5.10 The joint committee recommended that the Standing Orders Committee should continue to operate in its present form and remarked that the procedure committee would play a different role.⁹ It did not, however, provide any details of how the two committees would coexist without mutual interference.
- 5.11 Perhaps some inkling of a *modus vivendi* may be inferred from the joint committee's evidence. The then Speaker of the House of Representatives, Mr Scholes, in giving evidence to the joint committee, addressed the possibility of overlap between the two committees:
- I think that a Procedures Committee would look at all aspects of the operation of the Parliament. The Standing Orders Committee only looks at the Standing Orders.¹⁰
- 5.12 Further remarks suggest that the procedure committee would report directly to the House and that if changes to the standing orders were necessary upon the House adopting a recommendation then in some cases

⁷ JCPCS (1976), 72.

⁸ JCPCS (1976), 71.

⁹ JCPCS (1976), 73.

¹⁰ JCPCS (1976), Transcript of evidence, 713.

the Standing Orders Committee should devise them. This interpretation is supported by remarks Mr Scholes made in August 1981 when moving a general business motion to establish a procedures committee:

If they were to become part of the Standing Orders or the regular procedures of this House, one would expect that the Standing Orders Committee would ultimately draft and present the necessary Standing Orders.¹¹

- 5.13 Perhaps the joint committee saw a complementary role for the two committees. Alternatively, it may have assumed that the Standing Orders Committee would continue as before and be little more than a figurehead while the procedure committee did the real work. The status of the membership of the Standing Orders Committee may have been a factor in a reluctance to abolish it outright.

The government of the day

- 5.14 There is little on the public record to explain why the idea of cooperative committees had been abandoned by the time the House (on the Government's initiative) established the Procedure Committee in 1985. In a 'cognate speech' accompanying a series of motions to establish committees on 27 February 1985, Mr Young, the Leader of the House, reversed the onus of proof on the need for the Standing Orders Committee. Rather than continue to exist and then wither away if proven superfluous it should be discarded and revived only if proven indispensable:

I have proposed that a new procedures committee be established to examine the procedures of this House. I also propose to move that the Standing Orders Committee be suspended for the remainder of this session. The Committee met on only six occasions during the life of the Thirty-third Parliament. It is to be hoped that the procedures committee can look at the formal work of the Standing Orders Committee. I realise from discussions I have had with the Manager of Opposition Business (Mr Sinclair) that he would have wished the Standing Orders Committee to continue and for it to run parallel with the procedures committee. However, for the first session, I am hopeful that the procedures committee will look at those matters which appertain to the

¹¹ HR Deb (19.8.1981) 421 and see para 4.8.

running of this chamber and bring in a report quickly. If it is felt by that committee that the Standing Orders Committee ought to be re-established for the second session, we can do that.¹²

- 5.15 There may be a hint of the Government's rationale in remarks made by the Leader of the House two days earlier when, in moving the adoption of sessional orders largely about sitting days and hours and the routine of business, he foreshadowed the establishment of a 'procedures committee':

It is very difficult to talk about the Sessional Orders as we are at the moment without drawing to the attention of honourable members that we are asking a joint committee to look at the procedures of this House, which may have some bearing on the decision which the Government has made today. That decision makes some minor alterations to the Sessional Orders in relation to the operation of this House. Hopefully the procedures committee will not see itself as a committee which must report back here in two or three years' time. However, there are some rather urgent matters which can be placed before it immediately and upon which the Government feels it could report to us expeditiously.¹³

- 5.16 The Government may have thought that given the need for quick results, a Standing Orders Committee might stifle procedural reform either through active interference or through masterful inactivity. (As an aside, it is assumed that Mr Young's reference to a joint committee was a slip of the tongue.)
- 5.17 Almost a month after the committee had been established and members appointed, a Government backbencher asked the Leader of the House a question without notice about what the 'Government [saw] as the role of the newly-established Standing Committee on Procedure'.¹⁴ It was clear from Mr Young's answer that the committee's purpose was not seen to be antithetical to executive convenience:

The Government sees an enormously important role for the Procedure Committee which has just been established. We hope that the infusion of new blood into the Parliament will see more opportunity for changes to some rather archaic traditions which have been enshrined in the procedures of the Parliament. Obviously, some back bench members will see the rights of

¹² HR Deb (27.2.1985) 305.

¹³ HR Deb (25.2.1985) 125.

¹⁴ HR Deb (20.3.1985) 576-8.

individual parliamentarians being preserved and enhanced by the establishment of the Procedure Committee. Of course, that will be uppermost in the minds of the people who will serve on the Procedure Committee, all of whom will be back benchers. Obviously there will be some emphasis on the role of and the time available to private members in the Parliament in future.

Hopefully, in looking at the Standing Orders and the other procedures and functions of the Parliament, the Procedure Committee will also take into account the fact that the Executive of the Government has an enormously important task to perform in the conduct of government in this country and will understand the Executive's work load in carrying out the business of government.

The Committee may also take the opportunity to look again at the legislation committees which have been experimented with in this House previously and not continued. It may well be that we can facilitate the business of this chamber by the establishment of legislation committees running parallel with meetings of the Committee of the Whole. The Committee could also look at the handling of committee reports. It could look at the calling of quorums ...

- 5.18 Nevertheless as will be seen below there was little evidence to suggest that the committee would be hostage to a Government agenda.

The Opposition

- 5.19 During the debate which foreshadowed the Government's proposal to establish a procedure committee, the Manager of Opposition Business, Mr Sinclair,¹⁵ displayed a certain amount of perhaps only rhetorical scepticism:

He will set up a new procedures committee. What is in a name? Whether it be called a procedures committee or a Standing Orders committee makes no difference; there has always been such a

¹⁵ The Rt Hon. I. McC. Sinclair, Member for New England 1963–98, Minister: for Social Services 1965–68, assisting the Minister for Trade and Industry 1966–71, for Shipping and Transport 1968–71, for Primary Industry 1971–72 and 1975–79, for Agriculture 1975, for Northern Australia 1975, for Special Trade Representations 1980, for Communications 1980–82 and for Defence 1982–83; Leader of the House 1975–79 and 1980–82; Leader of the Federal Parliamentary National Party of Australia 1984–89; Speaker of the House of Representatives 1998.

committee. The Leader of the House thinks that because he changes the name there will be some inherent magic about it. It will change the Standing Orders in exactly the same way or introduce sessional orders as they have always been introduced.¹⁶

- 5.20 When the motion to establish the committee came on for debate on 27 February, the Opposition signalled their support but took the opportunity to bemoan the loss of the procedure for orally giving notices of motion which had been effected in the sessional orders adopted two sittings earlier.¹⁷ Again, there was a certain degree of apparent scepticism on the establishment of the committee itself especially coming after what were argued as being pre-emptive changes to the standing orders:

The Government set about making changes which have far reaching effects on the way this Parliament and its procedures work. Having done that, the Government has decided to set up a committee to look at the procedures. I give the Minister marks for being very devious and very clever at casting smoke screens. But I ask: Why on earth are we to have a procedures committee when the changes that the Government desired have already been made?¹⁸

- 5.21 When the Leader of the House acknowledged first, in his response to the ‘Dorothy Dixer’ some sittings later,¹⁹ that the committee, composed as it was of backbenchers, could preserve and protect the rights of individual parliamentarians, he may have spoken in mitigation.

The Committee

- 5.22 Far from seeing itself as maintaining the tradition in the House of procedural reform to support the Government in the House, the committee, in its first report, demonstrated a broader view. The first inquiry dealt with alternative opportunities for Members in general to address the House.²⁰ The Chairman, Mr Keogh, declared in his tabling speech:

¹⁶ HR Deb (25.2.1985) 129.

¹⁷ Discussed later at para 6.6.

¹⁸ HR Deb (27.2.1985) 311.

¹⁹ See para 5.17.

²⁰ Discussed later at para 6.7.

I am sure all honourable members will agree that, as we approach our bicentennial year and the historic move to the new Parliament House, it is appropriate that we consider the desirability of new procedures and Standing Orders and accomplish significant reform prior to our move. To ascertain the views on procedural areas needing investigation the Committee circulated a questionnaire to all honourable members listing possible subjects of inquiry and inviting them to indicate those matters they would like the Committee to address. The response to the questionnaire was heartening; almost half the honourable members responded. Those matters listed by most honourable members were division procedures, questions without notice, programming of business of the House and giving notices openly.²¹

- 5.23 The committee had chosen its first reference, addressed a matter of lingering concern to many private Members, the abolition of giving notice of motion orally, and was allowing Members collectively to direct where it should next proceed.

The Speaker

- 5.24 The Speaker at the time the committee was established, Dr Jenkins, had been an active proponent of its establishment for many years.²² During the valedictory remarks at the last sitting in 1985, the Speaker intimated his own expectations:

I guess that it is no secret that I am not particularly satisfied with behaviour in the House. I hope that the Standing Committee on Procedure will give us some assistance in the recommendations that it will bring forth and that there will be more guidance to honourable members, and even more guidance to the Speaker, who often has to decide whether in applying the sanction the very business of the day may not go on. That is one of the difficult decisions that I have to face.²³

²¹ HR Deb (23.5.1985) 3107.

²² See Chapter 4.

²³ HR Deb (29.11.1985) 4044. Though it was not evident in his remarks, Speaker Jenkins was to resign—less than a month later—on 20 December 1985 subsequently to take up a diplomatic posting.

- 5.25 Shortly after the committee became a year old, the next presiding officer, Speaker Child, also alluded to the role the committee might play in resolving difficulties for the Chair:

I would draw the attention of the House to the Standing Orders. At present the Procedure Committee is going through the Standing Orders trying to get rid of those that are ambiguous or conflict with others. On reading the Standing Orders, I find that they have to be read one in conjunction with another. Standing Order 77 is very clear:

When any offensive or disorderly words are used, whether by a Member who is addressing the Chair or by a Member who is present, the Speaker shall intervene.

Honourable members will all understand that there have been times when I have intervened at Question Time when an offensive remark has been made from one side or the other and asked for a withdrawal immediately. I do not wait for a member to draw my attention to it. That is one circumstance.

... Because so many members found so many things offensive, the authority of determination was given to the Chair. So we have two distinct circumstances, they are both relevant and they both still apply, but I would ask the Procedure Committee to examine a few of the other Standing Orders because, if one reads them in conjunction, we are quite often in conflict.²⁴

- 5.26 So from the outset, the committee had at least three expectant constituencies: ordinary Members, the Government and the Speaker. Each had its own particular preference for the thrust of procedural reform: preservation and enhancement of rights and opportunities; improved efficiency; and clarification.

Others

- 5.27 It is understandable that immediate pressures—the impending move to a new building, a sense of futility in the lot of a backbencher, a belief that sclerotic procedures were slowing the flow of business, a conviction that some judicious pruning would make life less difficult for the Speaker—would foster institutional introversion. But quite early in the committee's

²⁴ HR Deb (1.5.1986) 2836–7.

existence, Members themselves were more attuned to the opportunities offered to enhance external perceptions of Parliament.

- 5.28 Apart from Question Time, little external attention is paid to the proceedings of the House. The days when newspapers extensively covered debates are long past. Whatever the reasons, Parliament is a dimmed presence in the civil landscape. The arrival of a new vehicle for procedural reform passed largely without note in the media and there were few expectations that this might have any effect on the relationship between the electorate and its representatives.
- 5.29 There were early signs within the House and the committee, however, that the institution's relationship with the outside world was an important aspect of the committee's work. When the first Chairman, Mr Keogh, presented the committee's second report in May 1986 he noted in the conclusion of his tabling speech:
- .. for only Parliament can reform its own practices and procedures and only Parliament can bring about the changes that are required not only to meet its own needs more effectively but also, and perhaps more importantly, to improve the public perception of the Parliament.²⁵
- 5.30 Other Members returned to this theme when the second report was debated in the House on 25 November 1986.²⁶ Certainly there was an awareness of needs beyond the confines of the Chamber but at this stage of the committee's development the concerns were chiefly about perceptions, looking in. A desire to improve engagement with citizens—looking out—would not feature among the committee's objectives until a few years later.

Conclusion

- 5.31 This chapter has dealt with committee objectives from several points of view mainly within the period covering the establishment and early operation of the committee. The next chapter will examine in considerable detail the committee's activities to date. In a later chapter which assesses the committee's achievements we will revisit the committee's objectives and note any later developments.

²⁵ HR Deb (29.5.1986) 4263.

²⁶ HR Deb (25.11.1986) 3675–700.

Consideration in detail: The work of the Procedure Committee

Parliamentary procedure does not exist in a vacuum. Its very origins and development proclaim their connection with the politics of their day.

May, 4

Introduction

- 6.1 Before assessing the committee's impact, it is necessary to observe in some detail the work of the Procedure Committee. This chapter focuses on activity rather than outcomes. An attempt at assessing results will be left for a later chapter.
- 6.2 There are several ways to describe the committee's work. The scale of its undertakings has varied considerably. Some inquiries have been short and sharp to address very narrow issues or immediate problems; others have been long and broad, delivering many interrelated recommendations. These might be contrasted around case studies. Alternatively, we might distinguish inquiries of a practical bent from those involving fundamental principles of parliamentary procedure. However, a straightforward chronology best meets the need for broad evidence on which to base judgments of overall committee effectiveness.
- 6.3 The main benefits of this approach are first, comprehensiveness, second, the ability to discern trends over time, and third, to see each inquiry against the backdrop of its times, including the principal players and the involvement of the government of the day.

- 6.4 To these ends, we will examine the committee's work inquiry by inquiry, Parliament by Parliament. Appendix C contains summary details of the forty-four reports presented by the committee in the twenty years to March 2005.

Thirty-fourth Parliament: 1985–86–87

- 6.5 The Procedure Committee met for the first time at 9.17 a.m. on 20 March 1985 and elected Mr Len Keogh,¹ a backbencher, as Chairman. The committee did not immediately exercise its power to determine its own references, deciding instead to canvas widely on what matters it should first address. This was done by sending a questionnaire to all Members inviting them to rank a list of possible topics for inquiry or to suggest their own. The list contained ten candidates:

- programming of the business of the House,
- a general review of the standing orders,
- questions without notice,
- division procedures,
- procedures for considering legislation,
- quorum of the House,
- giving notices openly,
- presentation of petitions,
- rules governing debate, and
- the committee system.

A week was given to respond. The committee also authorised the Chairman to invite some 'notable former Members' and the Australasian Study of Parliament Group to submit their ideas.²

- 6.6 When the committee met on 28 March for its second meeting, it must only very briefly have considered the early responses to the questionnaire. The general feeling may have been that some quick runs on the board were in order: the committee resolved to inquire into 'alternative opportunities for

¹ Mr L. J. Keogh, Member for Bowman 1969–75 and 1983–87, Deputy Chairman of Committees 1984–87.

² Committee minutes.

private Members to concisely address the House consequent upon the adoption of sessional orders on 25 February 1985'.³ This was a topical matter because one of the effects of those sessional orders had been to remove the facility to give notice of motion orally, depriving private Members of an opportunity to draw a little attention before Question Time each day to matters of concern to them.⁴

- 6.7 The committee presented the report of the inquiry, its very first report, in the early hours of 24 May 1985,⁵ recommending that a fifteen-minute period be set aside each day after Question Time to allow private Members each to make a statement for a period not exceeding ninety seconds.⁶ On being given the call, a Member could opt to use the ninety seconds to give notice of motion orally instead of a statement. In effect, the proposal regularised the previous practice by some Members of orally stating the terms of a putative notice—with no expectation of it ever being called on for debate—as an artifice for making a brief undebatable statement.
- 6.8 In the meantime the committee had launched its second inquiry. On 18 April at its fourth meeting it resolved to inquire into 'the days and hours of sitting and the effective use of the time of the House'.⁷ This was a rather larger undertaking than the first inquiry and encompassed a number of issues identified in responses to the questionnaire.
- 6.9 In foreshadowing the establishment of the Procedure Committee, the Leader of the House had implied there would be a certain level of responsiveness by the Government to the committee's recommendations.⁸ Acting on this, the committee had expedited its first inquiry, limiting its scope in the hope that the new arrangement for Members' ninety-second statements could be in place for the Budget sittings.⁹ This was to prove unduly optimistic.
- 6.10 On 29 November, the last sitting day for 1985, the Leader of the House tabled the Government's response to the first report.¹⁰ While recognising a

³ Committee minutes; the inquiry was subsequently listed on the Notice Paper as 'Alternative opportunities for Members to concisely address the House'.

⁴ The (ultimately temporary) removal of the right to give notices orally was the result of a view that Members were using the procedure excessively at the expense of House time. See *Alternative opportunities*, 4–5 & 12.

⁵ VP 1985–86–87 / 332; HR Deb (23.5.1985) 3107–9.

⁶ *Alternative opportunities*, 8.

⁷ Committee minutes.

⁸ HR Deb (25.2.1985) 125–8.

⁹ *Alternative opportunities*, 9.

¹⁰ VP 1985–86–87 / 654; HR Deb (29.11.1985) 4021.

need to give more opportunities for private Members to address the House, the Government was 'not attracted to the proposals for short statements ... to be implemented in isolation without further reform'. The fact that the committee was conducting a broader second inquiry was noted and a promise made to 'put forward a comprehensive submission to the committee on the effective use of the time of the House'.¹¹

- 6.11 Undaunted, the committee continued with its second inquiry. A year would pass before the report was tabled. The committee received submissions from the Leader of the House, Members, parliamentary departments, the Government Printer, major airlines, the ACT Division of the National Heart Foundation of Australia and Australian Archives.¹² Among the twenty-two meetings at which the committee deliberated were two in a conference room at the Commonwealth Government Centre, Sydney on 29 and 30 January 1986, the first of the few occasions on which the committee has exercised its power 'to move from place to place'.
- 6.12 The Chairman presented the second report on 29 May 1986 and noted in his tabling statement three main themes in the fifteen recommendations: more opportunities for private Members, a new approach to programming business and scheduling more sittings.¹³
- 6.13 Major proposals on behalf of private Members included a guaranteed adjournment debate each sitting, a period for private Members' business each sitting Thursday and a fifteen-minute period each sitting for ninety-second statements (repeating the recommendation in the first report). A business committee would make recommendations about programming business (with an expectation, among other benefits, that times could be set for holding divisions). An augmented sitting pattern would see an increase of about forty percent in annual sitting hours. There were several subsidiary recommendations, including the reintroduction of legislation committees, new arrangements for tabling ministerial papers, a reduced quorum and a selective prohibition on the reading of speeches.
- 6.14 The recommendations were not unanimously supported, one committee member submitting a dissenting report. On a request from the Manager of Opposition Business during tabling, the duty minister moved a motion to take note of the report to enable further consideration in the Chamber.¹⁴ Debate was not resumed for another 6 months. However, on 25 November

¹¹ *Alternative opportunities*, Government response, 29 November 1985 (reproduced at Appendix 8 of *Days and hours*).

¹² *Days and hours*, 1.

¹³ VP 1985–86–87 / 1004; HR Deb (29.5.1986) 4262–3.

¹⁴ HR Deb (29.5.1986) 4265.

1986 the House devoted almost two and a half hours of debate on the motion. The Leader of the House expressed his hope that some of the recommendations could be implemented in the new year.¹⁵

- 6.15 The Government had not responded to the report before the 34th Parliament ended on 5 June 1987. Nevertheless, as will be seen in Chapter 8, *Days and hours* would become the committee's first notable achievement.
- 6.16 The four most favoured topics in Members' responses to the committee's questionnaire were division procedures, questions without notice, programming of business and giving notices openly.¹⁶ The first two inquiries had in many respects covered three of these issues. The third inquiry addressed the other: questions without notice.
- 6.17 While still in the middle of its second inquiry, the committee resolved on 20 February 1986 to inquire into the standing orders and practices which govern the conduct of Question Time.¹⁷ As soon as it had completed its second report on 22 May, it began work on what it would later claim was 'the first comprehensive review by a parliamentary committee of Question Time in the House of Representatives'.¹⁸
- 6.18 The committee completed its report, this time with three dissenting reports, on 25 November and the Chairman presented it to the House two days later.¹⁹ Among the fourteen recommendations was the core proposal that Question Time continue for forty-five minutes or until sixteen questions had been answered. While the committee had concluded that the existing standing orders were 'essentially sound'²⁰ it *did* support liberalisation in certain areas like the application of the anticipation rule and the prohibition on reflections on other countries.
- 6.19 The recommendations also touched on the length of questions, the relevance of answers and allowance of supplementary questions. At the Speaker's request the committee had ranged beyond the realm of questions to offer proposals on other forms of the House like statements by indulgence, dissent from rulings, a precursor of the 'sin bin' and, on its own initiative, the removal of 'pronouns importing one gender'.²¹

¹⁵ HR Deb (25.11.1986) 3677.

¹⁶ HR Deb (23.5.1985) 3107.

¹⁷ Committee minutes.

¹⁸ *Conduct of Question Time*, 2–3.

¹⁹ VP 1985–86–87 / 1380; HR Deb (27.11.1986) 3907–13.

²⁰ *Conduct of Question Time*, 6.

²¹ *Conduct of Question Time*, 11–2.

- 6.20 A motion to take note of the report was moved but not subsequently debated and, like its predecessor, the report did not receive a government response before the end of the 34th Parliament. The committee entered 1987 with a program but, dissolution impending, did not embark upon another inquiry. It did, however, consider presenting its own response, including proposed sessional orders, to the Leader of the House's informal indication of the Government's position on its second report given at a meeting on 9 April 1987.²²
- 6.21 The first formation of the Standing Committee on Procedure ended with the dissolution of the House of Representatives on 5 June 1987. Although it had addressed the major areas of concern expressed by Members in response to its inaugural questionnaire and had produced two weighty reports from its three inquiries, it was yet to see any runs on the board.

Thirty-fifth Parliament: 1987–88–89–90

- 6.22 The committee was reactivated in the 35th Parliament by the adoption of a sessional order on 24 September 1987 in similar terms to the resolution of appointment in the previous Parliament.²³ Even before the committee was reconstituted, the returned Government had tabled a response to the previous committee's second report.²⁴
- 6.23 Not all recommendations had been accepted—especially those which the Government felt infringed 'on the Government's direct responsibilities or prerogatives'—but a substantial proportion were accepted or were not opposed and the committee could at last claim some achievements.
- 6.24 When the new committee met for the first time on 8 October 1987, it elected Mr John Mountford,²⁵ a backbencher like his predecessor, as Chairman.²⁶
- 6.25 The first matter the committee considered was the possible consequences for its own operations of the House's agreement to the establishment of 8 new general purpose standing committees without provision for

²² The Leader of the House's subsequent correspondence is reproduced at Appendix 3 of *Improved opportunities*; a formal government response was presented on 15 September 1987.

²³ VP 1987-88-89-90/84.

²⁴ VP 1987-88-89-90/25; HR Deb (15.9.1987) 77–81.

²⁵ Mr J. G. Mountford, Member for Banks 1980–90, Deputy Chairman of Committees 1983–90.

²⁶ Committee minutes.

additional staff.²⁷ The committee agreed that the Chairman should express its view to the Speaker that it be allocated the same resources it held in the previous Parliament.²⁸

- 6.26 The committee also agreed at its first meeting to resume work on proposing sessional orders to implement measures in the second report which the Government accepted or did not oppose. These were finalised on 3 November and presented within a report²⁹ to the House on 5 November. The subsequent adoption of the sessional orders on 9 December ushered in a new regime for private Members' business—including the institution of the Selection Committee—and their effect will be discussed further in Chapter 8.
- 6.27 Behind the scenes, the Government also indicated its willingness to discuss a response to the third report which dealt with the conduct of Question Time. The committee held an informal discussion with the Leader of the House, Mr Young, about the matter at a meeting on 24 November 1987. However no formal response was ever made.³⁰
- 6.28 Having tidied its inheritance, the committee now turned to new inquiries. The committee agreed to a suggestion from the Leader of the House that it consider how the House would function in the New Parliament House, especially with respect to quorums and division procedures.³¹ The New Parliament House would be opened on 5 May 1988 and the two Houses would meet for the first time in it on 22 August.
- 6.29 The committee's first meeting for 1988 was on 23 February. Two inquiries were initiated: the publication of tabled papers (at the request of Speaker Child) and guidelines for witnesses appearing before parliamentary committees.

²⁷ On the same day the Procedure Committee was reactivated, the House agreed to a sessional order appointing 8 general purpose standing committees. During debate, the Leader of the House confirmed that no additional funding would be provided to support the new committees—HR Deb (24.9.1987) 693–4.

²⁸ Committee minutes.

²⁹ *Improved opportunities*; VP 1987–88–89–90 / 218; HR Deb (5.11.1987) 2133–7.

³⁰ In its June 1991 response to the Speaker's schedule of government responses, the Government reported that 'The recommendations were considered by the Government in 1990 when it examined Question Time procedures. Bi-partisan support on options for proposed new procedures for Question Time was not forthcoming'—HR Deb (5.6.1991) 4808. The corresponding December 1991 response stated that 'The Government will be responding to this report in due course'—HR Deb (19.12.1991) 3807. In August 1995 the Government indicated it would not respond because the report had been superseded by a later report [*Questions seeking information*]. An extract from a draft government response dated 29 October 1987 appears as an appendix to *Questions seeking information*.

³¹ Committee minutes.

- 6.30 This set the trend for a number of short, sharp inquiries dealing with specific issues. The committee's second report of the 35th Parliament—*Ringling of bells*—conflated several matters: the duration of the ringing of the bells for division and quorum calls in the new Chamber, the definition of the precincts of the new Chamber and an aspect of petitions.³² It was finalised in short order and presented to the House on 14 April 1988.³³ In presenting *Ringling of bells* the Chairman articulated the committee's immediate response to the Leader of the House's concerns about how the House would function:

The sheer size of the building alone is daunting, apart from other aspects of the new environment which in the long run may effect significant changes to our operations. Whatever long term changes may evolve, the Procedure Committee is committed to resolving anticipated needs and monitoring the adjustment of current procedures in the new environment.³⁴

- 6.31 The Government responded quickly to the recommendations relating to the new Chamber. On 24 May the House amended the standing order for counting quorums to allow for the new Chamber configuration and ordered a trial period of the first three sitting weeks in the new House during which the bells would be rung for four rather than three minutes on quorum and divisions calls.³⁵ The very next day the Government introduced the House of Representatives (Quorum) Bill 1988.³⁶
- 6.32 The Government later implemented the final recommendation of *Ringling of bells*, a proposal to release Members from the responsibility of certifying translations of petitions in languages other than English, in early 1989.³⁷
- 6.33 The committee spent the rest of 1988 working on the two inquiries it had initiated at the year's first meeting: publication of tabled papers and procedures for committee witnesses. The first of these culminated in *Publication of tabled papers* which was presented to the House on 24 November 1988.

³² *Ringling of bells*, 2.

³³ VP 1987–88–89–90/455; HR Deb (14.4.1988) 1535–7.

³⁴ HR Deb (14.4.1988) 1535.

³⁵ VP 1987–88–89–90/571. On 20 October 1988 the House agreed to amend the standing orders to perpetuate the change to 4 minutes—VP 1987–88–89–90/799.

³⁶ This was in response to a recommendation in *Days and hours* to which the Government had signified its acceptance in its response tabled on 15 September 1987—see para 6.22.

³⁷ The government response was presented as a paper on 28 February 1989—VP 1987–88–89–90/1026. At a meeting in April 1989 the committee resolved to ask the Leader of the House to put the recommendation into effect as soon as possible. The relevant standing order was amended on 4 May 1989—VP 1987–88–89–90/1163.

- 6.34 Two issues were considered in *Publication of tabled papers*: whether, as the Senate had recently done, to authorise unrestricted publication of tabled papers (the committee recommended that the House retain its cautious approach toward releasing papers containing potentially actionable material) and second, to remove possible contradictions in the standing order authorising the publication of tabled papers.³⁸
- 6.35 Whether by accident or by design, the Chairman moved ‘That the report be adopted’ rather than the conventional ‘That the House take note of the report’.³⁹ The motion was never debated, being removed from the Notice Paper on 1 June 1989.⁴⁰ Since the House did not change its practices, it may be said that at least the first recommendation was adopted by default. However a notional government response would not be delivered until the next change of government.⁴¹
- 6.36 The committee had almost completed the other inquiry when it resolved, at its first meeting for 1989, to undertake a comprehensive review of the standing orders.⁴² A couple of meetings later it agreed to another short, sharp inquiry: on the election of Speaker. This had been instigated by a member of the committee (Mr Scholes) whose private Members’ motion seeking referral of an aspect of the process to the Procedure Committee had been moved but not further debated.⁴³ The Leader of the House had in the meantime written to the committee requesting it to examine the matter.⁴⁴
- 6.37 The report *Dealing with witnesses* was presented on 13 April 1989.⁴⁵ The single recommendation comprised a set of procedures for House committees which was intended to be effected by resolution of the House.

³⁸ VP 1987–88–89–90/916; HR Deb (24.11.1988) 3166–8.

³⁹ This was highly unusual. Presumably the House could be said to have agreed to put the report’s recommendations into effect if the motion were carried. This is only one of two occasions on which the motion has been moved in respect of a Procedure Committee report (see also para 6.49).

⁴⁰ The 8-sitting week ‘shelf-life’ provision (by which items are removed from the Notice Paper if not accorded priority by the Selection Committee within a prescribed period) which applies to private Members’ business and committee report orders of the day originated from a recommendation in *Days and hours*. (The Procedure Committee had recommended 4 weeks.)

⁴¹ On 19 June 1997, the Government presented a response to the Speaker’s schedule of government responses, including a commitment ‘to extend absolute immunity in respect of all documents tabled in the House’ thereby harmonising practice in the two Houses. Standing order 320 was amended on 27 August 1997—VP 1996–97–98/1867–8.

⁴² Committee minutes.

⁴³ VP 1987–88–89–90/741; HR Deb (29.9.1988) 1191–2.

⁴⁴ *Election of Speaker*, 1.

⁴⁵ VP 1987–88–89–90/1121; HR Deb (13.4.1989) 1541–3.

The procedures covered not only the treatment of witnesses themselves but also the taking of evidence.⁴⁶

- 6.38 The area of concern addressed by the next report, *Election of Speaker*, was the anomalous position of the Clerk of the House, who in accordance with longstanding practice, more or less presided in the Chamber until a Speaker had been elected. The committee recommended that a long-serving Member preside instead. The report was presented on 11 May 1989.⁴⁷
- 6.39 The final and sixth report of the committee in the 35th Parliament was presented on 30 November 1989.⁴⁸ Expectations of an election were in the air and in his tabling speech the Chairman indicated that he would not be seeking re-election to the House and that this was probably his last report. In keeping with the spirit of valediction the Chairman noted that the secretary of the committee since its inception, Mr Mark McRae, had recently left to take up the position of Clerk of the ACT Legislative Assembly.
- 6.40 The report, *Conduct of committees*, was the first instalment of what the Chairman noted was the first comprehensive review of the standing orders since that undertaken by the Standing Orders Committee in 1962. The committee had agreed at the outset of the review to consider the standing orders in discrete groupings.⁴⁹
- 6.41 The report was indeed comprehensive—albeit restricted to the discrete grouping of committee procedures—and proposed a detailed set of revised standing orders which not only deleted redundancies and reorganised those provisions which would be retained but also contained innovations such as an Appropriations and Staffing Committee. In addition, the committee sought a guarantee of its own survival in recommending that its appointment be entrenched in the standing orders, replacing an abolished Standing Orders Committee.⁵⁰
- 6.42 The 35th Parliament was to sit twice more—for two special ‘Christmas sittings’ on 21 and 22 December—before the House was dissolved on 19 February 1990. At the end of the Parliament, the committee had seen

⁴⁶ *Dealing with witnesses*, 7–10.

⁴⁷ VP 1987–88–89–90 / 1216; HR Deb (11.5.1989) 2446–8.

⁴⁸ VP 1987–88–89–90 / 1677; HR Deb (30.11.1989) 3205–8.

⁴⁹ *Conduct of committees*, 1.

⁵⁰ *Conduct of committees*, 3–4.

very little return for its own labours, its last four reports never to receive a formal government response.⁵¹

Thirty-sixth Parliament: 1990–91–92–93

- 6.43 The opening of the new Parliament saw a maturing Hawke Government entering its fourth term. As might be expected after some time in office, there was no mention of parliamentary or procedural reform in the Government's program as set out in the Governor-General's speech on 8 May 1990.⁵² Nevertheless, the committee's return was expeditious. On the very first day of the 36th Parliament, the House agreed to the adoption of essentially the same sessional orders establishing the Procedure Committee and the general purpose standing committees (as well as keeping the Standing Orders Committee in limbo).⁵³
- 6.44 There was however an oddity in forming the committee a third time. The membership of the first two committees had been determined through nominations received by the Speaker from the respective party whips and notified to the House.⁵⁴ This was in keeping with the terms of the resolution of appointment in the first instance⁵⁵ and the sessional order in the second.⁵⁶ However members were appointed by resolution in the 36th Parliament,⁵⁷ foreshadowing what would become standard procedure

⁵¹ The Government noted in a response tabled on 31 August 1995 to the preceding periodic Speaker's schedule of government responses to committee reports that a later inquiry had superseded *Election of Speaker* and that it would therefore not respond to that report. Some time after the change of government in 1996, a similar response to the Speaker's schedule of government responses indicated (a) that the Government had its own views concerning *Publication of tabled papers* and (b) that because the Procedure Committee of the 38th Parliament was examining committees it was unnecessary to respond to *Dealing with witnesses* and *Conduct of committees*.

⁵² HR Deb (8.5.1990) 19–26.

⁵³ VP 1990–91–92–93/12–20.

⁵⁴ VP 1985–86–87/77; VP 1987–88–89–90/115–6.

⁵⁵ VP 1985–86–87/56: '5 members to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 2 members to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip and 1 member to be nominated by either the Leader of the National Party, the Deputy Leader of the National Party or the National Party Whip'.

⁵⁶ VP 1987–88–89–90/84: '5 members to be nominated by the Government Whip or Whips and 3 members to be nominated by the Opposition Whip or Whips'.

⁵⁷ VP 1990–91–92–93/98.

several years later.⁵⁸ It is not apparent why the usual course, nomination, was not followed.

- 6.45 The House agreed to the motion appointing members to the committee late in the evening of 16 May 1990—in fact, shortly before midnight. About three hours earlier the committee held its first meeting at which it elected the Hon. Gordon Scholes⁵⁹ as Chairman. The new presiding member—although now, like his predecessors, a backbencher—had previously been Speaker of the House and had held ministerial office. He had also been a champion of procedural reform for many years.
- 6.46 The committee considered a possible program but left it to a subsequent meeting to decide on its first inquiry for the new Parliament.⁶⁰
- 6.47 The committee met again on 31 May and agreed to a series of inquiries. First to be launched was the Chairman's proposal to inquire into opportunities for Members to debate reports of parliamentary committees.⁶¹ This was not a new concern. Even before the establishment of the 8 general purpose standing committees in 1987, the committee had commented on the House's 'scant regard for the work of parliamentary committees and delegations'.⁶²
- 6.48 The private Members' business regime introduced after *Days and hours* and *Improved opportunities* had certainly allowed a prescribed period for the presentation and consideration of committee and delegation reports—before this, reports were presented as circumstances permitted in the normal run of business. Refinements had been proposed in *Conduct of committees*.⁶³ Nevertheless there was obviously still dissatisfaction among backbenchers.⁶⁴
- 6.49 The committee completed its inquiry in September and the Chairman presented the report, *Debate on reports*, to the House on 11 October 1990.⁶⁵ The main proposal was an earlier start to each sitting Thursday with more time being available for subsequent debate on reports presented at

⁵⁸ Following changes to the standing orders in December 1998, all committee memberships were determined by resolution—see HR Practice (4th edn), 621.

⁵⁹ The Hon. G. G. D. Scholes, Member for Corio 1967–93, Speaker of the House of Representatives 1975, Minister for: Defence 1983–84, Territories 1984–87.

⁶⁰ Committee minutes.

⁶¹ Committee minutes.

⁶² *Days and hours*, 26.

⁶³ As was noted at para 6.42, no action was taken on the recommendations of this report.

⁶⁴ As there would continue to be, this matter, like Question Time and sitting days and hours, being a hardy perennial.

⁶⁵ VP 1990–91–92–93/242–3; HR Deb (11.10.1990) 2635–6.

previous sittings. The Chairman noted that Members should be allowed time to familiarise themselves with a report before debate ensued. As had his predecessor with an earlier report,⁶⁶ the Chairman concluded his tabling speech with a motion ‘That the report be adopted’.

6.50 In the spirit of the report’s recommendations, the Selection Committee accorded the necessary priority⁶⁷ for subsequent consideration—allotting forty minutes of speaking time—and the motion came up for debate on 8 November. Six Members spoke before debate was adjourned.⁶⁸

6.51 *Debate on reports* achieved quick results. Even before the debate had been resumed on 8 November—indeed immediately after prayers that day—the Speaker informed the House:

In the report of the Standing Committee on Procedure on greater opportunities for debate on reports from parliamentary committees, presented on 11 October, the Committee recommended, among other matters, that orders of the day for the resumption of debate on motions moved in relation to committee or delegation reports should appear in a discrete section of the Notice Paper. To give effect to this recommendation required no amendment of the Standing or Sessional Orders or any action by the House. Consequently, the Notice Paper this week has been rearranged as recommended by the Committee and this new style will be used in subsequent issues of the Notice Paper.⁶⁹

This was an example of a committee recommendation that, strictly speaking, involved a change to neither practices nor procedures but to a matter of administration for which the Speaker was responsible. It could thus be effected by Speaker’s fiat.

6.52 On 6 December the House adopted sessional orders giving effect to the remainder of the recommendations from the first sitting in 1991.⁷⁰ The most noticeable of these was that the House would meet thirty minutes earlier on sitting Thursdays.

6.53 Earlier the same day the Chairman presented the committee’s second report for the 36th Parliament, *Responses to petitions*.⁷¹ This was another matter that had been examined before. Again *Days and hours* and *Improved*

⁶⁶ See para 6.35.

⁶⁷ HR Deb (18.10.1990) 3192–3.

⁶⁸ HR Deb (8.11.1990) 3531–9.

⁶⁹ HR Deb (8.11.1990) 3527.

⁷⁰ VP 1990–91–92–93 / 424–6; HR Deb (6.12.1990) 4640–1.

⁷¹ VP 1990–91–92–93 / 413; HR Deb (6.12.1990) 4550–1.

opportunities had offered a remedy: a provision for ministerial responses to petitions.⁷² This had been implemented in early 1988, at the same time as the new private Members' business regime, but the committee noted that there had been no ministerial responses to date and recommended they be made mandatory, not optional.⁷³ The Government did not present a formal response to the report.⁷⁴

- 6.54 At its last meeting for 1990, the committee resolved to inquire into division procedures.⁷⁵ Work began on the inquiry at the next meeting. However, first the committee agreed to deal with two problems raised by the Chairman of the Selection Committee: pre-emption of private Members' business time by lodging notices to present bills after the Selection Committee's report had been adopted⁷⁶ and the informality of individual speaking times allotted for debate of private Members' business.⁷⁷
- 6.55 The committee acted quickly, completing a report, *Private Members' business*, at its next meeting on 6 March and presenting it to the House the same day, shortly before the adjournment, with no Chairman's statement.⁷⁸ The Government responded quickly, too. On 14 March, the House agreed to the Leader of the House's motion to adopt both the amended sessional orders recommended in *Private Members' business*.⁷⁹
- 6.56 The committee was particularly active over the next few weeks. It considered a problem that had arisen over a potential conflict between the

⁷² Implemented as sessional order 132, operative from 15 March 1988, which gave a Minister the option of lodging a response to be recorded in the *Votes and Proceedings* and printed in *Hansard*.

⁷³ *Responses to petitions*, 8.

⁷⁴ There was an informal response, however. The Leader of the House wrote to the Chairman on 19 December 1990 stating that because petitions were presented to the House, not the Executive, it was not in his view appropriate for Ministers to be required to respond. The committee agreed that the Chairman should ask the Leader of the House for Cabinet to consider the report—Committee minutes. The committee revisited *Responses to petitions* in *Review of reports*—see paras 6.114 and 6.117.

⁷⁵ Committee minutes.

⁷⁶ Under the existing sessional orders, priority had to be given to a private Members' bill at the next sitting Thursday, even when the notice of intention to present the bill was lodged after the Selection Committee had determined the timetable for the next sitting Thursday—these 'late arrivals' could encroach on the time already allotted for other items of private Members' business.

⁷⁷ At this stage the times allotted by the Selection Committee for each Member to speak during debate on an item of private Members' business were not enforceable and the time shown on the speech timing clocks in the Chamber was the time prescribed by standing orders, not the determination of the Selection Committee. This was misleading for the Members speaking.

⁷⁸ VP 1990–91–92–93/563.

⁷⁹ VP 1990–91–92–93/598–9.

provisions for disallowable instruments and the eight-week shelf-life for private Members' business.⁸⁰ While not proceeding to an inquiry on this matter, it did decide to report on the general rule for conduct of business, procedures for the opening of Parliament, citizens' right of reply and disclosure of in camera evidence before committees.⁸¹

- 6.57 The committee finalised two reports covering the first three matters at a meeting on 4 June. On 6 June the Chairman presented *Conduct of business and opening of Parliament* and *Right of reply* together.⁸² The former—at first glance an odd combination—dealt with chapters I and II of the standing orders as part of the committee's overall review. In essence, the report recommended revised procedures for the opening of Parliament—including a reiteration of the recommendation in its 1989 report *Election of Speaker* that a Member, not the Clerk, preside until the Speaker had been chosen—as well as the supersession of obligatory recourse to UK House of Commons practice.⁸³
- 6.58 The other report, *Right of reply*, recommended that the House adopt a similar procedure to that in the Senate by which an ordinary citizen claiming to be adversely affected by remarks made in parliamentary proceedings could seek to publish an appropriate response in *Hansard*.⁸⁴ The committee had considered this matter to some extent in a previous inquiry but had not then supported the measure.⁸⁵
- 6.59 A motion to take note of the reports was debated on 20 June.⁸⁶ Neither report had received a response before the change of government in 1996.⁸⁷ However, in neither case was it the end of the story.⁸⁸

⁸⁰ This concerned the time allowed under the *Acts Interpretation Act 1901* and other statutes for the disallowance of regulations and similar instruments in Parliament. This was typically 15 sitting days which in certain circumstances might not elapse before a notice of motion for disallowance was removed as an item of private Members' business if not dealt with within 8 sitting weeks. Although the committee considered the problem it decided that the onus was on the Government to deal with disallowance motions.

⁸¹ Committee minutes.

⁸² VP 1990–91–92–93/863; HR Deb (6.6.1991) 4895–7.

⁸³ See para 2.9.

⁸⁴ *Right of reply*, 7–8.

⁸⁵ *Conduct of Question Time*, 34–5 and 76–8 (Mr McLeay's dissenting report).

⁸⁶ VP 1990–91–92–93/884; HR Deb (20.6.1991) 5061–8.

⁸⁷ The Government noted in a response tabled on 31 August 1995 to the preceding periodic Speaker's schedule of government responses to committee reports that a response was not necessary to *Conduct of business and opening of Parliament* because the committee was undertaking another inquiry into opening procedures.

⁸⁸ The committee revisited the issues in *Conduct of business and opening of Parliament* in later inquiries. The recommended procedure in *Right of reply* was adopted by resolution of the House in 1997.

6.60 The committee completed one more inquiry in 1991. Again it was in response to an emerging problem.⁸⁹ The Chairman presented the report *Disclosure of in camera evidence* on 14 November.⁹⁰ The report proposed a means for greater protection of witnesses giving evidence where confidentiality was a crucial issue. This was another report not to receive a response before the change in government.

6.61 Perhaps the Government was finding it hard to keep up. For whatever reason, the list of reports awaiting a formal government response was lengthening and the committee was becoming increasingly frustrated. At the last sitting for 1991, the Speaker presented his biannual schedule of government responses to committee reports⁹¹ which showed responses were outstanding to:

Conduct of Question Time (presented 27.11.86)

Publication of tabled papers (presented 24.11.88)

Dealing with witnesses (presented 13.4.89)

Election of Speaker (presented 11.5.89)

Conduct of committees (presented 30.11.89)

Responses to petitions (presented 6.12.90)

Right of reply (presented 6.6.91)

Conduct of business and opening of Parliament (presented 6.6.91)

Disclosure of in camera evidence (presented 14.11.91).

All but the last of these had been presented well outside the three-month period within which the Government had volunteered in 1983 to respond to each report of a parliamentary committee.

6.62 Australia entered 1992 with a new Prime Minister. The committee entered the year with three inquiries listed on the Notice Paper: (1) division procedures, (2) review of the standing orders and (3) the *sub judice* convention.⁹² When it met on 3 March for the first time in the new year, it agreed that the lack of responses to Procedure Committee reports should be raised with the Leader of the House. It continued work on the review of standing orders, which had become a virtual standing reference, and it agreed to prepare a report on seconding of notices.⁹³

⁸⁹ *Disclosure of in camera evidence*, 5—At issue was the inclusion of in camera evidence in a dissenting report presented by a joint committee.

⁹⁰ VP 1990–91–92–93 / 1179; HR Deb (14.11.1991) 3040–1.

⁹¹ HR Deb (19.12.1991) 3794–9. (Later in the sitting the Hon. R. J. L. Hawke made his last speech in the House as Prime Minister having lost a party room ballot for leadership of the parliamentary ALP—HR Deb (19.12.1991) 3867–9.)

⁹² NP (2.1.1992) 3992.

⁹³ Committee minutes.

6.63 The Chairman presented two reports, *Speaker, Chairman etc.* and *Seconding notices*, on 30 April 1992,⁹⁴ both falling within the purview of the review of standing orders. The first dealt with chapter III of the standing orders relating to the Speaker and other office holders; the second referred specifically to the requirement for notices of motion to be seconded. The Selection Committee had allocated all of five minutes for presentation and statements. The Chairman barely had time to explain that the first report, among other things, returned yet again to the election of Speaker⁹⁵ and that the second sought to remove a burden which in practice fell only on private Members. Neither report was to receive a formal government response.⁹⁶

6.64 The committee continued its comprehensive review of the standing orders, turning its attention next to chapter XI, questions seeking information. The inquiry was completed on 2 June and the report *Questions seeking information* presented on 25 June.⁹⁷ On this occasion the Selection Committee was a little more generous and allowed twenty minutes for statements on presentation. The Chairman opened his tabling statement with a grievance:

This is the third occasion on which the Standing Committee on Procedure has looked at Question Time. Neither of the two previous reports has been adopted, nor have they been debated by the House. Unfortunately, there are a number of Procedure Committee reports, some of them of considerable significance, which are at present unresolved and undebated in this Parliament. It is necessary, if the Procedure Committee is to continue to operate, for some consideration to be given to these things and for some time to be set aside whereby the House can in fact discuss recommendations made by a Committee that it set up for that very purpose.

6.65 The report, which, as the Chairman had noted, revisited ground covered in previous reports,⁹⁸ proposed a simplification of the rules for questions,

⁹⁴ VP 1990–91–92–93 / 1444; HR Deb (30.4.1992) 2080.

⁹⁵ Two previous reports had recommended an alternative to the Clerk conducting proceedings up to the election of Speaker—see paras 6.38 and 6.57.

⁹⁶ On 31 August 1995, the Government presented a response to the Speaker's schedule of government responses, indicating that it would not respond because the report *Speaker, Chairman etc.* had been overtaken by a subsequent report (*About time*)—VP 1993–94–95–96 / 2367–8. After the change of government in 1996, the Government responded by similar means on 19 June 1997 to the other report, *Seconding notices*, observing that it saw 'no compelling reason to dispense with the requirement'—VP 1996–97–98 / 1698.

⁹⁷ VP 1990–91–92–93 / 1618; HR Deb (25.6.1992) 3906–8.

⁹⁸ *Days and hours and Conduct of Question Time.*

an amplification of the rules for answers and more authority for the Speaker. A further innovative recommendation was an adaptation of a Senate procedure for allowing Members to seek explanations for lengthy delays in answering questions on notice. The committee recommended that if a question on notice had not been answered after ninety days the Member concerned might ask the Speaker to write to the offending Minister seeking an explanation for the delay.⁹⁹ Consistent with the Chairman's lament, this was to be another report which would be overtaken by later inquiries before receiving any form of government response.¹⁰⁰

- 6.66 The committee continued its review, turning to chapters XXI and XXII, dealing with disorder and strangers, respectively. By now the end of the Parliament loomed on the horizon and the meeting on 13 October at which it finalised the report was its last for the 36th Parliament. It also chose to respond to requests for consideration of two matters, a proposed change to the title of 'Chairman of Committees' (submitted by the Speaker) and more latitude in scheduling report presentation in peak periods (submitted by the Chairman of the Selection Committee) by undertaking to convey its support by advice, rather than report.¹⁰¹
- 6.67 The Chairman presented the last report for the 36th Parliament, *Disorder and strangers*, on 15 October.¹⁰² There were echoes in at least two of the proposals, the 'sin bin' provision by which the Speaker could require a disorderly Member to leave the Chamber for a certain period and the removal of gender specific pronouns.¹⁰³ It was also proposed that 'strangers' should be called 'visitors'.¹⁰⁴
- 6.68 On the same day that *Disorder and strangers* was tabled, the Leader of the House—after persistent lobbying behind the scenes by the Chairman of the Procedure Committee—at last submitted to the House a motion to adopt an accumulation of sessional orders as standing orders.¹⁰⁵ Debate continued for about eighty minutes, during which the Chairman took the opportunity to ask for more:

⁹⁹ *Questions seeking information*, 18.

¹⁰⁰ As with *Speaker, Chairman etc.*, the Government in its response on 31 August 1995 expressed a view that *Questions seeking information* had been overtaken by *About time*.

¹⁰¹ Committee minutes.

¹⁰² VP 1990–91–92–93 / 1782; HR Deb (15.10.1992) 2195–6.

¹⁰³ Both had been mooted in *Days and hours*; see para 6.19.

¹⁰⁴ *Disorder and strangers*, 11.

¹⁰⁵ VP 1990–91–92–93 / 1786–8; HR Deb (15.10.1992) 2294–313.

I express pleasure that the Sessional Orders are at last being converted into Standing Orders. Most of these reports were made by the Procedure Committee when either Mr Keogh or Mr Mountford was the Chairman. I do not think any of them arose from the last three years. That is disappointing, in that a very substantial review of the Standing Orders has taken place.

...

With this motion we are putting the Procedure Committee into the Standing Orders for the first time. It is pointless continuing to examine the Standing Orders if those recommendations are not going to be given the opportunity of being heard in the House and applied and tested by the House in practice.

- 6.69 The motion was agreed to and sessional order 28C (Standing Committee on Procedure) became standing order 28C. The committee was now entrenched in the permanent rules of the House, along with many of the procedures and practices which its reports had initiated.
- 6.70 Like so many of the preceding reports, *Disorder and strangers* had to await another Parliament before receiving any form of response. The committee did not meet again before the Parliament was prorogued and the House dissolved on 8 February 1993.

Thirty-seventh Parliament: 1993–94–95–96

- 6.71 The Governor-General's speech at the opening of the 37th Parliament on 4 May 1993 suggested a focus on constitutional rather than parliamentary or procedural reform.¹⁰⁶ Of course now that its appointment was automatic by virtue of being written into the standing orders, the formation of the Procedure Committee awaited only the appointment of members.
- 6.72 The whips' nominations were announced on 12 May¹⁰⁷ and the committee met for the first time the next day. Dr Blewett¹⁰⁸—like his predecessor, who had retired at the last election, a former Minister—was elected

¹⁰⁶ HR Deb (4.5.1993) 21–33.

¹⁰⁷ VP 1993–94–95–96/65.

¹⁰⁸ The Hon. Dr Neal Blewett, Member for Bonython 1977–94, Minister for: Health 1983–87, Community Services and Health 1987–90, Trade Negotiations 1990–91, Trade and Overseas Development 1991, Social Security 1991–93.

Chairman.¹⁰⁹ The committee wasted no time, agreeing to undertake an inquiry with the following terms of reference:

Within its general terms of reference the committee is to review and report on the practices and procedures of the House of Representatives with reference to but not limited to:

- (1) the sitting times of the House and the programming of its business;
- (2) questions without notice;
- (3) the role and powers of the Speaker;
- (4) the role and operation of committees of the House;
- (5) legislative procedures; and
- (6) the rules governing debates, ministerial statements and matters of public importance.

The inquiry was listed on the Notice Paper as ‘Reform of the House of Representatives’.¹¹⁰

- 6.73 The next meeting, on 8 June, only the second occasion on which the committee had moved from place to place, was held in the Jubilee Room of Parliament House in Sydney.¹¹¹ The inquiry’s scope was refined.
- 6.74 By the third meeting, again in Sydney, on 9 August, the committee had agreed to a preliminary proposed time table for weekly sittings of the House and decided to circulate it for comment. Attention turned to core elements of the inquiry like rostering of Ministers for Question Time and consideration of legislation in two parallel streams.¹¹²
- 6.75 Meanwhile, initiatives were being taken in another place. On 18 August the Senate resolved to refer ‘ways in which the days and hours of sitting of the Senate and the order of business can be arranged such that more time is available for legislation and other business and late night sittings are avoided’ to the Senate Procedure Committee. The resolution included an authorisation to ‘consult with the Procedure Committee of the House of Representatives’.¹¹³ (In the event, the committees only consulted by correspondence.)

¹⁰⁹ Committee minutes.

¹¹⁰ NP (26.5.1993) 179.

¹¹¹ The previous occasion was in 1986—see para 6.11.

¹¹² Committee minutes.

¹¹³ SJ 1993–94–95/357.

- 6.76 The committee met several times in September and October and finalised the report—at its tenth meeting for the Parliament—on 21 October. The Chairman was authorised to provide a confidential background briefing on the report to the Speaker, the Leader of the House and the Manager of Opposition Business.¹¹⁴
- 6.77 In anticipation of the significance of the occasion, the Selection Committee allocated 50 minutes for presentation. The Chairman presented the report, *About time*, on 28 October 1993.¹¹⁵ Five other committee members also made statements. The Chairman identified ‘three major and related issues: the handling of legislation, the structure and conduct of question time and the fortnightly sitting program’. The respective elements of the proposed solutions were the institution of a parallel legislative stream (the Main Committee), rostering of Ministers for Question Time and a four-days-per-week, two-week block of sittings starting and rising earlier each day.
- 6.78 Recommendations included echoes from earlier reports including a minimum of sixteen questions for Question Time and recourse by the Speaker to the sin bin for disorderly behaviour. The Chairman insisted that he did not wish the list of recommendations to be viewed as a menu:

We believe that honourable members, after they have examined the report, will find the proposals neither particularly radical, original nor overly ambitious. Essentially, we seek to make a series of evolutionary changes. The apparently most radical change, the one I mentioned, the main legislation committee, is a change more in form than in fact when honourable members look at the actualities of the way the House works. Many, if not most of the proposals, are drawn from procedural inquiries over the past 20 years and this, in itself, is a telling indictment on the House’s ability to respond to long identified problems.

The committee does regard its proposals as a package to be broadly accepted or rejected. If there develops an orgy of choosing and selecting and rejecting significant bits, the whole package will collapse.¹¹⁶

- 6.79 The report attracted rather more media attention than any of the previous Procedure Committee oeuvre. Unfortunately, some of this came before the report had even been tabled. After Question Time on 27 October, the committee’s Deputy Chairman, Mrs Sullivan, was given the call:

¹¹⁴ Committee minutes.

¹¹⁵ VP 1993–94–95–96/442; HR Deb (28.10.1993) 2709–20.

¹¹⁶ HR Deb (28.10.1993) 2711.

Mr Speaker, I also raise a matter of privilege. I draw your attention to the report on the front page of today's Sydney Morning Herald headed 'Sin-bin for MPs in bearpit clean-up', which states:

In a report to be released tomorrow, a parliamentary committee has proposed overhauling Question Time ...

It goes on to talk about aspects other than the sitting times. On the same basis as the matter of privilege that was raised earlier, I ask whether the matter of prereporting of a report which is still confidential; and has not been released can be referred to the Standing Committee of Privileges.¹¹⁷

The next day the Speaker invoked the standard procedure for dealing with complaints about the disclosure of confidential committee material¹¹⁸ and instructed the committee to consider the effect of the publication, attempt to discover the source of any disclosure and report back to the House.¹¹⁹ The committee considered the matter at a meeting on 22 November¹²⁰ and the next day the Chairman reported to the House that the committee had been unable to ascertain the source and had concluded that the publication did not interfere substantially with the work of the committee.¹²¹ The committee recommended no further action be taken and there the matter rested.

- 6.80 The media coverage was mixed, most commentary predictably accentuating the proposed changes to Question Time: 'Blewett unveils radical changes to parliament procedures' (AAP, 28.10.1993); 'MPs seek to kill off gladiator atmosphere' (*Australian*, 29.10.1993); 'Setback to restoring order in the House' (*Sydney Morning Herald*, 29.10.1993); and, 'Sin-bin for unruly parliamentarians?' (*Canberra Times*, 29.10.1993).
- 6.81 Meanwhile, back in the House, the Selection Committee was generous, allocating forty minutes for debate on the motion to take note of the report and four Members spoke on 25 November.¹²² When the House sat additionally on 17 and 18 December (a Saturday) principally to pass the Native Title Bill 1993, the Government allocated time in its modified routine of business for further debate on the report.¹²³ Members spoke for

¹¹⁷ HR Deb (27.10.1993) 2655.

¹¹⁸ Restated by Speaker McLeay in 1992—HR Deb (7.5.1992) 2661–2.

¹¹⁹ HR Deb (28.10.1993) 2774.

¹²⁰ Committee minutes.

¹²¹ HR Deb (23.11.1993) 3401–2.

¹²² HR Deb (25.11.1993) 3636–45.

¹²³ VP 1993–94–95–96/627, 649.

over two hours on 17 December before debate was adjourned.¹²⁴ Debate resumed on 21 December during a further extended sitting convened to pass the bill and continued for another two and a half hours.¹²⁵

- 6.82 The committee ended 1993 having tabled but one report for the year, a report which nevertheless had attracted more debate and media attention than any previously presented by the committee and one destined to be its second notable achievement.
- 6.83 Shortly after sittings resumed in 1994, Prime Minister Keating made a ministerial statement foreshadowing the presentation of a detailed government response a few days later and imparting that the Government intended to ‘accept, in whole or in part, the great majority of the committee’s recommendations’.¹²⁶ In his reply, the Leader of the Opposition, Dr Hewson, like many in the media, concentrated on the proposals affecting Question Time, dismissing the prime ministerial statement as ‘the most fundamental and serious attack on this parliament in the 93 years since Federation’ and the committee as ‘a facade’.¹²⁷
- 6.84 The government response was presented with ministerial papers after Question Time on 10 February.¹²⁸ However, immediately beforehand two Members had spoken by indulgence of the Speaker to inform the House of their impending retirement from the House. The first was the Member for Bonython and Chairman of the Standing Committee on Procedure, Dr Blewett. This was the last occasion on which he spoke in the Chamber and he formally resigned his seat the next day.¹²⁹
- 6.85 Motions to implement the accepted (and partly accepted) recommendations were moved later in the same sitting at which the government response was tabled.¹³⁰ The first motion, to set in place amended standing orders, covered legislative procedures (including the Main Committee), new disciplinary procedures (including the ‘sin bin’) and the sitting program. The motion was agreed to on the voices. A second motion, setting in place sessional orders, covered the controversial alterations to Question Time including rostering of Ministers; this was carried on division. After about three and a half hours of debate *About time*

¹²⁴ HR Deb (17.12.1993) 4402–27.

¹²⁵ HR Deb (21.12.1993) 4496–525.

¹²⁶ HR Deb (8.2.1994) 537.

¹²⁷ The Leader of the Opposition was more generous in his remarks two days later on the impending retirement of the Chairman—HR Deb (10.2.1994) 779.

¹²⁸ VP 1993–94–95–96 / 752.

¹²⁹ VP 1993–94–95–96 / 785.

¹³⁰ VP 1993–94–95–96 / 754–79, 782–3; HR Deb (10.2.1994) 795–830, 833–57.

had delivered substantial results. The new arrangements were to take effect from 21 February 1994.

- 6.86 It had been a tumultuous twelve months for the Procedure Committee, preparing and presenting its second landmark report against the backdrop of a new Prime Minister, friction between the Opposition and the Government over passage of Budget legislation through the Senate and the mounting controversy over the ‘whiteboard affair’. The committee was ready to enter quieter waters.
- 6.87 The committee met for the first time in 1994 on 30 May and welcomed two new members. One of the two, the Hon. R. J. Brown,¹³¹ was elected Chairman in place of the retired Dr Blewett. The committee’s first decision under its newest presiding member was to make a third attempt at removing gender specific language from the standing orders.¹³² This was to be achieved by the Chairman seeking a government response from the Prime Minister on its first recommendation to that end.¹³³
- 6.88 The committee also agreed to undertake an inquiry which had been requested by Speaker Martin into the possible application of modern technology by committees.
- 6.89 On the motion of the Deputy Chairman, Mrs Sullivan, a further inquiry was initiated at the same meeting. A week after the new standing and sessional orders inspired by *About time* came into effect, Mrs Sullivan lodged a notice of motion seeking reference to the Procedure Committee of a review of the operation and effectiveness of the orders.¹³⁴ This notice was still on the Notice Paper when the committee agreed to undertake the review.
- 6.90 The Main Committee, the parallel legislative stream proposed in *About time*, met for the first time on 8 June 1994.¹³⁵ At the end of the first period of sittings in which it had operated, it received a favourable report.¹³⁶

¹³¹ The Hon. R. J. Brown, Member for: Hunter 1980–84, Charlton 1984–98; Minister for: Land Transport and Shipping Support 1988–90, Land Transport 1990–93.

¹³² The first attempt was in 1986: *Conduct of Question Time*, 71; a further attempt was made in *Disorder and strangers*, 2. The Hon. W. F. Fatin, as Chair of the Caucus Status of Women Committee, had written to the Committee previously on the matter and latterly to the Speaker. An additional factor was the ‘neutralisation’ of pronouns in recently changed standing orders leading to inconsistencies between old and new.

¹³³ Committee minutes.

¹³⁴ NP (1.3.1994) 2945.

¹³⁵ VP 1993–94–95–96 / 1083; HR Deb (8.6.1994) 1725.

¹³⁶ HR Deb (30.6.1994) 2428.

Some years later, it would be subjected to a thorough review by the Procedure Committee.¹³⁷

- 6.91 On 30 June, the House agreed to a motion authorising the Speaker to arrange a revision of the standing orders incorporating references to Members in gender-inclusive pronouns and substituting ‘chair’ for ‘chairman’ in relation to parliamentary committees.¹³⁸ This revision was to be presented for consideration by the House. After Question Time on the next day of sitting, 23 August 1994, the Speaker presented the revised standing orders.¹³⁹ The House adopted them, not without a quibble,¹⁴⁰ as well as some technical enhancements to some provisions involving the Main Committee, on 9 November.¹⁴¹
- 6.92 The committee concluded its inquiry into the use of (communications) technology by committees on 17 November—its last meeting for 1994—and presented its report, *Application of technology to committees*, on 5 December.¹⁴² The report was one of many amid the end of year rush and the Selection Committee allocated a mere five minutes for presentation. The Chair summarised the committee’s conclusions as support for the use of modern technology like video conferencing because of its obvious advantages; however the quality of evidence and the dignity of committee proceedings must be maintained—it was therefore appropriate that committees not proceed with the use of modern technology until authorised by the House. The report did not receive any indication of a government response until the next Parliament.
- 6.93 The House agreed at the same sitting first to an amendment to the standing orders to recognise the *Votes and Proceedings* as the record of the House’s proceedings and second to a motion declaring that the *Votes and Proceedings* were the record of proceedings.¹⁴³ The Speaker had written to the committee seeking its support to a proposed means for determining the status of the *Votes and Proceedings* in the light of provisions in the

¹³⁷ The committee presented the report of its review, *Second chamber*, on 14 August 2000.

¹³⁸ VP 1993–94–95–96 / 1166; HR Deb (30.6.1994) 2468.

¹³⁹ VP 1993–94–95–96 / 1228.

¹⁴⁰ For example, references to ‘language terrorism’, ‘language vilification legislation’ and ‘feminazis’.

¹⁴¹ VP 1993–94–95–96 / 1504–6; HR Deb (9.11.1994) 2944–50.

¹⁴² VP 1993–94–95–96 / 1615; HR Deb (5.12.1994) 3841–2.

¹⁴³ VP 1993–94–95–96 / 1620.

proposed new Evidence Act.¹⁴⁴ The committee had endorsed the proposed means.¹⁴⁵

- 6.94 The committee ended the year, like the last, having presented only one report. Although it had taken tentative steps to launch other inquiries, it entered 1995 with a single current inquiry listed on the Notice Paper: a review of the procedures operating since 21 February 1994.¹⁴⁶
- 6.95 In late December 1994, the Speaker wrote to the committee requesting it to review procedures for the opening of Parliament (while acknowledging its 1991 report¹⁴⁷). The next month the Speaker wrote again, seeking a review of standing order 43 dealing with the sensitive issue of prayers. The committee agreed at its first meeting in 1995 on 2 March to review opening procedures as soon as it had finished its current inquiry but decided to take no further action on standing order 43.¹⁴⁸
- 6.96 The inquiry occupied the first half of the year and matched its progenitor, *About time*, in workload. The committee finalised the report of the review on 8 June 1995 and also agreed to circulate a discussion paper on Question Time.¹⁴⁹
- 6.97 *Time for review* was presented on 19 June. The Selection Committee allocated ten minutes for presentation but the usual Monday routine of business was overturned by a suspension of standing orders to debate a motion on French nuclear testing.¹⁵⁰ The Chair presented the report during the afternoon without any statement.¹⁵¹ Debate on a motion to take note of the report was referred to the Main Committee.¹⁵²
- 6.98 The Chair looked on the bright side when the matter came up for debate in the Main Committee on 22 June:

The very fact that we now have, within that same week, the opportunity in this chamber to consider some of the elements of that report in greater detail than would have been available to us in the main chamber attests, probably as well as anything, to the

¹⁴⁴ The *Evidence Act 1905* explicitly recognised the *Votes and Proceedings*, the proposed Evidence Act 1993 did not.

¹⁴⁵ Committee minutes; HR Deb (17.11.1994) 3742.

¹⁴⁶ NP (31.1.1995) 5860.

¹⁴⁷ *Conduct of business and opening of Parliament*.

¹⁴⁸ Committee minutes.

¹⁴⁹ Committee minutes.

¹⁵⁰ The French Government had recently decided to resume nuclear testing in the South Pacific.

¹⁵¹ VP 1993–94–95–96 / 2183.

¹⁵² VP 1993–94–95–96 / 2206–7.

very effective way in which the Main Committee has operated since its introduction last year. That was one of the main changes which came about in the procedures of the House of Representatives, following the Procedure Committee's *About time* report, which was tabled by Dr Blewett, my predecessor as the chair of this committee, in October 1993.¹⁵³

In essence, the committee found no reason to change the major elements of the new procedures, especially the Main Committee, rostering of Ministers for Question Time and the amended sitting hours. It did propose, however, a number of measures to fine tune the operation of the new procedures.¹⁵⁴ Debate on the report extended for almost three hours on 22 June and a further hour on 28 June.¹⁵⁵ (It was surely not a reflection of the interest in the report that the latter meeting of the Main Committee was delayed for five minutes because of a lack of a quorum.)

- 6.99 The Chair presented the committee's discussion paper, *Question Time in the House of Representatives*, on 26 June and he and the Deputy Chair made brief statements. The Chair alluded to the intractability of the perceived problems and noted that:

Question time has been the subject of two reports of the Procedure Committee in 1986 and 1992, as well as a large part of the *About time* report in 1993. However, few of the committee's recommendations relating to questions without notice have ever been adopted. For this reason, the committee chose not to expend time on the review by revisiting question time in general but thought it might be useful to encourage members themselves to consider and debate what it is that they want and expect of question time. Hopefully the debate will indicate whether there is some consensus among members on the need or possible direction for reform.¹⁵⁶

- 6.100 The government response to *Time for review* was presented as a ministerial paper on 29 November.¹⁵⁷ The Government indicated that it accepted most of the recommendations but there would have been a wry smile here and there at the response to a recommendation concerning Question Time: 'The Government does not accept the recommendation as it considers that current question time arrangements are working well'.

¹⁵³ HR Deb (22.6.1995) MC 2185.

¹⁵⁴ *Time for review*, vii–xi.

¹⁵⁵ HR Deb (22.6.1995) MC 2185–225; (28.6.1995) MC 2571–82.

¹⁵⁶ HR Deb (26.6.1995) 2292–4.

¹⁵⁷ VP 1993–94–95–96 / 2670.

- 6.101 The inquiry into opening procedures concluded on 21 September 1995 and the report was presented on 16 October.¹⁵⁸ The Selection Committee had allocated twenty minutes for presentation but the Chair and another Member spoke for about fifteen minutes only.¹⁵⁹ There were several significant proposals in *Opening procedures*, including simultaneous opening by a deputy of the Governor-General in each Chamber, the Governor-General's speech being delivered in the Great Hall rather than the Senate Chamber and that a senior backbencher act as chair for the election of Speaker rather than the Clerk. As the Chair noted, some of these were not new proposals.¹⁶⁰
- 6.102 The committee did not meet again in the 37th Parliament. The House sat for the last time on 1 December 1995 before prorogation and dissolution on 29 January 1996.

Thirty-eighth Parliament: 1996–97–98

- 6.103 The 1996 general election delivered a change of government. The party of incoming Prime Minister Howard had included parliamentary reform as an element of its election campaign.¹⁶¹ This was reflected in the Governor-General's speech at the opening of Parliament on 30 April 1996:

Finally, it is particularly appropriate at this time and in this place to mention the government's intention to improve the standing of the national Parliament.

It is a regrettable fact that, for various reasons, increasing numbers in the community have lost respect for the Parliament and its members.

The government will take steps to restore that respect. It will do so without in any way reducing the scope for robust debate which is one of the most valued features of our democratic tradition.¹⁶²

¹⁵⁸ VP 1993–94–95–96 / 2445; HR Deb (16.10.1995) 2059–61.

¹⁵⁹ A quorum had to be called to muster speakers for the next item, appropriately enough concerning attention deficit disorder.

¹⁶⁰ See footnote 95 in this chapter for earlier attempts to change the process for election of Speaker.

¹⁶¹ Stated, for example, in Mr Howard's address to the National Press Club, Canberra, 28 February 1996.

¹⁶² HR Deb (30.4.1996) 18–9.

- 6.104 The committee's membership was announced on 29 May¹⁶³ and the committee met for the first time on 20 June. Mrs Sullivan,¹⁶⁴ who had been Deputy Chair for part of the previous Parliament, was elected Chair. After the preliminaries an ambitious program of inquiries was agreed: standing order 143 (questions to other Members); review of reports not receiving a government response; conduct of divisions; business and operation of the Main Committee; and supplementary questions.¹⁶⁵
- 6.105 There was an interesting background to the first inquiry. Toward the end of the previous Parliament there were two instances of an Opposition Member asking the Leader of the Opposition, Mr Howard, a question without notice.¹⁶⁶ Apparently sensing the thin end of a wedge, the Leader of the House, Mr Beazley, moved suspension of standing order 143—which allowed questions to 'a Member, not being a Minister or an Assistant Minister, relating to any bill, motion, or other public matter connected with the business of the House, of which the Member has charge'—for the remainder of the period of sittings and undertook to refer the matter to the Procedure Committee.¹⁶⁷ The motion was carried and the Leader of the House fulfilled his undertaking, writing to the committee on 20 November.¹⁶⁸ However, as noted at paragraph 6.102, the committee did not meet again before the end of the 37th Parliament and therefore had not considered the matter before the change of government.
- 6.106 The committee did not linger over this inquiry and having received opinions from the current Leader of the House, Mr Reith, and Manager of Opposition Business, Mr Crean, that the standing order should be retained,¹⁶⁹ presented their report, *SO 143*, on 16 September supporting the status quo.¹⁷⁰ The government response was similarly expeditious, presented as a ministerial paper on 10 October¹⁷¹ and accepting the committee's recommendation.¹⁷²

¹⁶³ VP 1996–97–98/208.

¹⁶⁴ The Hon. K. J. Sullivan, Senator for Queensland 1974–84; Member for Moncrieff 1984–2001; later Parliamentary Secretary to the Minister for Foreign Affairs 1997–2000.

¹⁶⁵ Committee minutes.

¹⁶⁶ HR Deb (26.9.1995) 1692–5 & (28.9.1995) 1988–90.

¹⁶⁷ HR Deb (26.10.1995) 3047–59.

¹⁶⁸ Reproduced in the appendix to *SO 143*.

¹⁶⁹ Reproduced in the appendix to *SO 143*.

¹⁷⁰ VP 1996–97–98/489; HR Deb (16.9.1996) 4271–2.

¹⁷¹ VP 1996–97–98/590.

¹⁷² But reserving 'the right to revisit the issue [in the event of any further abuse]'. An Opposition Member had asked the Leader of the Opposition a question without notice on 19 June.

- 6.107 The committee was becoming very busy. In addition to its active inquiries into previous reports lacking a government response and the conduct of divisions, and another inquiry on standby, it had agreed at its meeting on 22 August to a request from the Speaker to inquire into a matter concerning the consideration in detail stage of bills.¹⁷³
- 6.108 This new inquiry was both narrow and technical in nature. A change in legislative drafting practice had led to a potential restriction of the detail in which proposed amendments to existing statutes could be considered in the House. At issue was the *modus operandi* set out in standing order 226 (order in considering a bill). The committee recommended a necessarily prolix remedy in its report, SO 226, which was presented on 28 October.¹⁷⁴ The government response was tabled as a ministerial paper on 5 December.¹⁷⁵ The standing order was amended among others on 6 February 1997.¹⁷⁶
- 6.109 The next inquiry to be completed was on the divisions process. Mr Andrew—later to become a Speaker of the House but then a member of the committee—presented *Conduct of divisions* on 18 November.¹⁷⁷ Back in 1991 the committee had successfully recommended in *Private Members' business* that the Selection Committee should be able to determine the times for individual Members speaking on items which it had accorded priority, including the presentation of committee reports. On this occasion the Selection Committee had determined that two Members should speak for twenty minutes. However, reflecting occasional necessity, a practice had evolved of Members agreeing to share their time differently.¹⁷⁸ The two members of the committee made shorter statements allowing a third Member, not a committee member, to contribute briefly.
- 6.110 The committee had considered electronic voting, an issue which had been in the background for some years, but a majority of members cautiously decided to defer consideration principally on grounds of cost.¹⁷⁹ The committee did, however, recommend a trial of a new divisions process which involved the count beginning before the bells had ceased ringing.

¹⁷³ Committee minutes.

¹⁷⁴ VP 1996–97–98/711; HR Deb (28.10.1996) 5853–4.

¹⁷⁵ VP 1996–97–98/985.

¹⁷⁶ VP 1996–97–98/1086–7.

¹⁷⁷ VP 1996–97–98/817; HR Deb (18.11.1996) 6917–9.

¹⁷⁸ This of course reintroduced the old problem which the Private Members' business recommendation had sought to remedy: what time to put on the speech time clock.

¹⁷⁹ *Conduct of divisions*, 3–5; however the three ALP members submitted a dissenting report which advocated implementation of electronic voting without delay.

There were also proposals for streamlining consecutive divisions and dealing with recording dissent without completing a division.¹⁸⁰

6.111 The Government did not accept the recommendations in toto but through negotiations with the Opposition and an Independent Member arrived at a compromise which, by motion carried on 6 March 1997,¹⁸¹ was to undergo a trial from 18 March.

6.112 There is some confusion about whether there was a government response to *Conduct of divisions*: during his speech to the motion on 6 March, the Leader of the House declared:

In my response to the report, I indicated that, while not disputing the advantages of electronic voting, it appeared the costs of implementation were likely to be very high.¹⁸²

However, no government response had been presented to the House according to the Speaker's biannual schedule presented on 13 December.¹⁸³ The Government's response to that schedule, tabled on 19 June 1997,¹⁸⁴ contained the following entry for *Conduct of divisions*:

Revised arrangements for the conduct of divisions were implemented for a trial period from 18 March 1997 until the end of the 1997 autumn sittings. The trial period was extended on 26 March 1997 to continue until the end of the 1997 winter sittings. A decision regarding the longer term arrangements will be taken in the light of experience during the trial period.

This entry seems to have been deemed to be the government response as *Conduct of divisions* was not listed in the next biannual schedule.¹⁸⁵

6.113 Meanwhile, back in late 1996 shortly after *Conduct of divisions* had been tabled, the committee completed its review of previous reports which had not received a government response.¹⁸⁶ Though this was one of the committee's briefest reports, it represented a major effort in housekeeping.

¹⁸⁰ *Conduct of divisions*, 14–5.

¹⁸¹ VP 1996–97–98/1273–5; HR Deb (6.3.1997) 2234–43.

¹⁸² HR Deb (6.3.1997) 2236.

¹⁸³ HR Deb (12.12.1996) 8601. [Note: the sitting of 12 December was suspended overnight and continued on 13 December.]

¹⁸⁴ VP 1996–97–98/1698.

¹⁸⁵ HR Deb (4.12.1997) 12098–104. The sessional orders effecting the trial were adopted as standing orders on 4 December 1997—VP 1996–97–98/2644; HR Deb (4.12.1997) 12035.

¹⁸⁶ As noted in para 6.104, the review had been launched on 20 June 1996. On 27 June the Leader of the House indicated that the Government had asked the Procedure Committee to undertake such a review—see HR Deb (27.6.1996) 3029.

While the committee did not revisit the original inquiries which had delivered the ten identified reports, it did consider their recommendations. Inevitably with the passage of time and changes in membership the degrees of support for certain propositions had changed. Nevertheless the committee concluded that it agreed with ‘the majority of the recommendations in most reports’.¹⁸⁷

6.114 The Chair presented *Review of reports* on 2 December 1996.¹⁸⁸ The committee had divided the ten outstanding reports into three categories, the first two of which it believed still required a government response:

- Reports endorsed without qualification
 - Publication of tabled papers* (presented 24.11.88)
 - Responses to petitions* (presented 6.12.90)
 - Right of reply* (presented 6.6.91)
 - Seconding notices* (presented 30.4.92)
 - Application of technology to committees* (presented 5.12.94)
- Reports endorsed with some reservations or minor changes
 - Disclosure of in camera evidence* (presented 14.11.91)
 - Disorder and strangers* (presented 15.10.92)
 - Opening procedures* (presented 16.11.95)
- Reports largely superseded and needing no response
 - Dealing with witnesses* (presented 13.4.89)
 - Conduct of committees* (presented 30.11.89)

6.115 The Procedure Committee ended a busy year with no inquiries listed on the Notice Paper.

6.116 The first meeting for 1997 was on 4 June. The committee received a proposal from Mr Brough, a Government backbencher, for the introduction of an adjournment debate in the Main Committee and decided to launch an inquiry into ‘the provision for Members to make short speeches in the Main Committee on matters of interest to them’.¹⁸⁹

6.117 The ministerial papers tabled on 19 June 1997¹⁹⁰ included the Government’s response to the Speaker’s December 1996 schedule of

¹⁸⁷ *Review of reports*, 2.

¹⁸⁸ VP 1996–97–98 / 930; HR Deb (2.12.1996) 7369–71.

¹⁸⁹ Committee minutes.

¹⁹⁰ VP 1996–97–98 / 1698.

government responses to committee reports. The ministerial paper incorporated an omnibus response to the ten outstanding reports identified in *Review of reports*.¹⁹¹ In short, the Government's responses to the ten reports were as follows:

- *Opening procedures* (presented 16.11.95): The Government disagreed and did not propose to seek any changes to the traditional proceedings;
- *Application of technology to committees* (presented 5.12.94): The Government supported the recommendations and the House had authorised a trial by a standing committee;¹⁹² the recommendations were implemented on 27 August 1997 as a resolution with continuing effect;¹⁹³
- *Disorder and strangers* (presented 15.10.92): The Government supported most of the recommendations; the standing orders were amended on 27 August 1997;¹⁹⁴
- *Seconding notices* (presented 30.4.92): The Government disagreed, seeing 'no compelling reason to dispense with the requirement' [for seconding of private Members' notices];
- *Disclosure of in camera evidence* (presented 14.11.91), *Dealing with witnesses* (presented 13.4.89) and *Conduct of committees* (presented 30.11.89): The Government expected these to be subsumed in the committee's portended broad inquiry into the committee system;
- *Right of reply* (presented 6.6.91): The Government agreed that the House should provide citizens with a right of reply similar to that operating in the Senate; this was implemented on 27 August 1997 as a resolution with continuing effect;¹⁹⁵
- *Responses to petitions* (presented 6.12.90): The Government disagreed, believing the current standing orders were appropriate for the handling of petitions;
- *Publication of tabled papers* (presented 24.11.88): The Government disagreed and said it intended to harmonise practice in the two Houses; standing order 320 was accordingly amended on 27 August 1997.¹⁹⁶

In keeping with the economy of this approach, the ministerial paper also contained an entry for *Review of reports*, thus providing a de facto

¹⁹¹ The committee had identified two of the ten as not requiring a response—see para 6.114.

¹⁹² VP 1996–97–98 / 1427–8.

¹⁹³ VP 1996–97–98 / 1870–1.

¹⁹⁴ VP 1996–97–98 / 1867–8.

¹⁹⁵ VP 1996–97–98 / 1868–70.

¹⁹⁶ VP 1996–97–98 / 1868.

government response to that report as well. Never had a government been more responsive!

- 6.118 For the first time in many years there were no Procedure Committee reports awaiting a government response.
- 6.119 The committee continued at a gentler pace to consider the inquiry it had begun in early June into providing for short speeches in the Main Committee. The report was finalised on 29 September 1997.¹⁹⁷
- 6.120 There was turnover in committee membership before the report could be presented. The first member involved was Mr Cadman, who had been appointed Parliamentary Secretary to the Minister for Workplace Relations and Small Business on 11 July but was not replaced on the committee until 29 September. His replacement, Mr Somlyay, was appointed Minister for Regional Development, Territories and Local Government on 9 October. On the same date, the Chair, Mrs Sullivan, was appointed Parliamentary Secretary to the Minister for Foreign Affairs and another member, Mr Truss, was appointed Minister for Customs and Consumer Affairs and Deputy Leader of the House.
- 6.121 One of the replacement members, Mr Nugent,¹⁹⁸ was elected Chair on 28 October 1997. In the meantime, Mr Reid, a committee member, presented *Short speeches in the Main Committee* to the House on 20 October.¹⁹⁹ This report recommended an extension of the role of the Main Committee. The House's second chamber had started as an alternative legislative stream but had also taken on additional business, debate of motions to take note of papers, including committee reports. Now it was proposed to allow Members' statements and an adjournment debate so that Members could raise matters that concerned them, just as they could in the Chamber proper. The Government responded by sponsoring the adoption of sessional orders on 4 December which put in place a fifteen-minute period for Members' three-minute statements and an adjournment debate of thirty minutes each Thursday in the Main Committee.²⁰⁰ These were made standing orders on 30 June 1998.²⁰¹
- 6.122 At its last meeting for 1997, the committee considered a proposal from the Deputy Speaker to extend the 'sin bin' to the Main Committee, agreed to undertake a major review of the committee system and declined to

¹⁹⁷ Committee minutes.

¹⁹⁸ Mr P. E. Nugent, Member for Aston 1990-2001.

¹⁹⁹ VP 1996-97-98 / 2119-20; HR Deb (20.10.1997) 9177-9.

²⁰⁰ VP 1996-97-98 / 2641-4.

²⁰¹ VP 1996-97-98 / 3170-1.

support a proposal by the Clerk that a circulated list of petitions replace the announcement made in the Chamber.²⁰²

- 6.123 The committee requested comments from members of the Speaker's Panel about the Deputy Speaker's proposal to extend the sin bin and in the light of their responses decided at the first meeting in 1998 not to proceed with the matter. By now the inquiry into the House's committee system had received twenty-five submissions and these were also considered. It was agreed that a round table discussion be held with committee chairs and deputy chairs.²⁰³
- 6.124 The round table discussion was held on 6 April. This was the first occasion on which the committee had used this particular form of information gathering although it had often held smaller informal discussions with individual Members and officials in past inquiries.
- 6.125 The committee began considering a draft report on 14 May. At the same meeting the committee agreed to support proposals from the Leader of the House to remove an anomaly in the deferral of divisions on Mondays and to supersede the committee of reasons appointed when disagreeing to Senate amendments.²⁰⁴ A third topic at the meeting was the Speaker's changes to seating for distinguished visitors and Hansard reporters²⁰⁵—it was agreed that the Chair should write to the Speaker expressing disappointment that there had been no consultation with Members before the changes were made.²⁰⁶
- 6.126 The report was finalised at the committee's last meeting for the 38th Parliament on 25 May 1998. The Chair presented *Ten years on* on 1 June,²⁰⁷ indicating in his tabling speech that the committee had hastened the completion of the inquiry so the report could be presented before the end of the Parliament. Unfortunately the Selection Committee had allocated a mere ten minutes for presentation despite the range and breadth of the twenty-seven recommendations. A returned Howard Government

²⁰² Committee minutes.

²⁰³ Committee minutes.

²⁰⁴ The standing orders provided for the deferral of divisions during private Members' business so as not to disrupt the program determined by the Selection Committee; the proposal sought to extend deferral to divisions which might arise during the time allotted for committee and delegation reports, which was also subject to Selection Committee determination. The committee of reasons 'anachronism' is explained at page 425 of HR Practice (3rd edn). Both proposals were implemented by amendments to the standing orders on 30 June 1998—VP 1996–97–98/3170–1.

²⁰⁵ HR Deb (25.5.1998) 3529.

²⁰⁶ Committee minutes.

²⁰⁷ VP 1996–97–98/3062; HR Deb (1.6.1998) 4248–51.

responded by adopting many of the recommendations, including rationalised standing orders for committees, on 3 December 1998.

Thirty-ninth Parliament: 1998–1999–2000–2001

- 6.127 The 39th Parliament opened on 10 November 1998. Technically, the committee was established at the opening of the Parliament by virtue of standing order 28C. However, as noted in the previous paragraph, the re-elected Government implemented many of the committee's recommendations in *Ten years on*, including a reorganisation of the standing orders governing committees, on 3 December, before the committee had formed.
- 6.128 Under the new arrangement, the committee was established by standing order 330 which, while retaining the standing reference the committee had held since its inception,²⁰⁸ changed the numerical composition from eight (five Government and three Opposition or independent Members) to seven (four Government and three non-Government Members). Another change was that henceforth members would no longer be nominated by the whips but, in common with all other House committees, appointed by resolution of the House.²⁰⁹ The seven members were appointed on 8 December.²¹⁰
- 6.129 The committee met briefly on 10 December to elect its presiding officers. Mr Pyne was elected Chair.²¹¹ The committee adjourned until the new year.²¹²
- 6.130 When the committee met for the first time in 1999 it considered a proposal from the Speaker for a Questions Paper²¹³ and at its next meeting decided it would not support the proposal at that stage. It also resolved to undertake an inquiry into 'the opportunities for individuals and community groups

²⁰⁸ Namely, 'to inquire into and report upon the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures'.

²⁰⁹ Then new standing order 333.

²¹⁰ VP 1998–1999–2000–2001 / 197–9.

²¹¹ Mr C. M. Pyne, Member for Sturt 1993–; *later* Parliamentary Secretary to the Minister for: Family and Community Services 2003–4; Health and Ageing 2004–.

²¹² Committee minutes.

²¹³ It was proposed that the section of the Notice Paper containing questions on notice (written questions) be published as a separate document which would also contain the eventual answers instead of the latter being printed in *Hansard*. The proposal had originated in the Clerk's Office.

to become involved in the procedures and practices of the House and its committees'.²¹⁴

- 6.131 The committee was entering new territory: over the years, it had extended its purview from the narrow, technical domain of standing orders which it had inherited from the Standing Orders Committee to encompass less specific aspects of institutional culture. Now it was reaching even further, into engagement with the world outside Parliament. As the Chair was later to say when the report was presented:

[T]he committee has ventured beyond the parameters of its normal, dry, procedural field of activity to look at the interaction between the House and the community.²¹⁵

- 6.132 The inquiry occupied the committee for most of the year. Its conduct bore many similarities with the last (*Ten years on*): the inquiry was advertised in the national press, the committee received a considerable number of external submissions and evidence gathering was augmented by round table discussions. By the end of September the committee was ready to consider a draft report.

- 6.133 The report, *It's your House*, was finalised on 18 October²¹⁶ and presented by the Chair on 22 November 1999.²¹⁷ This time the Selection Committee had been a little more generous, allocating twenty minutes for presentation. In his tabling speech, the Chair outlined the scope of *It's your House*: '[t]he committee's inquiry covered five main areas: petitioning the House; the process whereby people can reply to adverse comments made about them in the House; whether the procedures of the House are themselves a barrier to understanding what is happening; access to proceedings of the House; and getting people involved in the important work of parliamentary committees'.

- 6.134 The report contained thirty-one recommendations, with an emphasis on the operations of committees but also including a redrafting of the standing orders governing petitions and indeed a proposal for the eventual wholesale redrafting of the standing orders in their entirety to make them more 'logical, intelligible and readable'.²¹⁸

²¹⁴ Committee minutes.

²¹⁵ HR Deb (22.11.1999) 12237.

²¹⁶ Committee minutes.

²¹⁷ VP 1998–1999–2000–2001 / 1067; HR Deb (22.11.1999) 12237–41.

²¹⁸ *It's your House*, xi–xviii.

- 6.135 Debate on a motion to take note of the report was referred to the Main Committee on 7 December.²¹⁹ Six Members spoke during debate on 8 December.²²⁰ The committee had met in the meantime and, in keeping with the spirit of innovation, decided to meet with committee chairs, deputy chairs and secretaries in the new year to review the aftermath of *It's your House*. The committee also decided to undertake two new inquiries: the first, relating to a miscellany of related matters centring on questions on notice and notices of motion; and second, a review of the Main Committee.²²¹
- 6.136 At its last meeting for the year on 8 December 1999, the committee devised a strategy for its review of the Main Committee—including something old (a questionnaire to Members) and something new (another round table discussion)—and agreed to reconsider whether it should proceed after the review with an inquiry that had been lurking in the wings for at least two Parliaments, into the independence of the Speaker.²²²
- 6.137 By the time the committee met for the first time in the year 2000, the 'miscellaneous' inquiry had found a focus, electronic transaction of certain House business. The other inquiry, the review of the Main Committee, proceeded apace. A healthy number of responses had been received to the questionnaire. The round table discussion was held on 6 March and included the Deputy and Second Deputy Speaker, members of the Speaker's Panel, whips and several officials. In addition the committee inspected sites for a potential permanent home for the Main Committee.
- 6.138 The committee concluded its 'electronic transactions' inquiry on 5 April and the Chair presented the report during government business time²²³ on 12 April 2000.²²⁴ After the broad sweep of *Ten years on* and *It's your House*, *e-motions* marked a return to the narrow and technical. As the Chair explained in his tabling speech, its objectives were modest:

The committee has proposed some minor changes to the standing orders so that, in respect of questions, answers and notices, the terms 'in writing' and 'signed' may be used in the same sense in which they are used in the Electronic Transactions Act.

²¹⁹ VP 1998–1999–2000–2001 / 1128.

²²⁰ VP 1998–1999–2000–2001 / 1145–6; HR Deb (8.12.1999) 13172–91.

²²¹ Committee minutes.

²²² Committee minutes.

²²³ After the *Days and hours* reforms the committee's reports were usually presented—subject to the determinations of the Selection Committee—during the time allocated for committee and delegation reports.

²²⁴ VP 1998–1999–2000–2001 / 1403; HR Deb (12.4.2000) 15831–3.

The intention was to remove impediments to the greater use of computer-based technology in conducting everyday House business. The committee also took the opportunity to recommend that Members be allowed to ask Ministers directly to explain delays in providing responses to questions on notice.²²⁵ It also tried again to remove the discriminatory requirement for private Members' notices to be seconded.²²⁶

- 6.139 Before concluding its review of the Main Committee, the committee held informal discussions with Sir Alistair Goodlad, the British High Commissioner and a former Member of the House of Commons, about debating practices in the UK Parliament.²²⁷
- 6.140 Before the House rose for the winter adjournment, the committee concluded the review. The Deputy Chair, Mr Price, presented *Second chamber* as the very first item of business when the House resumed for the spring sittings on 14 August 2000.²²⁸ The Selection Committee had allocated twenty minutes for statements and four committee members spoke.
- 6.141 As a review, the main purpose of the inquiry had been to evaluate performance. It was found that the Main Committee had met the objectives for which it had been established and, over time, had been entrusted with a wider role than originally envisaged. In others words it was an undoubted success. The eight recommendations were each intended to enhance that success.
- 6.142 Some were matters of fine tuning existing procedures like Members' statements, the adjournment debate and terminating a meeting when disorder arose. Others related to relocation, facilities and fittings. A more problematical issue was the name: there was a case for renaming the Main Committee to remove confusion with the similarly named main committee room; the title of the report was based on a solution. Two innovative proposals, which were meant to foster greater interaction in debate, were the introduction of interventions²²⁹ and allowing Members to sit on either side of the chamber.²³⁰ Appropriately, debate on a motion to take note of

²²⁵ An outcome of *About time* was an amendment to standing order 150 which allowed a Member to ask the Speaker to write to the Minister concerned if a question on notice had not received an answer within 90 days (later reduced on the recommendation of the committee to 60 days).

²²⁶ See footnote 96 in this chapter.

²²⁷ Committee minutes.

²²⁸ VP 1998–1999–2000–2001 / 1625; HR Deb (14.8.2000) 18817–21.

²²⁹ Based on the UK House of Commons practice by which Members may intervene during a Member's speech to ask germane questions.

²³⁰ *Second chamber*, xiii–xv.

the report was referred to the Main Committee where it continued on 16 August.²³¹

- 6.143 While awaiting responses to the three reports—two of them major—it had presented within the last twelve months, the committee took stock. At its meeting on 6 September 2000 it decided to gauge support among Members for its *Second chamber* recommendations. It agreed to ascertain progress from the Speaker and the Leader of the House on responses to *It's your House*, *e-motions* and *Second chamber*. In addition, it agreed to seek suggestions for possible inquiries from the Speaker, Leader of the House and Manager of Opposition Business.²³²
- 6.144 After the committee had evaluated the survey of Members²³³ on their support of the *Second chamber* recommendations, the Chair wrote to the Leader of the House on 10 October conveying the strong support among respondents to most of the recommendations and advocated a trial of the interventions procedure.²³⁴ On that same day, both the Speaker and the Leader of the House tabled their respective responses to *It's your House* as papers.²³⁵
- 6.145 The Speaker agreed to the eighteen of the thirty-one recommendations for which he felt some responsibility, indicating in most cases that action had already been undertaken or was being undertaken to put them into effect. The remaining thirteen recommendations he believed were for the House to decide. The Government supported twenty recommendations. Given that many of the recommendations could be implemented without determination by the House, the Government's position on some recommendations disappointed the committee.
- 6.146 The committee considered the government response on 1 November at the last meeting over which Mr Pyne presided. On 6 November the House agreed to a motion which, by discharging and appointing respective memberships, effectively swapped the chairs of the Joint Standing Committee on Electoral Matters and the Standing Committee on

²³¹ VP 1998–1999–2000–2001 / 1654; HR Deb (16.8.2000) 19197–208.

²³² Committee minutes.

²³³ The survey was conducted by sending a questionnaire to all Members seeking their views on each of the eight recommendations in *Second chamber*. The committee evaluated the thirty-three responses it had received to 10 October.

²³⁴ Committee minutes.

²³⁵ VP 1998–1999–2000–2001 / 1793–5. Both responses are reproduced as appendices to *Promoting community involvement*.

Procedure.²³⁶ When the committee met again on 29 November, it elected its newest member, Mr Nairn,²³⁷ as Chair.

- 6.147 Now that *It's your House* had received responses the committee could proceed with its earlier decision to review the report's aftermath.²³⁸ At the same meeting, its last for the year 2000, it planned a conference to pursue the promotion of committee activities on the basis of the recommendations in *It's your House*.²³⁹
- 6.148 The Leader of the House tabled the government response to *e-motions* as a ministerial paper on 6 December.²⁴⁰ The core objective of the report had been met: the recommendations to remove impediments to transacting certain House business electronically were supported. However, the proposals to allow Members to ask Ministers directly about delayed answers to questions on notice and to dispense with the requirement for private Members' notices to be seconded were not. On 7 December 2000, the final sitting for the year, the House agreed to amendments to standing orders 133, 142, 148 and 211 as proposed in *e-motions*.²⁴¹
- 6.149 When the Speaker presented the biannual schedule of government responses to committee reports on 7 December,²⁴² only one report of the Procedure Committee, *Second chamber*, awaited a response.
- 6.150 The new year was significant not only for being the first of a new millennium but also because it marked the centenary of the Parliament of the Commonwealth of Australia. It was an auspicious year in which to embark upon its next field of inquiry. Having met for the first time in the new year on 7 February 2001, the committee at its next meeting three weeks later agreed to inquire into 'the procedures of the House on the opening of a new Parliament'.²⁴³
- 6.151 The sequel to *It's your House* was another report, *Promoting community involvement*, arising from the conference of committee chairs, deputy chairs, secretaries and other officials which the committee had planned for 6 March. The report offered a further five recommendations which specifically related to committee interaction with the community. The

²³⁶ VP 1998–1999–2000–2001 / 1858–9.

²³⁷ Mr G. R. Nairn, Member for Eden-Monaro 1996–; *later* Parliamentary Secretary to the Prime Minister 2004–.

²³⁸ See para 6.135.

²³⁹ Committee minutes.

²⁴⁰ VP 1998–1999–2000–2001 / 1979–80.

²⁴¹ VP 1998–1999–2000–2001 / 2020–1.

²⁴² VP 1998–1999–2000–2001 / 2018; HR Deb (7.12.2000) 23670–6.

²⁴³ Committee minutes.

committee finalised the report on 23 May²⁴⁴ and it was presented on 18 June.²⁴⁵ Given the competition for time with other committees, it was not surprising that the Selection Committee allocated but ten minutes for presentation.

- 6.152 The committee followed a familiar course in the conduct of its inquiry into procedures for opening Parliament. The inquiry was advertised nationally and a questionnaire sent to all Members and Senators. However for this inquiry the committee did not hold a round table discussion.
- 6.153 Some interesting byplay to the inquiry occurred on the very day *Promoting community involvement* was tabled. During Private Members' Business the House debated a motion to appoint a Select Committee on Reform of the Opening of Parliament which had been proposed by Mr McLeay.²⁴⁶ The Chair of the Procedure Committee spoke during the debate expressing puzzlement at a Member 'putting forward a motion which almost entirely—not totally but fairly comprehensively—overlaps the work that the Procedure Committee is currently doing'. In anticipation of the debate, the committee had resolved at a meeting on 6 June:

That, pursuant to standing order 346, the committee authorises any member of the committee to participate in the debate scheduled for 18 June in the House on Mr McLeay's notice of motion concerning procedures for the opening of Parliament and to refer to published submissions and the results of the survey of Members and Senators.²⁴⁷

Both the Chair and another member of the committee spoke during the debate and both referred to committee proceedings.

²⁴⁴ Committee minutes.

²⁴⁵ VP 1998–1999–2000–2001 / 2350; HR Deb (18.6.2001) 27687–9. In an interesting case of synchronicity, four committee reports were presented consecutively: the first by the Chair of the Joint Standing Committee on Electoral Matters who it will be recalled was the immediate predecessor of Mr Nairn as Chair of the Procedure Committee; the second by the Chair of the Joint Standing Committee on Migration who would turn out to be the immediate successor to Mr Nairn as Chair of the Procedure Committee in the next Parliament; and the fourth by Mr Nairn as Chair of the Procedure Committee—incidentally, the presenter of the third report was a former Member of the Procedure Committee. Also of note were comments during the tabling of the first report on the swapping of the two chairs described in para 6.146—HR Deb (18.6.2001) 27678.

²⁴⁶ VP 1998–1999–2000–2001 / 2353; HR Deb (18.6.2001) 27724–31.

²⁴⁷ Committee minutes. The provision in standing order 346 to which the committee resorted was the result of recommendation 23 in *It's your House*.

- 6.154 The inquiry into opening procedures was completed on 8 August 2001.²⁴⁸ The Selection Committee allocated twenty minutes for presentation of *Balancing tradition and progress* on 27 August. However, an Opposition motion to suspend standing orders consumed about half an hour of the time available for the presentation of committee and delegation reports and the time allowed for presentation had expired before the Chair was given the call. Leave was granted for the report to be tabled without a statement.²⁴⁹ Later in the sitting, the Government yielded some twelve minutes of government business time to enable the Chair to move, and speak to, a motion to take note of the report. The Deputy Chair also spoke.²⁵⁰
- 6.155 *Balancing tradition and progress* revisited two earlier inquiries²⁵¹ but took a more holistic approach, advocating a wholesale streamlining of opening day ceremonial—with an emphasis on reducing the processions to the Senate Chamber and incorporating Australian elements—which would require consultation among the three components of the Parliament: the Governor-General, the Senate and the House of Representatives. Included in the eight recommendations was another attempt to remove an anomaly in the election of Speaker.²⁵²
- 6.156 The committee did not meet again before the Parliament was prorogued and the House dissolved on 8 October 2001. At the end of the 39th Parliament the committee awaited responses to three reports: *Second chamber*, *Promoting community involvement* and *Balancing tradition and progress*.

Fortieth Parliament: 2002–03–04

- 6.157 The opening ceremony for the 40th Parliament on 12 February 2002 followed the traditional pattern. The House made the three customary processions. On the same day, a Senator lodged a notice of motion²⁵³ which, among other things, called on the Government:

²⁴⁸ Committee minutes.

²⁴⁹ VP 1998–1999–2000–2001 / 2547–50; HR Deb (27.8.2001) 30215–21.

²⁵⁰ VP 1998–1999–2000–2001 / 2555; HR Deb (27.8.2001) 30305–7.

²⁵¹ *Conduct of business and opening of Parliament* and *Opening procedures*.

²⁵² The committee has mounted an ongoing campaign to remove the anomalous situation in which the Clerk is placed by virtually presiding before the Speaker is elected and takes the Chair; see para 6.101 and footnote 95 in this chapter.

²⁵³ SJ 2002–03–04 / 16.

... to consider and respond as soon as practicable to the recommendations of the House of Representatives Standing Committee on Procedure report, *Balancing tradition and progress: Procedures for the opening of Parliament*, which constructively seeks to modernise the Parliament and open it up to participation by all Australians.

The notice was called on two days later and the motion was agreed to by the Senate on the voices and without debate.²⁵⁴

- 6.158 The House appointed committee members on 20 March²⁵⁵ and the committee met for the first time the next day. Mrs May²⁵⁶ was elected Chair. The committee's next decision was to invite the Leader of the House, Mr Abbott, and the Manager of Opposition Business, Mr Swan, to meet with the committee to offer their views 'on potential areas for procedural reform'.²⁵⁷
- 6.159 In his response to *It's your House*,²⁵⁸ the Speaker indicated that the Clerk had commenced a revision of the standing orders as recommended by the committee and that a draft would be provided to the committee later in the year.²⁵⁹ One of the Clerk's staff appeared at the second meeting to brief the committee on progress. The Manager of Opposition Business also attended the meeting and discussed reform of House procedures. Unfortunately the Leader of the House had Chamber commitments and a fuller discussion was postponed.²⁶⁰
- 6.160 Both the Leader of the House and the Manager of Opposition Business attended the third meeting on 4 June and a lengthy discussion on procedural reform ensued. After they had left the committee agreed to consider an inquiry into the adequacy of the House procedures for examining Budget estimates. The committee agreed on 20 June to undertake such an inquiry.²⁶¹
- 6.161 The Leader of the House presented government responses to reports from the previous Parliament as ministerial papers on 27 June 2002: the first

²⁵⁴ SJ 2002–03–04/86–7.

²⁵⁵ VP 2002–03–04/128–9.

²⁵⁶ Mrs M. A. May, Member for McPherson 1998–.

²⁵⁷ Committee minutes.

²⁵⁸ See para 6.145.

²⁵⁹ Recommendation 8 of *It's your House*—The Speaker's response is reproduced at pages 46–7 of *Promoting community involvement*.

²⁶⁰ Committee minutes.

²⁶¹ Committee minutes.

was a response to *Second chamber* and the other to *Promoting community involvement*.²⁶²

- 6.162 The committee had mixed results with its *Second chamber* recommendations. To begin with, the proposed new title for the Main Committee was not supported because the term ‘second chamber’ was often used as a synonym for the ‘upper’ House in bicameral parliaments.²⁶³ Neither did the Government support relocation of the venue or allowing the Selection Committee to program private Members’ business and committee and delegation reports in the Main Committee. The Government did, however, support a trial of the interventions procedure and, with some qualifications, the other fine tuning measures.
- 6.163 The results for *Promoting community involvement* were similarly mixed. The Government was not inclined to cede any ground on the provision of government responses although it did make some apparent concessions on their publication.
- 6.164 The committee received the Clerk’s redraft of the standing orders on 27 June and at its next meeting, on 22 August, decided to table the document in September as a discussion paper for comment by the end of October. The committee hoped the new version would be adopted by the House at some time in 2003.²⁶⁴
- 6.165 Also on 22 August, the House adopted amendments to the standing orders to give effect to recommendations the Government supported in *Second chamber*. A sessional order to enable a trial of the interventions procedure in the Main Committee was also adopted.²⁶⁵ The trial would proceed for the remainder of 2002. The Deputy Speaker made a brief statement outlining how the new procedures would work in practice when the Main Committee met on 17 September.²⁶⁶
- 6.166 The Acting Chair, Mr Price, presented the discussion paper encapsulating the revised standing orders on 16 September.²⁶⁷ He noted that the *Proposed*

²⁶² VP 2002–03–04 / 309–10.

²⁶³ This is not an issue in a Parliament where the two Houses are co-equal and the terms ‘upper’ and ‘lower’ are not part of the institutional vocabulary; however it may well be argued that the term ‘second chamber’ might be misleading to others, particularly in parliaments overseas.

²⁶⁴ Committee minutes.

²⁶⁵ VP 2002–03–04 / 349–51; HR Deb (22.8.2002) 5439–43. It was apparent in some of the extravagant remarks made in debate that there was still contention between the Government and Opposition on the issue of procedural reform.

²⁶⁶ VP 2002–03–04 / 402; HR Deb (17.9.2002) 6471.

²⁶⁷ VP 2002–03–04 / 391; HR Deb (16.9.2002) 6221–4.

revised standing orders represented ‘the most far-reaching reorganisation of the rules of the House since 1963’. Three other members of the committee spoke. A common theme was that the discussion paper was a start but that there was still much work to be done before a final version was accepted by the House. Members’ comments on the discussion paper were invited.

- 6.167 The committee continued work on the estimates inquiry and, notwithstanding the Government’s lack of support for this recommendation in *Second chamber*, continued to explore options for the relocation of the Main Committee. Mr Romaldo Giurgola, architect of the new Parliament House, attended a meeting on 19 September at which conceptual and practical issues were discussed.²⁶⁸
- 6.168 It is worth observing at this point that the committee had become considerably more active in pursuing its recommendations. In its early years it had often maintained a watching brief, sending occasional reminders to the Government about outstanding responses or desired outcomes. However, in recent times it had taken to overseeing the implementation of recommendations and acting in anticipation of eventual adoption. An example of the former was the instigation of a number of practical measures to maintain awareness among Members of the interventions trial; an example of the latter was the committee’s close involvement in work by parliamentary departments on relocation options for the Main Committee.
- 6.169 The estimates inquiry continued with round table discussions on 22 October attended by committee chairs and deputies and on 12 November by committee secretaries.²⁶⁹ Toward the end of the sitting year, the committee had several active inquiries: consideration of estimates, redrafting standing orders and the conduct of divisions.²⁷⁰ In addition, it was conducting an oversight of the interventions trial and exploring options for the relocation of the Main Committee. At its last meeting for the year on 12 December 2002, Mrs Bishop, drew the committee’s attention to an issue involving standing order 344.²⁷¹
- 6.170 The first meeting for 2003 was held in Sydney on 29 January to begin the exacting process of working through the proposed revised standing

²⁶⁸ Committee minutes.

²⁶⁹ Committee minutes.

²⁷⁰ The last of these was launched on 14 November at the request of the Leader of the House.

²⁷¹ This hinged on the use, for the first known time, of a provision to exclude visitors (in this case the media) from a hearing of the Standing Committee on Legal and Constitutional Affairs on the initiative of one member. Mrs Bishop, a member of the Procedure Committee and also chair of the committee concerned, raised the matter at the meeting on 12 December.

orders. This was only the third inquiry in which the committee had moved from place to place.²⁷²

6.171 Not all the committee's influence was exerted through its reports. The committee had often lent its support to proposals which were put into effect through negotiations behind the scenes rather than by resolution on the floor of the House. On the other hand it had also signalled a lack of support for proposals by letter, not report. In late 2002 a Government backbencher, Dr Washer, had written to the committee requesting that it 'urgently address the issue of restructuring of sitting hours'. At its last meeting for 2002 the committee agreed to write to the Leader of the House and the Manager of Opposition Business proposing a scheme of sittings under which the House would rise earlier but not sacrifice sitting time by virtue of not suspending for dinner breaks. Early in 2003 the Leader of the House, in moving a motion to put the scheme into effect, noted that the Government had 'decided to accept the recommendation of the Procedure Committee relating to sitting hours'.²⁷³

6.172 In the meantime, the issues surrounding the interpretation of standing order 344 had taken another turn. On 5 February the House agreed, not without a deal of contention, to adopt a sessional order replacing the existing standing order.²⁷⁴ The Leader of the House explained the objective:

The government wants to change standing order 344 to provide that individual committee members will no longer be able to force committee proceedings into camera. I believe this change is necessary because, late last year, for the first time, standing order 344 was invoked by a member of a committee against the wishes of the majority of that committee to, in the view of the chairman and the majority of that committee, stymie the workings of the committee.

6.173 Mr Melham, the Member who had invoked standing order 344 at the hearing chaired by Mrs Bishop, spoke during the debate, moving an amendment to refer the matter to the Procedure Committee before any decision was made by the House. The proposed amendment was negatived but, in summing up, the Leader of the House undertook to request the committee to review the operation of the sessional order.

²⁷² And the fourth occasion, and the fifth meeting—see paras 6.11, 6.73 and 6.74.

²⁷³ VP 2002–03–04 / 707–8; HR Deb (6.2.2003) 11071–4.

²⁷⁴ VP 2002–03–04 / 698–9; HR Deb (5.2.2003) 10898–905.

- 6.174 At its meeting on 13 February 2003, the committee reorganised its workload: it would seek opinions from committee chairs and deputy chairs on the efficacy of sessional order 344; it would ask for sessional order 84A to be reactivated;²⁷⁵ it would continue lobbying for the renaming of the Main Committee; and it would continue redrafting the standing orders and its inquiry into divisions.²⁷⁶
- 6.175 The committee held discussions on 6 March with the visiting members of the Canadian House of Commons Special Committee on Modernisation, a committee with similar responsibilities. The Procedure Committee had often looked to Canadian practices and procedures for inspiration.
- 6.176 The committee continued redrafting the standing orders. The magnitude of the task was manifest in the periodic need to reconsider basic drafting principles—for example, reconciling the argument between description and prescription—all the while inching through the minutia of specific provisions. The committee preferred a more prescriptive approach than adopted in the Clerk’s draft and the transition could not always be seamless.
- 6.177 The divisions inquiry made faster progress. The committee held discussions with Mr Evans, Clerk of the Senate; Mr Tuckey (a proponent of a novel way of conducting divisions) and the party whips. The committee also received submissions to its review of sessional order 344.²⁷⁷
- 6.178 The review of the operation of sessional order 344 concluded on 17 June 2003 and the report was presented two days later during government business time.²⁷⁸ The committee had concluded that committees by their very nature, supported by established practice, operated on the basis of agreement, not individual initiative except in extreme situations where the Chair might need to act unilaterally. It therefore supported the replacement of the standing order by the sessional order. Further, it recommended that the new standing order ‘should be interpreted and applied in a manner consistent with the presumption that proceedings of committees should be by agreement’.²⁷⁹

²⁷⁵ The provision for making interventions in the Main Committee had expired at the end of the 2002 sittings.

²⁷⁶ Committee minutes.

²⁷⁷ Including one from the member of the Procedure Committee who was also the chair of the committee at the heart of the standing order 344 episode.

²⁷⁸ VP 2002–03–04/991; HR Deb (19.6.2003) 16979–84.

²⁷⁹ SO 344, 16.

- 6.179 No formal government response was needed in this case because in redrafting the standing orders the committee incorporated the intention of the sessional order, rather than retaining the pre-existing standing order.²⁸⁰ The House implicitly signified its approval of this course by adopting the redrafted standing orders on 24 June 2004.²⁸¹
- 6.180 To an already full inquiry program, the committee added, in late June 2003, a matter the Speaker had requested be considered: arrangements for second reading speeches. This entailed curtailing the time for a Member's second reading speech to allow a brief period for other Members to ask questions at the end of the speech.
- 6.181 The divisions inquiry was finalised on 26 June and the report, *Review of conduct of divisions*, presented on 18 August 2003.²⁸² The Selection Committee allocated ten minutes for presentation.²⁸³ In her tabling speech the Chair noted that this was not the first time the committee had looked at divisions and referred to similar ground covered in *Conduct of divisions*. The latest report had three recommendations, including the installation of a display device in the Chamber, a trial of additional tellers and opening the issue of electronic voting to debate in the House.²⁸⁴
- 6.182 Because the standing orders since 1997 had given the Speaker the discretion to appoint additional tellers,²⁸⁵ no formal decision was required by the House to implement the second recommendation. The Speaker made a statement after Question Time on 9 September 2003:

I inform the House that for a trial period and with effect from the first division today, additional tellers are to be appointed for

²⁸⁰ Compare standing order 240 as at 16 November 2004 with sessional order 344 as at 5 February 2003 and standing order 344 as at 16 September 2002.

²⁸¹ Discussed later at para 6.199.

²⁸² VP 2002–03–04 / 1085; HR Deb (18.8.2003) 18669–71.

²⁸³ According to recent practice, the Selection Committee allocates 10 minutes as a de facto standard for the presentation of committee and delegation reports. While this has the virtue of being equitable in sharing scarce time between committees it sometimes fails to recognise particularly significant reports.

²⁸⁴ *Review of conduct of divisions*, ix.

²⁸⁵ The House adopted amendments to the standing orders to implement some of the recommendations in *Conduct of divisions* on 6 March 1997. A committee proposal to streamline divisions was not adopted at the time but an alternative proposal negotiated between the Leader of the House and the Opposition was adopted instead: this entailed removing the existing requirement that two tellers be appointed per side and leaving it open to the Speaker to appoint as many tellers as were felt to be required. This provision was used to advantage for the remainder of the 38th Parliament—in which counting was slowed because of a large Government majority—but in subsequent Parliaments the Chair reverted to appointing two tellers per side.

divisions. Eight tellers will be appointed for a division: two pairs of tellers to count each side. In the case of successive divisions, members changing their vote, leaving the chamber or entering the chamber should report to the tellers who have counted the block in which they have voted or who will count the block in which they will vote. These changes reflect a recommendation of the Procedure Committee in its recent report *Review of the conduct of divisions*. The purpose is to reduce the time taken for divisions. The changes are introduced with the agreement of the chief whips. The Procedure Committee will monitor the success of the trial.²⁸⁶

- 6.183 The next inquiry to be completed was the consideration of estimates. The committee agreed to the report on 18 September 2003.²⁸⁷ Five other reports were to be tabled on the same Monday as *House estimates* and the Selection Committee allocated the usual ten minutes for a report containing some highly detailed and far-reaching recommendations. The Chair presented *House estimates* on 13 October.²⁸⁸ In essence the committee advocated a truncated second reading debate on the main Appropriation bills followed by a motion ‘to approve the Budget’ thus allowing the traditional Budget debate to proceed at the same time as the consideration in detail stage. This would enable greater scrutiny of the budget estimates in the House. Other recommendations related to greater House committee involvement in the Budget process with the general purpose standing committees.²⁸⁹ The report was debated in the Main Committee on 25 November.²⁹⁰
- 6.184 On 6 November the committee held a round table discussion on the Speaker’s proposal for a brief question period after speeches during the second reading stage. The Speaker, Deputy Speaker, Leader of the House, Manager of Opposition Business, whips and others attended.²⁹¹
- 6.185 Four years after the committee had first proposed that the standing orders be ‘restructured and rewritten to make them more logical, intelligible and readable’,²⁹² it concluded its reworking of the draft submitted by the Clerk and tabled by the committee as a discussion paper.²⁹³ Again the Selection Committee allocated ten minutes for presentation of *Revised standing*

²⁸⁶ VP 2002–03–04 / 1141; HR Deb (9.9.2003) 19533–4.

²⁸⁷ Committee minutes.

²⁸⁸ VP 2002–03–04 / 1239; HR Deb (13.10.2003) 21144–7.

²⁸⁹ *House estimates*, xi–xiv.

²⁹⁰ VP 2002–03–04 / 1321; HR Deb (25.11.2003) 22840–8.

²⁹¹ Committee minutes.

²⁹² *It’s your House*, 29 (Recommendation 8).

²⁹³ See para 6.166.

orders. The report was presented on 24 November 2003.²⁹⁴ This time the fates smiled and the time for presentation was augmented by spare time when another committee failed to table a scheduled report. Moreover, the House agreed to a suspension of standing orders to allow debate on a motion to take note of the report later in the same sitting.

- 6.186 In her tabling speech the Chair stressed the housekeeping nature of the task, implicitly noting the temptations which the committee had resisted:

However, while there are omissions, there are no additions. I must stress this point: the purpose of this revision was to make the existing rules easier to read and comprehend. This report does not alter the effect of the current standing orders or change existing practice. While this revision does not change existing practice, there are several provisions of the existing orders that individual members of the committee have concerns about and suggestions for change. However, we decided that such matters should be addressed separately and not as part of this report.

The Deputy Chair also spoke on the presentation of the report and later in the day, after the grievance debate, three other committee members spoke to the motion ‘That the House take note of the report’.²⁹⁵

- 6.187 To round off a productive year,²⁹⁶ the committee concluded its review of the additional tellers trial²⁹⁷ and the inquiry into arrangements for second reading speeches.²⁹⁸ The reports were presented on the last sitting Monday for the year and the committee was allocated the usual ten minutes. The Chair presented *Second reading speeches* and *Additional tellers* together.²⁹⁹
- 6.188 The committee supported the Speaker’s proposal for injecting more interaction into second reading debate and recommended that a trial commence in 2004.³⁰⁰ On the other hand, the committee found that the trial of additional tellers, while demonstrating time savings for four-minute divisions, had not been an unqualified success for a number of reasons and recommended a return to the status quo ante.³⁰¹ The Speaker informed

²⁹⁴ VP 2002–03–04 / 1311–2; HR Deb (24.11.2003) 22456–61.

²⁹⁵ VP 2002–03–04 / 1313; HR Deb (24.11.2003) 22532–5.

²⁹⁶ The committee presented 6 reports in 2003, the most in any year to date.

²⁹⁷ See para 6.182.

²⁹⁸ See para 6.180.

²⁹⁹ VP 2002–03–04 / 1342; HR Deb (1.12.2003) 23283–6.

³⁰⁰ *Second reading speeches*, ix.

³⁰¹ *Additional tellers*, xi.

the House at the first sitting in 2004 that he would revert to the original practice.³⁰²

- 6.189 There was a brief debate in the Main Committee in connection with *Second reading speeches* on 3 and 4 December 2003.³⁰³ During the debate, the Deputy Chair, Mr Price, revealed that his party had a vision for the committee:

It is for this reason that the Australian Labor Party have adopted as policy that we should change the name of the Procedure Committee to the Procedure and Modernisation of Parliament Committee and have as members of that committee the Speaker, the Leader of the House and the Manager of Opposition Business. With such a committee bringing down reports, I think you would see that a government would be, in the main, totally committed to it. Notwithstanding the good work of the Procedure Committee over the years, I think too many reports have languished and gathered dust in the bowels of the parliament.

- 6.190 The Speaker's biannual schedule of government responses—tabled at the last sitting for 2003, 4 December—showed that in addition to the three reports tabled in the last month (*Revised standing orders*, *Second reading speeches* and *Additional tellers*), two reports had not yet received a formal government response: *Balancing tradition and progress* and *SO 344*.³⁰⁴
- 6.191 The Procedure Committee began its twentieth year with no current inquiries listed on the Notice Paper. At its first meeting for 2004 on 12 February it agreed to launch three inquiries: procedures for joint meetings with the Senate; three-minute statements in the Main Committee; and, an alternative name for the Main Committee. Each was a legacy of earlier inquiries. The committee took on an additional inquiry, subsuming requests from the Manager of Opposition Business and the Press Gallery Committee, respectively, about liberalising guidelines for still photography in the Chamber, into a broad-ranging inquiry into enhancing public knowledge of Parliament's operations through extended broadcasting.³⁰⁵

³⁰² VP 2002–03–04 / 1401; HR Deb (10.2.2004) 24090.

³⁰³ VP 2002–03–04 / 1372, 1400; HR Deb (3.12.2003) 23735–40, (4.12.2003) 24047–50.

³⁰⁴ There had been little time to respond to the three first mentioned. The Government had indicated its support for SO 344 and indeed the sessional order was still in force. Officially, that effectively left *Balancing tradition and progress* as the only outstanding report however for reasons unknown *House estimates* was omitted from that and subsequent Speaker's schedules.

³⁰⁵ Committee minutes.

- 6.192 The inquiry on joint meetings could trace its origins to the presidential addresses to the Parliament in October 2003.³⁰⁶ Two Senators disregarded the authority of the Speaker during a meeting of Senators and Members in the House of Representatives Chamber, authorised by joint resolution, to hear an address by US President George W. Bush. The resulting disorder raised a number of procedural and indeed constitutional issues. The Senate had already referred different aspects of the proceedings to its Procedure Committee and Committee of Privileges, respectively.³⁰⁷
- 6.193 The inquiry on media coverage also arose from an incident in the Chamber.³⁰⁸ Several newspapers published photographs of a protester after he had jumped onto the floor of the Chamber from a public gallery. The Speaker imposed penalties on the newspapers concerned for violating well-known prohibitions on still photography of such events.
- 6.194 The round table discussion had become a standard tool for Procedure Committee inquiries. This was taken to a new level when on 25 March the committee convened a round table discussion touching all its current inquiries.³⁰⁹
- 6.195 The Main Committee would celebrate the 10th anniversary of its first meeting on 8 June 2004, not a sitting day. It was apposite, then, that the committee should complete its follow-up inquiry into the identity of the Main Committee in time to commemorate this milestone. The Chair presented *Renaming the Main Committee* on 3 June—the last sitting before 8 June—during government business time.³¹⁰ The Speaker attended a small birthday celebration which the committee held in honour of the occasion.
- 6.196 The committee accepted that the term ‘Second Chamber’ was used in some parliamentary environments to signify the ‘upper’ House of a bicameral legislature. Nevertheless, as mentioned in para 6.142, the original argument for changing the name remained valid. The committee proposed a formal title, ‘The Federation Chamber of the House of Representatives’, to be known by the short title of ‘Federation Chamber’.³¹¹

³⁰⁶ VP 2002–03–04 / 1275; HR Deb (23.10.2003) 21687–93.

³⁰⁷ SJ 2002–03–04 / 2630–1 and 2645–7.

³⁰⁸ HR Deb (12.2.2004) 24647.

³⁰⁹ Committee minutes.

³¹⁰ VP 2002–03–04 / 1675; HR Deb (3.6.2004) 30065–7.

³¹¹ *Renaming the Main Committee*, vii.

- 6.197 The committee held yet another round table discussion on 15 June. On this occasion those attending included representatives from the media and press gallery and the discussion was confined to the inquiry on media coverage.
- 6.198 The Chair presented the report *Joint meetings* on 21 June.³¹² Again the report was caught in an ‘end of sittings’ rush and was allocated ten minutes for presentation. In this case, little more time was needed. The committee recommended a similar solution to the procedural and constitutional problems of convening the two Houses together to hear addresses by distinguished persons as had the Senate Procedure Committee. Future addresses should be ‘in the form of a meeting of the House of Representatives to which all Senators are invited as guests’.³¹³
- 6.199 On 24 June 2004 perhaps the most significant of the Procedure Committee’s achievements was realised: the revised standing orders were adopted to come into effect from the first day of sitting in the 41st Parliament.³¹⁴ In moving their adoption, the Leader of the House, Mr Abbott, reminded the House of the scope of the first major revision since 1963:

The standing orders have been renumbered, reordered and rewritten—not to alter their meaning but to make them clearer and more intelligible. It is of course a unanimous recommendation of the Procedure Committee that these new standing orders be adopted by the House.

While the Deputy Chair, in supporting the motion, thanked the Leader of the House for not following the precedents established in 1903, 1905, 1937, 1943 and 1949—when the Standing Orders Committee presented revisions that were never implemented—he also took the opportunity to observe that government responses were still awaited on a number of reports of the Procedure Committee. The Chair also spoke in support of the motion, concluding that the committee ‘was delighted that the revised standing orders have been adopted and we look forward to working with them in the next parliament’.

- 6.200 With speculation of an imminent election mounting, the committee decided it would present an interim report on its inquiry into media coverage. This was released ‘out of session’ by delivering a copy to the Speaker on 29 June. The Deputy Chair, Mr Price, formally presented the

³¹² VP 2002–03–04 / 1712; HR Deb (21.6.2004) 30873–5.

³¹³ *Joint meetings*, vii.

³¹⁴ VP 2002–03–04 / 1744; HR Deb (24.6.2004) 31486–8.

interim report, *Media coverage*, to the House on 9 August³¹⁵ noting that the committee was yet to finalise its views on a number of issues. However it was prepared to make some preliminary recommendations and expected the report to trigger further feedback from the media.

- 6.201 On 13 August 2004, during an extension of the last sitting for the 40th Parliament, the clean sequence of renumbered standing orders which the House had resolved should come into effect from the opening of the next Parliament was marred by the adoption, on motion of the Leader of the House, of standing order 66A. This gave permanence to the interventions experiment in the Main Committee which had been recommended in *Second Chamber*. In moving its adoption, Mr Abbott alluded to ‘the strong desire of the committee’ that the sessional order be absorbed into the new standing orders.³¹⁶
- 6.202 Two minutes later, the House adjourned its final sitting for the 40th Parliament. Parliament was prorogued and the House dissolved on 31 August 2004.

Forty-first Parliament: 2004–³¹⁷

- 6.203 The 41st Parliament met for the first time on 16 November 2004. The Procedure Committee was established pursuant to standing order 221, the successor to old standing order 330 in the revised standing orders which had just come into effect. The committee’s standing terms of reference had been simplified ‘to inquire into and report on the practices and procedures of the House and its committees’. That it would do so for their improvement was taken for granted.
- 6.204 Immediately before the first Question Time in the new Parliament, the Speaker referred to the Procedure Committee’s most recent notable achievement:

I remind members that with the first sitting of the new parliament yesterday a new set of standing orders has come into operation. The terms of the new standing orders were recommended by the Procedure Committee. The committee’s objective was to make the standing orders clearer and more intelligible. The revised standing orders are expressed with greater clarity and have a new structure

³¹⁵ VP 2002–03–04 / 1787; HR Deb (9.8.2004) 32411–3.

³¹⁶ VP 2002–03–04 / 1822; HR Deb (13.8.2004) 33054.

³¹⁷ To the end of March 2005.

and sequence, but I remind members that the Procedure Committee's intention was not to change the practices and rules by which the House operates. In applying the new standing orders, occupants of the chair will have regard to the practices of the House and to previous rulings.³¹⁸

- 6.205 While making a statement to the House on 6 December about certain procedural matters, the Speaker indicated that he had decided to seek the views of the Procedure Committee on the application of the anticipation rule, particularly during Question Time.³¹⁹
- 6.206 In the meantime, the House had appointed members to the committee in separate motions on 1 and 2 December.³²⁰ The committee met for the first time on 2 December and elected Mrs May in absentia to take the Chair.³²¹ The committee then elected Mr Melham as Deputy Chair and he presided for the remainder of the meeting.
- 6.207 The committee agreed at its second meeting on 9 December, again chaired by Mr Melham, to undertake an inquiry into the anticipation rule, as requested by the Speaker. As had been so often the case with immediate problems brought to its attention, the committee was to deal promptly with this matter and would report early in the new year. The committee was also briefed at its last meeting for 2004 on the matter of relocating the Main Committee.³²²
- 6.208 Also on 9 December, the Speaker presented his biannual schedule of outstanding government responses³²³ which showed that the following Procedure Committee reports were awaiting a response:

Balancing tradition and progress (presented 27.8.01)

Second reading speeches (presented 1.12.03)

Renaming the Main Committee (presented 3.6.04)

Joint meetings (presented 21.06.04)

Media coverage (presented 9.8.04).

³¹⁸ HR Deb (17.11.2004) 73.

³¹⁹ VP 2004–05/88; HR Deb (6.12.2004) 36–7.

³²⁰ VP 2004–05/67, 77.

³²¹ Committee minutes. Mrs May, who was absent from the House, had written to committee members indicating that should she be nominated she would be willing to serve as Chair. This was the first occasion on which a Procedure Committee Chair had been re-elected for a second term. As far as is known, it was also the first time an absent member had been elected Chair of a House standing committee.

³²² Committee minutes.

³²³ VP 2004–05/128.

Because *Media coverage* was an interim report, the committee was not expecting a response to it. However, it did expect formal responses to the remainder as well as to *House estimates* (which still was not listed).³²⁴ The schedule noted that the Government had indicated responses to the first two listed reports would be ‘tabled in due course’ but that it did not support the proposed new name for the Main Committee and that it considered the existing arrangements for joint meetings continued to be appropriate.

6.209 The Chair was back at the helm when the committee met on 10 February 2005 for the first time in the new year. After further work on the anticipation rule inquiry, the committee agreed to proceed with the preparation of a report to mark the 20th anniversary of the committee’s establishment.³²⁵

6.210 The committee completed its inquiry at a meeting on 7 March and the Chair presented the report, *Anticipation rule*, on 14 March 2005.³²⁶ Both the Chair and Deputy Chair spoke on presentation, the former outlining the recommendations:

Some proceedings, including question time, members’ statements, ministerial statements and matters of public importance take the same amount of time regardless of the subject matter. It cannot be argued that applying the anticipation rule to these proceedings saves the time of the House. The committee considers that nothing is gained by applying the anticipation rule to these periods. The general rule, standing order 77, should therefore be restricted to debates when there is a question before the House. If this recommendation is adopted by the House, standing order 100(f) relating to questions would be omitted for the rest of the session. This change would go a considerable way to promoting the usefulness of question time as a time of scrutiny. In this context, the committee notes that a complementary improvement would be to avoid referring to new policies during question time and ensuring that ministerial statements are used for this purpose.

6.211 Action was not slow in coming. After considerable liaison behind the scenes, the House on 17 March adopted for the remainder of the session an amendment of standing order 77 more precisely prescribing the

³²⁴ See footnote 304 in this chapter.

³²⁵ Committee minutes.

³²⁶ VP 2004–05/237; HR Deb (14.3.2005) 3–6.

application of the anticipation rule in debate and suspending the provision in standing order 100 for its application to Question Time.³²⁷

Conclusion

- 6.212 This chapter has examined the work of the committee in detail. The next chapter shall add the recollections of former Chairs to the evidence available on the public record. Then, in the following chapter, we will attempt to assess the contribution of the Procedure Committee to twenty years of procedural reform in the House of Representatives.

³²⁷ VP 2004–05 / 278; HR Deb (17.3.2005) 7–13.

Reflections

- 7.1 The Chair of the current formation of the Procedure Committee wrote to each of the surviving Chairs inviting them to comment on various aspects of the committee and its activities during their tenure. The responses of Messrs Mountford, Scholes and Pyne are reproduced in this chapter.

Mr John Mountford

- 7.2 Mr Mountford was the Member for Banks from 1980 until he retired before the 1990 general elections (he was succeeded by Mr Melham, a current member of the Procedure Committee).

I was a member of the Standing Committee on Procedure from February 1985 until I retired from Parliament in February 1990. I was Chairperson from October 1987. Prior to that I was a member of the Standing Orders Committee (SOC) from the time I was elected in late 1980 until October 1984.

When first elected I was keen to learn how the House operated so thought that a good way to learn would be to become a member of the SOC. Following the election of 1984, I became a member of the Procedure Committee. I was also a Deputy Chairperson of Committees from March 1983 until retiring. I had a continuing interest in the operations and activities of the House during my 10 years in Parliament.

I considered the role of the Procedure Committee to assist members have a greater participation in the proceedings and to achieve a smooth running of such proceedings in the House.

The implementation of the Procedure Committee recommendations are a decision of the government of the day. In discussions between members of the Procedure Committee and the Leader of the House I always got the impression that the interests of Members took a 'back seat' to those of the ministry. Many senior Ministers, I believe, would prefer to rule executively rather than having to be bothered with Parliament.

It was always a revelation to me to see the change in Members' attitudes towards the procedures of the House when they were appointed to the ministry. Members are given very limited opportunities to express their opinions in the House on either matters electoral or of national importance because of time constraints.

I would say the government of the day is accommodating to the Procedure Committee rather than being supportive.

During the period I was a member of the Procedure Committee it functioned very effectively internally with all members having an altruistic view of how the House should function.

It is now over 15 years since I retired from Parliament so it is difficult for me to remember the impacts the Procedure Committee had during my tenure as chairperson. I would consider the implementation of our recommendation that Members have a morning session each sitting week to discuss general matters of interest to be a major achievement.

Whilst I remember many amusing episodes in the old Parliament House including the Member in the chicken suit, ping-pong balls down, and eggs thrown, from the public gallery—and a member of the public jumping down from the public gallery onto Leo McLeay, MP—I do not recall any involving activities of the Procedure Committee.

As you are aware, politicians in general are becoming increasingly unpopular with the public and I think it relates to how Parliaments appear remote and self-serving and the manner in which they behave in Parliament. Increasing the number of sitting days and opening the House to the public so as to enable them to address the House for an allotted time each sitting week may assist.

Question Time has not improved over the years with the same longwinded answers being read from prepared notes in response to 'Dorothy Dix' questions from government Members and the

same longwinded responses—one could not call them answers—to opposition shadow ministers and Members' questions which have largely been given to them in written form by their leader or the offices of shadow ministers. The Procedure Committee over the years, and I am sure it has under your chairmanship also, attempted to clean up Question Time to make it more relevant and meaningful, without success.

The Standing Committee on Procedure has an important role to play in this and future Parliaments and I wish you and other members every success in your endeavours.

The Hon. Gordon Scholes AO

- 7.3 Mr Scholes was the Member for Corio from 1967—when he was elected at a by-election following the resignation of Hubert Opperman, who had resigned—until 1993, when he did not seek re-election. He was a member of the Joint Committee on the Parliamentary Committee System until being elected Speaker of the House of Representatives in February 1975. He served on the Standing Committee on Procedure during the 35th and 36th Parliaments and presided as Chairman of the committee from 16 May 1990 to 8 February 1993.

The main reason for the emergence of [the committee was] a perceived need to augment the Standing Orders Committee and [to] establish a body less top-heavy and able to concentrate on the House as it is, and the method[s] best suited to meet the requirements and expectations placed on the House, by its members and the nation.

The traditional methods inherited from Westminster and reflected in the Standing Orders Committee that evolved through the Colonial legislatures were no longer adequate. Also, there were major shifts in the role the Parliament played in the political process.

I served on the Standing Orders Committee both as a member and as Chair and I think I could say that at no stage did it even pretend to play any role other than that of maintaining the status quo. No long term study [has been made] of the effect of changes taking place in the political process and the perception of the nation, both largely driven by events such as the Vietnam War, the call-up and the passing from the scene of Sir Robert Menzies and the

dominance of the chamber and the nation's politics—this, plus the short term of Harold Holt, and John Gorton, with roots still in the Senate where a dynamic change in role had taken place with the emergence of Lionel Murphy, the DLP and the drive of Jim Odgers as Clerk.

A change in the processes of the House was needed; but it needed to have input from the Members [and] that could not happen under the leadership of a committee structured as was the Standing Orders Committee.

Petitions—a rarity until the 1960s (22 to over 2000 in 1975) and actually presented by the Member in the chamber—had to change. Legislation reached a stage where the guillotine and the gag were part of the normal procedure at the end of each session.

These are examples of the type of changes that were making it more difficult to conduct the business of the House. A limitation on major change was the limited capacity of the then Parliament building which lacked rooms for large committees, particularly if required by both Houses, and built-in resistance of MPs on all sides.

The Procedure Committee was a necessary change which has made a valuable contribution to the functions of Parliament. There is, however, still a lot to be done to ensure that those elected to do so are able to meet their responsibilities while making sure that there is capacity for the government of the day to govern.

The Hon. Christopher Pyne MP

7.4 Mr Pyne has been the Member for Sturt since 1993 and is Parliamentary Secretary to the Minister for Health and Ageing.

The Procedure Committee can be likened to the administrative workhorse of the House of Representatives. It remains one of the most powerful and significant committees residing within Canberra, and its ability to change procedural conventions has ensured that it is the driving force when it comes to ensuring the highest levels of efficacy within the House.

During my time as Chairman, the members of the committee and I committed ourselves to scrutinising the workings of the House, and in doing so attempted to fix any inconsistencies and problems that we noted during the working life of the House. In this

capacity I was able to effect change across several areas, proving the genuine worth of the Procedure Committee in the parliamentary process.

Fortunately the systems supporting and administering the work of the committee were of an encouraging nature, and to this end I would thank the Government of the day, who, under the leadership of the Hon. John Howard, allowed the committee to do its work with strong backing. Indifference towards committees is a problem that has dogged the work of many of these working groups over time. House of Representatives committees are and will remain an integral part of parliamentary life, and it must be ensured that the thrust of parliament remains behind them and the work that they do.

Most importantly we must recognise that the committee could not work without the efforts of the secretariat. The staff that have and those that continue to commit their professional lives to the Procedure Committee deserve the strongest commendations. This document is testament to their hard work.

I am proud of the initiatives that I was able to lead the committee in during my time as chairman. In 1999 the committee approached the task of making the workings of the House more accountable to community involvement. In the report *It's your House: Community involvement in the procedures and practices of the House of Representatives and its committees*, tabled 22 November 1999, the committee presented several initiatives to encourage and increase the role of the general public in the political process.

The committee and I looked at several initiatives including creating a more effective petition system based on an active reporting and acknowledgement process in the House and Main Committee. This was brought about to increase the accountability of Members in relation to petitions. We also reviewed the community's access to media of and about the parliamentary process. As such the committee identified a number of deficiencies regarding the public's knowledge of the political process. This led to, amongst other things, a strong show of support for the Broadcasting Committee in their attempts to increase the audience levels of broadcasts of parliament, as well as continued scrutiny of the education programme aimed at fostering an understanding of the political process.

Importantly the committee also looked at the utilisation of the Internet pertaining to community interaction with the House and

committees. Several ideas discussed amongst the members included the introduction of an Internet feedback system allowing the community to convey their thoughts directly to committee members. Not surprisingly the committee also assessed the customs and language of the House in a suggestion that the structure of standing orders be made more logical so as to increase their current relevance. Fortunately, and I hear a significant number of current and former Reps breathe a collective sigh of relief, no traditions were harmed in the tabling and subsequent application of the report.

In the report *The Second Chamber: enhancing the Main Committee*, produced in August 2000 and my final report on behalf of the Procedure Committee, I presented to the House the Procedure Committee's review of the Main Committee. This highlighted the past importance of the Main Committee, but also set forth a number of recommendations to ensure the future importance of a committee whose roles had created significant confusion amongst Members.

The Procedure Committee in its formal review suggested a number of cosmetic changes of note to increase the effectiveness of the Main Committee, namely in suggesting a change of the committee's title to become the Second Chamber. This change was suggested to recognise the Main Committee's true role as a forum for debating contemporary issues brought before the parliament, and for comprehensive analysis of private Members' business. Effectively a change to the Second Chamber simply sought to adequately describe the committee's role in its title, quashing any confusion caused by the existing title. Through calling for change the committee attempted to ensure the recognition of the importance of the Main Committee, to defeat the attitudes of those who labelled it, as I quoted in my speech to the House, a 'tin-pot chamber'.

In strengthening the identity of the Main Committee through the recommendations contained in the report, I believe that the Procedure Committee ensured the ongoing success of the Main Committee. Importantly most of these changes were brought about with little or even no requirement for government spending, and this is one of the underlying successes of recommendations contained in reports tabled by the Procedure Committee. The committee prides itself on effecting common sense change within the House of Representatives and its committees. Changes, that

while often small, help to ensure the ongoing efficiency and relevance of the House of Representatives.

I will always be proud of the time that I served as chairman of the Procedure Committee, and of those changes that I, along with my fellow members, was able to effect. The Procedure Committee is gaining a long and relevant history. In parting I wish all of my current and future successors just as effective and enjoyable a time on the committee as I had.

Summing up

Meanwhile the main problems of parliamentary procedure are two: on the one hand, how to find time within limited parliamentary hours for disposing of the growing mass of business which devolves on the Government; and on the other hand, ... the duties of Parliament as the grand inquest of the nation at which all public questions of real importance find opportunity for adequate discussion.

Ilbert, xxi

Introduction

- 8.1 In this penultimate chapter an attempt is made to assess the work of the committee more broadly. This assessment will be restricted largely to whether or not the committee's exertions led to change. There is usually a delicate balance to be struck between the competing interests which Sir Courtney Ilbert identifies above and it would be unwise to declare unequivocal benefits where one interest often must concede ground to the other.
- 8.2 In the opening quotation, Ilbert, who was Clerk of the House Commons at the time, characterised the major challenge of procedural reform in the first decade of the Twentieth Century. One hundred years later the competing demands between lawmaking and representation are no less insistent. Moreover, there is another contest for time which is even more unrelenting in a polity built on far-flung constituencies like Australia: Members must attend sittings in Canberra yet maintain a presence in their

electorates. Not surprisingly, much of the work of the Procedure Committee is about the management of time.

- 8.3 In judging the committee's efforts to provide a fair go for all within chronically stubborn constraints, the first challenge is to find evidence of its influence on procedural change. That evidence may not always be obvious. A jury must consider many questions, including: what was the motivation for change; how did the committee prepare and pursue proposals for change; what particular challenges did the committee confront; and, what conclusions might be drawn from practical experience about achieving procedural reform?
- 8.4 Much of the following discussion is drawn from the detailed description of the committee's activities in Chapter 6. As mentioned, Appendix C contains key information about each of the reports and its outcomes.

Claiming results

- 8.5 Chapter 2 attempted to resolve the terms 'practices' and 'procedures' as boundary markers for the committee's responsibilities. This has a bearing on identifying outcomes. By our definitions a change in procedure requires new or amended standing or sessional orders. A change in practice can be implemented, sometimes implicitly, by the wish of the House or even at the discretion of the Speaker.¹ In addition, changes in practice can occur gradually as a consequence of changes to the standing orders.² It is easier to identify changes to the standing or sessional orders which have arisen from committee recommendations than to note less visible consequential effects.
- 8.6 While the committee's domain has been practices and procedures, its attention and recommendations have also extended from time to time to matters that strictly speaking involve neither practices nor procedures.³

¹ As was the case during the trial of additional tellers to streamline the conduct of divisions; see the discussion on *Review of conduct of divisions* at paras 6.181–2.

² For example, the scheduling of the adjournment debate in the Main Committee was made more flexible by amendments to the standing orders on 22 August 2002 as proposed in *Second chamber*. Consequently, the practices involved in organising the initiation, duration and conclusion of the adjournment debate were progressively refined starting from the position outlined by the Deputy Speaker in the Main Committee on 17 September 2002—HR Deb (17.9.2002) 6471.

³ For example, *Second Chamber* and *Review of conduct of divisions* contained recommendations about locations, fixtures and fittings. *It's your House* ventured into the interaction between the institution of Parliament and the Australian community. The interim report *Media*

- 8.7 Another difficulty in identifying results emerges from how the Government—at most times in the House of Representatives, the default custodian of procedural initiative—responds to Procedure Committee reports and the sometimes indefinite manner in which endorsed recommendations are put into effect. Sometimes there is no explicit government response, as there is, say, to reports of the Joint Committee of Public Accounts and Audit.⁴ Rather, there has been a range of reactions extending from no public response at one extreme,⁵ through explicit rejection, partial acceptance, explicit endorsement, to almost immediate adoption, at the other.⁶
- 8.8 In addition, as has been acknowledged, what may on the surface seem to be the fruits of the committee's endeavours can at times really be the joint product of several actors.⁷

The genesis of inquiries

- 8.9 The Procedure Committee has always held the power to initiate inquiries in its own right. Therefore, within the general terms of reference discussed in Chapter 2, inquiries have commenced almost invariably on the committee's resolution. However, these have included matters which have been proposed to the committee by the Speaker, Leader of the House and, occasionally, private Members.⁸ The committee has also, of course, chosen not to proceed with such proposals.⁹
- 8.10 There have been no instances to date of matters being referred to the committee by resolution of the House. There have been attempts, nonetheless. In June 1990, the Leader of the Opposition unsuccessfully attempted to move a motion enabling Question Time to be televised with a provision that certain conditions for televising be referred to the Procedure Committee.¹⁰ In February 2003, an Opposition Member

coverage dealt with aspects of how the House is portrayed in the media.

⁴ The formal process of response to Public Accounts and Audit Committee reports by Executive Minute is described at HR Practice (5th edn), 629.

⁵ See *Review of reports* for examples.

⁶ And see the discussion below under **Responses to inquiries**.

⁷ See, for example, paras 6.111 and 6.171.

⁸ See Appendix C for a list of reports including notes on the origin of inquiries.

⁹ See, for example, paras 6.95 and 6.122–3.

¹⁰ Dr Hewson, the Leader of the Opposition, moved the suspension of standing and sessional orders to enable the motion to be brought on and debated. The suspension motion was negated on division. Had the motion to allow televising been brought on and carried, the

unsuccessfully moved an amendment to a motion to adopt a sessional order which would have seen the matter referred to the Procedure Committee.¹¹

- 8.11 Exercising its power to set its own course, the committee has included proposals from outside the committee within existing inquiries or indeed launched a broader inquiry with such a proposal at its kernel.

Types of inquiries

- 8.12 Most of the committee's inquiries may be grouped for purposes of comparison into four not necessarily exclusive categories which we may term: 'substantial inquiries', 'rapid reactions', 'campaigns' and 'reviews'. Some inquiries can be placed in two or more categories but others barely fit into one. Needless to say, as analytical devices these are retrospective descriptions and need not correspond with the committee's expectations when a particular inquiry was launched.

Substantial inquiries

- 8.13 This category covers large-scale, high impact inquiries which usually, but not always, take longer than others to complete and commensurately longer to deliver results. The Procedure Committee spends much of its time dealing with discrete problems—either on its own initiative or in response to proposals from outside the committee—and it does not often undertake broad inquiries covering a large range of interrelated issues. Consequently, the following inquiries have been categorised as substantial:

- *Days and hours* (1986)
- *About time* (1993)
- *It's your House* (1999)
- *Revised standing orders* (2003)

- 8.14 The *Days and hours* report was the committee's second report. The inquiry originated from responses to a questionnaire the committee sent Members and others to identify areas of major concern. It was this approach that

reference to the Procedure Committee would have raised jurisdictional issues, there being a Joint Committee on the Broadcasting of Parliamentary Proceedings.

¹¹ VP2002-03-04/698-9; and see paras 6.172-3.

determined the inquiry's breadth. Over a year elapsed between inquiry launch and presentation of the report. Two and a half years separated the start of the inquiry and the adoption of sessional orders, themselves proposed in a follow-up report, to implement those recommendations which had been accepted by the Government.

- 8.15 It was the title of the follow-up report, *Improved opportunities*, which better described the impact of *Days and hours*. As is noted in the first edition of *House of Representatives Practice*, the opportunities for private Members in the period to the early 1980s were scant and diminishing and frustration with their lot led Members to misuse the forms of the House, especially the giving of notices orally, and resort to disruptive behaviour like greater recourse to motions to suspend standing orders.¹² The initiatives arising from *Days and hours*, while not causing a major redistribution of House time in the favour of private Members,¹³ were nonetheless therapeutic.
- 8.16 The major achievement of *Days and hours* via *Improved opportunities* was not, as it attempted, to reclaim for the House control of its sitting pattern, hours of meeting and overall programming of business but to impose an orderly regime for the arrangement of private Members' business and the presentation of, and debate about, committee and delegation reports.
- 8.17 Previously, a little time on Thursdays was allowed on alternate weeks for debate on sometimes stale general business motions and on the grievance debate. Under the new regime, private Members' business was scheduled according to rational criteria and not according to mere seniority on the Notice Paper. In addition, grievance debate became a weekly event and time was set aside for committee reports.
- 8.18 The *About time* report was less broadly based than *Days and hours*, but delivered similarly large-scale results. The inquiry was significantly shorter in duration: it was completed in five months. The government response was presented a little over three months after the report was tabled and the accepted recommendations were adopted the same day, the entire process completed well within a year.
- 8.19 Like *Days and hours*, *About time* did not achieve entire acceptance notwithstanding the Chair's counsel against cherry-picking.¹⁴ However its

¹² HR Practice (1st edn), 513–20.

¹³ Compare Appendix 30 in HR Practice (1st edn) with Appendix 23 in HR Practice (4th edn): In 1980 the percentage distribution of time between Government business / Business of the House / Private Members' business / Other opportunities for private Members was 58.6 / 22.9 / 5.3 / 13.2 and in 2000 57.6 / 20.5 / 7.4 / 14.5.

¹⁴ See para 6.78.

major legacy is the Main Committee and the increasing contribution that that chamber makes to alleviating the pressure on the House to cope with both its lawmaking and representative functions within a limited number of sittings.¹⁵ A number of other innovations, like the ‘sin bin’ and the facility of referring bills to standing committees, have also stood the test of time.

- 8.20 *It’s your House* marked a change in perspective, from institutional introspection to extrospection, as has been noted.¹⁶ Again, the inquiry was broad-based and took most of the meetings in a year to complete. A further year passed before responses—on this occasion from the Speaker as well as the Government—were received. The recommendations were so diverse that in the meantime some had been implemented administratively. A significant number of recommendations could be effected without resolution of the House, and were done so on a piecemeal basis.
- 8.21 Two major outcomes which ultimately did require decision by the House were new standing orders to simplify the rules governing the petitioning process and the eventual revision of the standing orders. Other measures, including best practice committee operating procedures and a more strategic approach to committee engagement with the media, were also adopted. The report generated two spin-offs, *Promoting community involvement* and *Revised standing orders*.
- 8.22 *Revised standing orders* was the committee’s second attempt at achieving the wholesale revision of the standing orders. The first attempt was conducted nominally as a review (but in terms of our categories would be described as a ‘campaign’) and involved working through the standing orders in discrete segments. The campaign commenced at the beginning of 1989 and, after six largely fruitless rounds, had been abandoned by 1993.¹⁷
- 8.23 By contrast, the second attempt was an ‘all or nothing’ approach which did not envisage changing the substance of the existing standing orders but rather set out to standardise and reorganise them. The revision originated in a recommendation from *It’s your House* in which it was argued that comprehension, interpretation and application of the standing orders would be improved if they were rewritten and restructured.¹⁸

¹⁵ See *Second chamber* for an evaluation of the Main Committee.

¹⁶ See para 6.131.

¹⁷ See the discussion below under *Campaigns*.

¹⁸ *It’s your House*, 28–9.

- 8.24 At the committee's request, the Clerk of the House submitted a draft document which the committee presented to the House as a discussion paper, *Proposed revised standing orders*, in September 2002. The committee then spent the next year working through the standing orders using the draft in its deliberations culminating in the presentation of *Revised standing orders* in November 2003. The revision was accepted by resolution of the House in June 2004. In one sense the process had taken about five years but the result was not only a coherent, uniform and up-to-date expression of the House's procedures but also a more solid springboard for further reform.
- 8.25 The common features of the committee's inquiries in this category are scale and success: each was broad in scope and each led to significant results.

Rapid reactions

- 8.26 The 'rapid reaction' inquiry usually focuses on a single problem and often originates in a proposal from outside the committee, typically from the Speaker or the Leader of the House. Most of the committee's inquiries—but not necessarily most of the committee's exertions—are of this type and include the following:
- *Alternative opportunities* (1985)
 - *Improved opportunities* (1987)
 - *Ringling of bells* (1988)
 - *Publication of tabled papers* (1988)
 - *Dealing with witnesses* (1989)
 - *Responses to petitions* (1990)
 - *Private Members' business* (1991)
 - *Disclosure of in camera evidence* (1991)
 - *Application of technology to committees* (1994)
 - *SO 143* (1996)
 - *SO 226* (1996)
 - *Short speeches in the Main Committee* (1997)
 - *e-motions* (2000)
 - *SO 344* (2003)

- *Second reading speeches* (2003)
 - *Joint meetings* (2004)
 - *Media coverage* (2004)
 - *Anticipation rule* (2005)
- 8.27 As so many—eighteen or about forty percent—of the committee’s inquiries can be considered in this way, it is difficult to find unifying features apart from a need to consider a proposed innovation or deal expeditiously with an existing or emerging problem. In contrast to substantial inquiries, rapid reactions have narrow scope, are completed quickly and are usually acted upon promptly.
- 8.28 Inquiries which have dealt with existing problems include *Disclosure of in camera evidence*, *SO 143*, *SO 226*, *SO 344*, *Joint meetings*, *Media coverage* and *Anticipation rule*. Each was triggered by events: leaking of committee material, questions without notice to Members other than Ministers, changes in legislative drafting, attempted exclusion of the media from a committee hearing, disorderly behaviour at a meeting of the two Houses, breaches in the rules governing photography in the Chamber and tactical raising of points of order. All but two of these had speedy and positive outcomes—the first was overtaken by a later inquiry and the penultimate delivered interim findings immediately before a general election.
- 8.29 Inquiries which have dealt with emerging problems include *Ringling of bells*, *Private Members’ business* and *e-motions* dealing respectively with certain challenges in shifting to a larger building, evolving practice in private Members’ business and barriers to using information technology in the conduct of House business. Again, to the extent that these reports dealt with real problems they were in most respects successful.¹⁹
- 8.30 A third type of rapid reaction inquiry encompasses proposals for innovation. Such proposals are also the stuff of campaigns but three which are typical of the rapid reaction are *Application of technology to committees*, *Short speeches in the Main Committee* and *Second reading speeches*. The first of these opened the way to the use of teleconferencing and related technologies in the conduct of committee inquiries. The second broadened the range of matters dealt with in the Main Committee. The third was an attempt to introduce more interaction in second reading debate but, not having received a response, is yet to deliver results.

¹⁹ As compared to recommendations that were incidental to the main problem area; for example the recommendation about seconding of notices in *e-motions* was not successful.

- 8.31 Some of the remaining reports, like the very first, *Alternative opportunities*, fell victim to initial inertia and then later, usually broader inquiries. However, the committee has shown a high level of persistence on some matters and many of these fall under the next category.

Campaigns

- 8.32 The ‘campaign’ focuses on an issue which is pursued through a number of inquiries. The issue may arise originally in a broader inquiry, or incidentally, and may be picked up again in other broad inquiries. A consistent theme often underpins these issues—the committee as a champion of the institution and of the role of individual Members. The following inquiries are deemed to be mainly elements of campaigns:
- *Conduct of Question Time* (1986)
 - *Election of Speaker* (1989)
 - Review of the standing orders (1989–92)²⁰
 - *Debate on reports* (1990)
 - *Right of reply* (1991)
 - *Opening procedures* (1995)
 - *Conduct of divisions* (1996)
 - *Balancing tradition and progress* (2001)
 - *Review of conduct of divisions* (2003)
 - *House estimates* (2003)
- 8.33 Most of these reports deal with issues on which the committee has persisted in advancing a cause, usually over a considerable period time. The desired outcome may be major, like revised opening procedures or the establishment of estimates committees, or relatively minor, like seconding of private Members’ notices of motion or the appointment of a Member to preside during the election of Speaker.
- 8.34 Perhaps the most ambitious campaign, the attempted systematic revision of the standing orders which was referred to earlier,²¹ occupied the

²⁰ The review comprised six inquiries each covering discrete segments of the standing orders; the six reports were: *Conduct of committees* (1989), *Conduct of business and opening of Parliament* (1991), *Speaker, Chairman etc.* (1992), *Seconding notices* (1992), *Questions seeking information* (1992) and *Disorder and strangers* (1992).

²¹ See para 8.22.

committee for the best part of four years before it was abandoned. In retrospect, it may be argued that this approach was less likely to succeed than the *Revised standing orders* inquiry because first, it was piecemeal, and second, it sought simultaneously to change both the form and substance of the standing orders.

- 8.35 There are several issues to which the committee has returned on more than one or two occasions. Three are worthy of comment: the conduct of Question Time, the procedures for opening a new Parliament and division procedures.
- 8.36 It would be tempting to liken Question Time to the weather: everyone complains about it but no one does anything about it. The committee has certainly tried. It started in 1986 with *Conduct of Question Time*. The committee returned to the topic in 1992 as part of its review of the standing orders in *Questions seeking information*. The blockbuster *About time* and its accompanying review, *Time for review*, both contained recommendations about Question Time. By 1995 the committee felt that ‘there [was] little to be gained by the committee re-examining question time and making another set of recommendations’ and instead placed the ball in the House’s court and tabled a discussion paper.²²
- 8.37 Ten years later little has changed. It is evident from procedural reform in the House of Representatives over the last 105 years that it is not sufficient merely to place proposals before the House and expect an outcome. Clearly an initiator is needed. If the will exists for Question Time to be reformed, then someone must act. It may fall to the committee to revisit the issue.
- 8.38 The committee has been similarly unsuccessful with its recommendations about the opening procedures of Parliament. The committee first touched on opening procedures in *Election of Speaker* in 1989 but took a more comprehensive approach in *Conduct of business and opening of Parliament*, the second round of its review of the standing orders. It tried again in 1995 in *Opening procedures* and yet again in 2001 with *Balancing tradition and progress*. Not one recommendation has been implemented.
- 8.39 The committee has been a little more successful with division procedures. The committee first touched on divisions in *Days and hours* in which it canvassed holding divisions at agreed times.²³ The proposal went nowhere

²² See para 6.99.

²³ *Days and hours*, 2–3. Timetabling divisions was dependent on the establishment of a Business Committee, a recommendation which the Government did not accept (see *Improved opportunities*, 17).

but a slight change to division procedures did result from *Improved opportunities*, the sequel to *Days and hours*: the deferral of certain divisions called for during the time allocated for consideration of private Members' business.²⁴

- 8.40 More tinkering with existing procedures arose from *Ringing of bells*, a rapid reaction report occasioned by the move to the new, more spacious, Parliament House in 1988. In this case, the time for the ringing of the bells was extended to four minutes.
- 8.41 However, despite the early signals,²⁵ the committee did not begin to examine the divisions process comprehensively until 1990.²⁶ This inquiry was overtaken by other activities, not least the inquiry behind *About time*, and it was not until 1996 that the committee resumed its examination and presented a report. Measures to streamline the process were proposed in *Conduct of divisions*, trialled as sessional orders and subsequently adopted as standing orders.²⁷
- 8.42 The committee revisited the divisions process in 2003 with *Review of conduct of divisions* and the sequel *Additional tellers*, however, these did not result in significant changes.²⁸ But in fact most of the provisions relating to the conduct of divisions in the standing orders bear the committee's finger prints to some extent. Perhaps the only outstanding issue is electronic voting.²⁹
- 8.43 A further demonstration of the value of persistence rests in the campaign to rejuvenate the general rule for the conduct of business. The general rule was embodied for many years in standing order 1, which, as has been argued elsewhere,³⁰ had become something of a procedural fossil. During its first review of the standing orders, the committee recommended a less restrictive power for the Speaker to determine matters not covered by existing House practices and procedures.³¹ Unlike some other campaigns this was successfully waged behind the scenes and its outcome can be seen in existing standing order 3(e).

²⁴ Implemented among sessional orders adopted on 9 December 1987 (VP 1987–88–89–90/302).

²⁵ For example, *Days and hours*, 2–3 and *Ringing of bells*, 6.

²⁶ See para 6.54.

²⁷ See para 6.112.

²⁸ See paras 6.182 and 6.188.

²⁹ The committee believes this is not a narrowly technical matter and needs to be fully considered by the House. See *Review of conduct of divisions*, 6–9.

³⁰ See, for example, para 2.9 and HR Practice (1st edn), 17.

³¹ *Conduct of business and opening of Parliament*, 1–2.

- 8.44 Campaigns are the practice of the maxim ‘if at first you don’t succeed’ and are waged, obviously, when a desired outcome is not attained at the first attempt. The committee has before it at least three unresolved campaigns, opening procedures, presiding at the election of Speaker and seconding of private Members’ notices. A reformist committee must also bear in mind, of course, another saying about flogging dead horses.

Reviews

- 8.45 The ‘review’ revisits earlier reports or initiatives, mostly those resulting from successful Procedure Committee recommendations, with a view to evaluating the outcomes and proposing further fine tuning (or, on occasion, a return to the status quo). The following inquiries are deemed to fall within this category:
- *Time for review* (1995)
 - *Review of reports* (1996)
 - *Ten years on* (1998)
 - *Second chamber* (2000)
 - *Promoting community involvement* (2001)
 - *Additional tellers* (2003)
 - *Renaming the Main Committee* (2004)
- 8.46 The first of the listed reviews revisited the major accomplishments of *About time* and proposed some minor fine tuning. *Time for review* was successful inasmuch as the Government broadly accepted its recommendations, however these were not immediately adopted.³² *Second chamber* was also a review of a major outcome of *About time*, the establishment of the Main Committee. It, too, was broadly successful³³ and led in turn to a further review, *Renaming the Main Committee*, the response to which shows signs of triggering a campaign.³⁴
- 8.47 *Promoting community involvement* followed the pattern of reviews of committee-inspired initiatives³⁵ but *Additional tellers* stands alone, perhaps,

³² See para 6.100.

³³ See paras 6.161–2.

³⁴ See para 6.208.

³⁵ See para 6.163.

as a review which found against a procedural experiment suggested by the committee and culminated in a reversion to old methods.³⁶

- 8.48 The remaining two reviews were each in their way different from the rest. *Review of reports* was in effect a house-keeping exercise necessitated by a change of government and a backlog of ignored reports. Not only did it clear the books, so to speak, but it also triggered the delayed adoption of proposals which had been neglected for some time.³⁷
- 8.49 Of all the listed reviews, *Ten years on* is unique in that its principal focus was on the establishment of the general purposes standing committees in 1987, which was not a direct outcome of Procedure Committee recommendations.

Formulation of recommendations

- 8.50 Those who would wish to judge a committee's effectiveness by the percentage of recommendations implemented need only survey the variability in the way the Procedure Committee has presented its recommendations over the last twenty years to see the pitfalls in such an approach.
- 8.51 The committee's *Days and hours* report did not contain individually numbered recommendations. Instead, recommendations took the form of dot-point proposals grouped under fifteen general categories. Nor were the recommendations expressed in a form which could be implemented immediately by resolution of the House. Instead, it was left to the Government to indicate which proposals it supported and then ask the committee to devise the necessary sessional orders to subject them to trial. Those sessional orders were contained in a subsequent report, *Improved opportunities* and were promptly implemented.
- 8.52 At the other extreme, for example, was the committee's second attempt at the wholesale revision of the standing orders contained in *Revised standing orders*. There was just one 'recommendation', that the proposed standing orders be adopted. This report had a one hundred percent success rate but in rearranging the standing orders without explicitly changing practices and procedures the impact will be more subtle than that of the less than fully endorsed *Days and hours* or *About time*.

³⁶ See para 6.188.

³⁷ See para 6.117.

- 8.53 The committee has become more sophisticated in preparing for the implementation of its recommendations. In its early reports it tended to express its recommendations as statements of principle with the fine detail of requisite standing or sessional orders being left for later, after some indication of agreement in principle had been given.³⁸ In later reports the recommendations were accompanied by fully drafted orders.³⁹

Presentation of reports

- 8.54 The Procedure Committee as architect and maintainer of the procedures which support the regime for organising private Members' business and the presentation of committee and delegation reports is perhaps more aware than most critics of the difficulties faced by the Selection Committee in allocating times for report presentation. In recent years, the Selection Committee has appeared to follow a practice of allocating ten minutes for each report to be presented at a Monday sitting. While this approach may be commended for its equity, unfortunately it fails to recognise reports of particular significance. The Procedure Committee has itself on occasion felt that the time it has been accorded to present a report of some moment has been manifestly inadequate. The committee has often addressed the issue of the limited time available to debate committee reports.⁴⁰

Responses to inquiries

- 8.55 A general framework for responses to committee reports has evolved since the Fraser Government undertook in 1978 to formalise the process.⁴¹ There is a general commitment for the government to respond to reports within three months. Twice each year, the Speaker presents a schedule of outstanding government responses to reports of House and joint committees for the preceding period (usually approximately the last six months). The schedule includes responses received during the period as well as indications from the Government on the progress of outstanding responses. About the same time as the Speaker's schedule is presented, the Leader of the House presents the Government's response to the previous

³⁸ For example, *Days and hours*, *Conduct of Question Time* and *About Time*.

³⁹ For example, *It's your House* and *Second chamber*.

⁴⁰ For example, *Debate on reports*, *Ten years on*, *It's your House* and *Second chamber*.

⁴¹ See HR Practice (5th edn), 689 for a brief description of the process.

schedule which lists completed responses as well as indicating progress on outstanding responses. The two documents are thus symbiotic, each feeding into the next generation of the other.

- 8.56 It is often difficult to isolate the point at which the Government has responded to a Procedure Committee report.⁴² Historically, the committee has not routinely received a formal written response which is tabled in the House—as is the case with the reports of general purpose standing committees—although this has happened on a few occasions. One of three outcomes is probable: (1) recommendations are implemented by the adoption of sessional orders or amendments to the standing orders and an acknowledgment to the committee is made during the accompanying debate, (2) the Government indicates in its periodic Government response to the Speaker's schedule (GRSS) that it will not be responding or that it has taken or will take action or (3) there is no evident indication of a response whatsoever.
- 8.57 This irregularity makes it difficult for the committee to remain aware of the standing of some of its recommendations. For example, in its GRSS of 9 December 2004, the Government indicated that it did not support the proposed name change recommended in *Renaming the Main Committee*. However, whether this in itself constitutes a government response is a moot point. There is scope for examining the pros and cons of a more clearly defined process as well as considering the appropriateness of leaving responsibility for responses entirely with the Government.

Following through

- 8.58 Just as the committee has become more sophisticated in framing its recommendations, it has also become more active in promoting them after a report has been presented. This has in part been motivated by the uncertain response mechanism referred to in the preceding paragraphs. But it also reflects a growing confidence in the committee's role and its commitment to the value of its work.
- 8.59 In the first few years of its existence, the committee was sufficiently novel, perhaps, not to be taken for granted and responses were readily provided. However in a political environment where the government of the day had other distractions, it was no longer sufficient to present a report and

⁴² See Appendix C for details on responses to Procedure Committee reports.

passively await results.⁴³ It may also be the case that the steadily increasing output from the general purpose standing committees created in 1987 competed against Procedure Committee reports in a contest for government attention.

- 8.60 In later years the committee has nurtured links with both the Leader of the House and the Manager of Opposition Business as well as a range of other regularly consulted parliamentary players, like the Speaker, whips, committee chairs and the Clerk of the House.⁴⁴ This process has been conducted behind the scenes as far as the official record is concerned and its efficacy is not easily proven but arguably plays no small part in some of the committee's most recent successes.
- 8.61 A less common instance of committee activism occurred following the *Second chamber* inquiry. On this occasion the committee surveyed Members on their responses to the report's recommendations and used this as evidence in support.⁴⁵

Status of the committee

- 8.62 Parliamentary committees are categorised in several ways. The Procedure Committee is a House of Representatives Committee, as distinct from a Senate or Joint committee. It is a standing committee—existing for the life of a Parliament with a continuing role—not a select committee. It is appointed pursuant to standing orders and not by statute or a finite resolution of the House.
- 8.63 However beyond these clear distinctions, its status becomes less clear-cut. It is obviously a domestic committee because its 'functions are concerned with the powers and procedures of the House or the administration of Parliament'.⁴⁶ However, unlike a typical domestic committee, it has an investigative role and may call witnesses. It also has the power to move from place to place and has done so in three inquiries.⁴⁷ A third point of departure lies in the nature of its reports, little resembling the

⁴³ Appendix C shows a prolonged period of 'no response, no action' entries after the initial flush of success.

⁴⁴ Typically this contact has taken place in two forms: on hand for individuals to be invited to attend deliberative meetings and on the other for groups to convene in round table discussions.

⁴⁵ See paras 6.143–4.

⁴⁶ HR Practice (5th edn), 622.

⁴⁷ Each, incidentally, a substantial inquiry. See paras 6.11, 6.73 and 6.170.

standardised output of most domestic committees. In some respects, then, it operates more like a general purpose standing committee than a purely domestic committee.

- 8.64 This leads to the issue of resources. The committee does not have a full-time secretariat as do most investigative committees, including the general purpose standing committees. The secretary is a senior member of House staff, generally the Director of the Chamber Research Office, whence other research and administrative staff are drawn as required. While this arrangement has the benefit of providing support staff with degrees of expertise in parliamentary procedure it may constrain the workload which the committee can accept at any time.

Avoiding trespass

- 8.65 The relatively liberal boundaries of the committee's domain⁴⁸ impose a responsibility to avoid stepping on the toes of other committees. As has been noted, a potential conflict with the remit of a statutory committee may have been imposed on the Procedure Committee had a proposed reference been carried in the House.⁴⁹ There are obvious overlaps in the respective jurisdictions of the Privileges Committee and the Procedure Committee and on at least one occasion the latter has reconsidered proceeding with an inquiry which may have been seen as trespassing. During its recent inquiry into *Media coverage* the committee was mindful of the statutory obligations of the Joint Committee on the Broadcasting of Parliamentary Proceedings.⁵⁰
- 8.66 It is less likely that another committee would intrude in the Procedure Committee's domain. For example, under its enabling standing order⁵¹ the Privileges Committee is restricted to reporting on matters referred to it by the House; it has no power to initiate its own inquiries. There is at least one case of a committee declining to examine a term of reference because it believed it encroached on the Procedure Committee's turf. In presenting a report of the Joint Standing Committee on Electoral Matters a member of that committee stated:

⁴⁸ See Chapter 2.

⁴⁹ See para 8.10.

⁵⁰ *Media coverage*, 3–4.

⁵¹ Standing order 216.

The committee did not consider that it was authorised to conduct an inquiry on the third of the terms of reference. The report notes recent developments to introduce sitting hours for the Senate and the House which we see as being more conducive to family life than the traditional hours. However, matters of parliamentary procedure and practice are outside the scope of the authority conferred on the committee by the parliament and would be more appropriately undertaken by the respective procedure committees of the Senate and the House.⁵²

- 8.67 The committee has also avoided provoking the Executive by intruding on what Leaders of the House may see as their preserve, the range of procedural devices which they use to enable government business to subordinate other proceedings. Successive Leaders of the House have developed a formidable armoury of tactical weapons by using the gag, guillotine and suspension of standing orders without notice in various combinations. Rather than entering a futile dispute on contestable principles of parliamentary procedure, the committee has acted constructively, finding ways to alleviate the conditions which tempt governments to act heavy-handedly. There are numerous examples, chief among them the establishment of the Main Committee which contributed directly to a diminished need to resort to the guillotine.

Progress versus tradition

- 8.68 In assessing the work of the UK House of Commons Select Committee on Procedure for the 1967 Session, a commentator noted:

By and large, what emerged from the Committee was a respect for the safeguards for minorities devised by previous generations and a determination to sharpen and redefine them.⁵³

If there is any truth in the observation that ‘Australian politics is played like Australian sport, up front, down to earth and with a blatant desire to win at any cost’,⁵⁴ then one might expect there to be little local concern for the procedural devices of previous generations.

- 8.69 Nonetheless, the maintenance of tradition has been a factor in the committee’s deliberations. For instance, in proposing a rationalisation of

⁵² HR Deb (6.6.1994) 1383.

⁵³ *Table XXXVI* (1967), 58.

⁵⁴ Weller, 633.

the procedures for the opening of Parliament, the committee was careful not to propose discarding the ‘symbolic elements which commemorate the evolution of Parliament’.⁵⁵ And when revising the standing orders, archaisms were not sacrificed lightly.⁵⁶

Recurring issues

- 8.70 It will be obvious from preceding discussion in this and earlier chapters that some issues which the committee has examined in the last 20 years are less tractable than others. They include:
- sitting patterns,
 - Question Time,
 - opening procedures,
 - divisions, and
 - debating committee reports.
- 8.71 The committee should not shirk its responsibilities in maintaining the House’s operating procedures. However it should direct its finite resources toward activities that will achieve results. The committee has shown an increasing sophistication in fulfilling its obligations to the House. Perhaps the next step is to be a little more strategic in recognising the right moment to promote a particular necessary reform.

Conclusion

- 8.72 This chapter has taken an analytical approach toward the practical aspects of procedural reform. It has compared the kinds of problems which the Procedure Committee has dealt with and distinguished the different methods it has followed to achieve results. Some of the obstacles it has confronted have also been described.

⁵⁵ *Balancing tradition and progress*, 5.

⁵⁶ For instance, the expression ‘the Speaker shall give a ruling thereon’ in old standing order 99 (Proceedings on question of order) was replaced by ‘the Chair must rule on the point of order’ in the Clerk’s draft; this was restored by the committee to ‘by the Speaker giving a ruling thereon’ in revised standing order 86 (Point of order).

Third reading

Members of Parliament are rarely prepared to invest intellectual resources in order to know in detail the rules and procedures that govern their proceedings or the rationale that underpins them. ... For MPs, working within existing procedures is a habitual activity that is perfectly rational. ... By accepting existing procedures, they are able to devote their intellectual energies to matters that may more directly meet their political and electoral needs.

Norton, 26

Introduction

- 9.1 Before completing this report with some general conclusions, it is appropriate to look ahead and consider whether any changes in direction are needed. It is assumed that the last twenty years should provide a sufficient basis on which to judge how apt the committee is to continue the task of revision, simplification and balancing of the House's practices and procedures.
- 9.2 The chapter begins with a rumination on several issues, including maintaining interest in the committee, whether expertise is more important for members than enthusiasm and formalising a more comprehensive response to reports. The chapter concludes with an overview of the last twenty years of procedural reform and the part the Procedure Committee has played in the process.

Maintaining membership

- 9.3 The Constitution imposes, as much as bestows, upon the House the responsibility to maintain its own operating rules.¹ It follows that the House itself must provide the mechanism for ongoing procedural maintenance. Like most legislatures, the House delegates this housekeeping to a committee. The Procedure Committee is but one of the twenty House committees and twelve joint committees on which Members may serve.
- 9.4 Members of Parliament, be they Ministers or backbenchers, must ration their time prudently. The working life of most Members is divided across a medley of parliamentary, electorate and party commitments. As Lord Norton implies in the opening quote, it is sensible for a Member to take parliamentary procedure as a given when there are so many other avenues for exertion.
- 9.5 Clearly there are certain advantages in being familiar with parliamentary practice and procedure. More centrally, however, maintaining an active committee membership rests upon the committee's productivity and impact and its influence on procedural reform in the House.

Expertise versus effectiveness

- 9.6 The ostensible virtue of the Standing Orders Committee rested in the standing of its members, especially those who were appointed *ex officio*. Typically, they were widely experienced in the practice of politics and, in reaching their rank in the legislature, had learned the operating procedures essential for parliamentary effectiveness. Because of their influence, their concurrence on any proposal would presuppose its broad acceptance by the House. Unfortunately the cost of their status was that they were too busy otherwise to attend to the work of the committee.
- 9.7 In its early years, the Procedure Committee, too, had members with lengthy parliamentary experience. However, because they were not office holders they were better placed to ensure that meetings had quorums and that inquiries were completed. If members of the Procedure Committee have on average lacked the experience of their predecessors it has certainly not diminished the committee's productivity or influence.

¹ Constitution, s. 50.

- 9.8 Though it is difficult to establish this empirically, a consideration of the record suggests that enthusiasm and the opportunity to participate are more important than expertise on its own. On this basis, there seems little need to alter the composition of the committee.

Making it happen

- 9.9 The previous chapter noted the evolution of a more sophisticated approach to framing and promoting proposals for procedural reform. The committee now routinely anticipates the implementation of its recommendations and actively lobbies for their adoption. However, the committee is hindered by what over twenty years has in practice been a haphazard mechanism for responding to its reports. It is worth speculating on the feasibility of a more systematic process.
- 9.10 Reports of the Procedure Committee are treated like those of most other parliamentary committees. The existing response process conforms more or less to the system first established by the Fraser Government in 1978 and followed with minor modifications to this day.² However, a close reading of Prime Minister Fraser's ministerial statement which announced 'steps to ensure that parliamentary committee reports are dealt with on a methodical basis' reveals that reports of 'the committees relating to house management' were not to be included.³
- 9.11 This was arguably recognition that while it was appropriate for the Executive to respond to recommendations about the operation of government, it was for the House itself to consider and react to proposals about its internal operations. Of course at this stage the Procedure Committee had not been established and it is not clear whether it should be seen as a committee relating to house management. In any event it should be noted that section 50 of the Constitution unequivocally vests in each House the power to make rules and orders with respect to the exercise of its powers, privileges and immunities and the order and conduct of its business.
- 9.12 Nevertheless, as has been noted in earlier chapters, the initiative for implementing procedural reform has, by default, been assumed by the government of the day. The Leader of the House⁴ has become the nominal

² See HR Practice (5th edn), 689.

³ HR Deb (25.5.1978) 2465–6.

⁴ The position originated in 1951. See HR Practice (5th edn), 63–4.

gatekeeper, moving the necessary motions in the House to give effect to changes to practices and procedures with prior endorsement obtained in processes outside the Chamber.

- 9.13 To recapitulate, the existing response mechanism is haphazard and too often over the last twenty years has left little indication on the official record of the outcome of committee recommendations. A further deficiency is that in some cases only the views of that part of the Ministry involved in producing a response are offered. On the other hand, there has been a tendency in recent years for some level of discussion in the party room on some committee recommendations.
- 9.14 A more comprehensive approach would enable a broader set of views to be incorporated in what would be the House's response. This might be effected by a practice which:
- set a customary period within which the response was to be prepared;
 - involved a conference of the Speaker, Leader of the House and Manager of Opposition Business to discuss respective views on the report's recommendations;
 - included the subsequent preparation of a document containing respective positions (including those of independent or minor party Members) on each recommendation and an indication of any consensus; and
 - culminated in the presentation of the document to the House by the Speaker as the House's response to the report.
- 9.15 At the end of the day, the majority of votes on the floor of the House determines what changes can be made to the House's procedures. This is not to concede that the House must run to Executive rules. No doubt it is usually the case that a good deal of consultation and negotiation occurs behind the scenes before proposals are put to the vote. However, there is something to be said for a more visible process which ensures that the committee's recommendations have been widely considered.

General conclusions

- 9.16 The House of Representatives began operating in 1901 with rules and procedures it had inherited from the UK Parliament, but modified by the experiences of the colonial legislatures as they adapted to self-government in a political environment already markedly different from that in Britain.

The first standing orders to govern the House's proceedings were based primarily on those of the House of Assembly in the Province of South Australia. They were assumed to be a stopgap until the House's Standing Orders Committee prepared their own. The 'temporary' standing orders were to prevail for fifty years.

- 9.17 In the meantime the principal rationale for procedural change was to facilitate the conduct of government business. The introduction of the gag, the guillotine and time limits for speeches were typical examples of measures which would expedite the passage of government business. The many challenges which faced national government in the first five decades of the Twentieth Century probably inhibited any desire among Members to strengthen the representative and scrutinising roles of the House at the expense of making laws for the Commonwealth.
- 9.18 A general perception emerged in the final quarter of the century that the House's rules and procedures needed overhauling. This was given voice by the Joint Committee on the Parliamentary Committee System which found that the existing machinery, principally in the form of the Standing Orders Committee, was insufficiently active, responsive or effective.
- 9.19 The Procedure Committee was established in 1985, first on a provisional basis but becoming permanent in 1992. Members, the Ministry and the Speaker, respectively, saw roles for the committee in preserving and enhancing the rights and opportunities of Members to participate in the House's proceedings; to improve the efficiency of the conduct of business; and, to resolve inconsistencies and ambiguities in the practices and procedures of the House.
- 9.20 The committee was successful almost from the outset, initiating major reforms to non-government business with its second report. It presented forty-four reports in the twenty years to March 2005. Its most notable achievements include:
- a comprehensive regime for arranging private Members' business and the presentation and consideration of committee and delegation reports (effective 1989);
 - the establishment of the Main Committee, primarily as a parallel debating chamber to share the legislative workload of the House and secondarily to provide more opportunities for private Members to participate (effective 1994);
 - a range of measures to enhance the visibility and accessibility of the House of Representatives to the public through the media and other channels (effective 2001);

- the restructuring of sitting hours to minimise late night sittings (effective 2003); and
- the complete redrafting and reorganisation of the standing orders (effective 2004).

- 9.21 While the committee's major achievements may speak for themselves, its lesser achievements—the ad hoc problem solving and running repairs to the standing and sessional orders which it routinely undertakes—are easily overlooked. However, it is arguably this aspect of the committee's work which has confirmed its ability to foster procedural reform in the House of Representatives.
- 9.22 The committee is not always successful in achieving implementation of its recommendations. Some of the problems it has dealt with offer no easy solutions and there are significant issues which remain unresolved. They include sitting patterns, the conduct of Question Time, procedures for opening Parliament, electronic voting and debating committee reports. It is inevitable that the committee will revisit these matters in coming years.
- 9.23 There are very few procedural changes which have occurred in the last twenty years without the committee's involvement. Perhaps the only procedural area which the committee has not entered is that relating to the sovereignty of government business. By and large the committee has been long-sighted and realistic about what it can achieve and has avoided futile conflict, internally and externally.
- 9.24 The committee has met the expectations held in 1985 that it would improve the lot of ordinary Members, increase efficiency in the conduct of business and resolve problems in the standing orders. It can fairly claim to be the main force for procedural reform in the House of Representatives.
- 9.25 The Joint Committee on the Parliamentary Committee System was perhaps unfairly dismissive in 1976 of the Standing Orders Committee in each of the two Houses of the Australian Parliament.⁵ Were that joint committee to reconvene after thirty years it would surely conclude that the House of Representatives Standing Committee on Procedure, unlike the Standing Orders Committees which had preceded it, had made a significant number of notable achievements.

⁵

See the Joint Committee's judgment at page vii.



Appendix A—Establishment and membership

Table 1—Establishment summary

<i>Parl</i>	<i>Established</i>	<i>Members appointed</i>	<i>Chair¹ elected</i>	<i>Composition</i>
34	27 February 1985 <i>by resolution of the House</i>	28 February 1985 <i>nominated by whips</i>	20 March 1985 <i>L. J. Keogh</i>	8 (5G / 3O)
35	24 September 1987 <i>pursuant to sessional order 28C</i>	8 October 1987 <i>nominated by whips</i>	8 October 1987 <i>J. G. Mountford</i>	8 (5G / 3O)
36	8 May 1990 <i>pursuant to sessional order 28C²</i>	16 May 1990 <i>by resolution</i>	16 May 1990 <i>G. G. D. Scholes</i>	8 (5G / 3NG)
37	4 May 1993 <i>pursuant to standing order 28C</i>	12 May 1993 <i>nominated by whips</i>	13 May 1993 <i>N. Blewett</i> 30 May 1994 <i>R. J. Brown</i>	8 (5G / 3NG)
38	30 April 1996 <i>pursuant to standing order 28C</i>	29 May 1996 <i>nominated by whips</i>	20 June 1996 <i>K. J. Sullivan</i> 28 October 1997 <i>P. E. Nugent</i>	8 (5G / 3NG)
39	10 November 1998 <i>pursuant to standing order 28C³</i>	8 December 1998 <i>by resolution</i>	10 December 1998 <i>C. M. Pyne</i> 29 November 2000 <i>G. Nairn</i>	8 (5G / 3NG) 7 (4G / 3NG) ³
40	12 February 2002 <i>pursuant to standing order 330</i>	20 March 2002 <i>by resolution</i>	21 March 2002 <i>M. A. May</i>	7 (4G / 3NG)
41	16 November 2004 <i>pursuant to standing order 221⁴</i>	1&2 December 2004 <i>by resolutions</i>	2 December 2004 <i>M. A. May</i>	7 (4G / 3NG)

1 On 9 November 1994 the House adopted amendments to the standing orders applying gender-inclusive pronouns: ‘chairman’ became ‘chair’.

2 On 15 October 1992 adopted by the House as a standing order.

3 On 3 December 1998 standing order 28C was replaced by standing order 330: the number of members was reduced from 8 to 7 and new standing order 333 required members to be appointed by resolution of the House. No members had been appointed to the committee before the changes to the standing orders.

4 On 24 June 2004, the House adopted revised standing orders effective from the start of the next Parliament.

First committee: 34th Parliament: 21 February 1985–5 June 1987

Appointed 27 February 1985 pursuant to resolution of the House

Keogh, Mr L. J.	<i>Chairman</i>	ALP	Qld	28 Feb 1985—
Cameron, Mr D. M.	<i>Deputy Chairman</i>	Lib	Qld	28 Feb 1985—
Hodgman, Hon. W. M.		Lib	Tas	28 Feb 1985—
Hollis, Mr C.		ALP	NSW	28 Feb 1985—
Lindsay, Mr E. J.		ALP	Qld	28 Feb 1985—
McLeay, Mr L. B.		ALP	NSW	28 Feb 1985—
Millar, Mr P. C.		Nat	Qld	28 Feb 1985—
Mountford, Mr J. G.		ALP	NSW	28 Feb 1985—

Secretary

Mark McRae

Resolution of appointment

-
- | | |
|--|---|
| <p>(1) That a standing committee be appointed to inquire into and report upon the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.</p> <p>(2) That the committee consist of 8 members, 5 members to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 2 members to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip and 1 member to be nominated by either the Leader of the National Party, the Deputy Leader of the National Party or the National Party Whip.</p> <p>(3) That every nomination of a member of the committee be forthwith notified in writing to the Speaker.</p> <p>(4) That the members of the committee hold office as a committee until the House of Representatives is dissolved or expires by effluxion of time.</p> <p>(5) That the committee elect a Government member as its chairman.</p> <p>(6) That the committee elect a deputy chairman who shall perform the duties of the chairman of the committee at any time when the chairman is not present at a meeting of the committee, and at any time when the chairman and deputy chairman are not present at a meeting of the committee, the members present shall elect another member to perform the duties of the chairman at that meeting.</p> | <p>(7) That the committee have power to appoint sub-committees consisting of 3 or more of its members and to refer to such a sub-committee any matter which the committee is empowered to examine.</p> <p>(8) That the quorum of a sub-committee be a majority of the members of that sub-committee.</p> <p>(9) That the committee appoint the chairman of each sub-committee who shall have a casting vote only, and at any time when the chairman of a sub-committee is not present at a meeting of the sub-committee, the members of the sub-committee present shall elect another member of that sub-committee to perform the duties of the chairman at that meeting.</p> <p>(10) That members of the committee who are not members of a sub-committee may participate in the proceedings of that sub-committee but shall not vote, move any motion or be counted for the purpose of a quorum.</p> <p>(11) That the committee or any sub-committee have power to send for persons, papers and records.</p> <p>(12) That the committee or any sub-committee have power to move from place to place.</p> <p>(13) That a sub-committee have power to adjourn from time to time and to sit during any sittings or adjournment of the House.</p> <p>(14) That a sub-committee have power to authorise publication of any evidence given before it and any document presented to it.</p> <p>(15) That the committee have leave to report from time to time.</p> |
|--|---|

- (16) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

VP 1985-86-87/56

Reports

<i>Title</i>	<i>Presented</i>	<i>PP</i>
1 Alternative opportunities for private Members to concisely address the House	23 May 1985	207/85
2 Days and hours of sitting and the effective use of the time of the House	29 May 1986	108/86
3 The standing orders and practices which govern the conduct of question time	27 November 1986	354/86

Second committee: 35th Parliament: 14 September 1987–19 February 1990

Appointed 24 September 1987 pursuant to sessional order 28C

Mountford, Mr J. G.	<i>Chairman</i>	ALP	NSW	8 Oct 1987—
Cameron, Mr D. M.	<i>Deputy Chairman</i>	Lib	Qld	8 Oct 1987—
Cameron, Mr E. C.		Lib	Vic	8 Oct 1987—
Edwards, Mr R. F.		ALP	WA	8 Oct 1987—
Lamb, Mr A. H.		ALP	NSW	8 Oct 1987—
Lindsay, Mr E. J.		ALP	Qld	8 Oct 1987—
Millar, Mr P. C.		Nat	Qld	8 Oct 1987—
Scholes, Hon. G. G. D.		ALP	Vic	8 Oct 1987—

Secretary

Mark McRae
Julia Flynn

Sessional order 28C

Standing Committee on Procedure

28C. (a) A Standing Committee on Procedure shall be appointed at the commencement of each Parliament to inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

(b) The committee shall consist of 8 members, 5 members to be nominated by the Government Whip or Whips and 3 members to be nominated by the Opposition Whip or Whips.

(c) The committee shall elect a Government member as its chairman.

(d) The committee shall elect a deputy chairman who shall act as chairman of the committee at any time when the chairman is not present at a meeting of the committee and at any time when the chairman and deputy chairman are not present at a meeting of the committee the members present shall elect another member to act as chairman at that meeting.

(e) The committee shall have power to appoint sub-committees consisting of 3 or more of its members and to refer to any sub-committee any matter which the committee is empowered to examine.

(f) The committee shall appoint the chairman of each sub-committee who shall have a casting vote only, and at any time when the chairman of a sub-

committee is not present at a meeting of the sub-committee the members of the sub-committee present shall elect another member of that sub-committee to act as chairman at that meeting.

(g) The quorum of a sub-committee shall be a majority of the members of that sub-committee.

(h) Members of the committee who are not members of a sub-committee may participate in the public proceedings of that sub-committee but shall not vote, move any motion or be counted for the purpose of a quorum.

(i) The committee or any sub-committee shall have power to send for persons, papers and records.

(j) The committee or any sub-committee shall have power to move from place to place.

(k) A sub-committee shall have power to adjourn from time to time and to sit during any sittings or adjournment of the House.

(l) A sub-committee shall have power to authorise publication of any evidence given before it and any document presented to it.

(m) The committee shall have leave to report from time to time.

(n) The committee or any sub-committee shall have power to consider and make use of the evidence and records of the Standing Committee on Procedure appointed during previous Parliaments.

Reports

<i>Title</i>	<i>Presented</i>	<i>PP</i>
4 Improved opportunities for private Members: Proposed sessional orders	5 November 1987	219/87
5 The ringing of the bells and the Chamber precincts in the new Parliament House and certification of petitions not in the English language	14 April 1988	149/88
6 The publication of tabled papers	24 November 1988	262/88
7 Committee procedures for dealing with witnesses	13 April 1989	100/89
8 The election of Speaker	11 May 1989	146/89
9 The standing orders governing the conduct of committees of the House [1st report on review of standing orders]	30 November 1989	458/89

Third committee: 36th Parliament: 8 May 1990–8 February 1993

Appointed 8 May 1990 pursuant to sessional order 28C

Scholes, Hon. G. G. D.	<i>Chairman</i>	ALP	Vic	16 May 1990—
Shack, Mr P. D.	<i>Deputy Chairman</i>	Lib	WA	16 May 1990– 26 May 1992
Sullivan, Mrs K. J.	<i>Deputy Chairman</i>	Lib	Qld	3 Jun 1992— (Deputy Chairman from 13 Oct 1992)
Charles, Mr R. E.		Lib	Vic	14 Sep 1992—
Edwards, Mr R. F.		ALP	WA	16 May 1990—
Grace, Mr E. L.		ALP	NSW	16 May 1990—
Hollis, Mr C.		ALP	NSW	16 May 1990—
Rocher, Mr A. C.		Lib	WA	16 May 1990— 14 Sep 1992
Truss, Mr W. E.		Nat	Qld	16 May 1990—
Walker, Hon. F. J.		ALP	NSW	16 May 1990—
<i>Secretary</i>	Robyn Webber Max Kiermaier			

*Sessional order 28C**

Standing Committee on Procedure

28C. (a) A Standing Committee on Procedure shall be appointed at the commencement of each Parliament to inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

(b) The committee shall consist of 8 members, 5 members to be nominated by the Government Whip or Whips and 3 members to be nominated by the Opposition Whip or Whips or by any independent Member.

(c) The committee shall elect a Government member as its chairman.

(d) The committee shall elect a deputy chairman who shall act as chairman of the committee at any time when the chairman is not present at a meeting of the committee and at any time when the chairman and deputy chairman are not present at a meeting of the committee the members present shall elect another member to act as chairman at that meeting.

(e) The committee shall have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

(f) The committee shall appoint the chairman of each subcommittee who shall have a casting vote only, and at any time when the chairman of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chairman at that meeting.

(g) The quorum of a subcommittee shall be a majority of the members of that subcommittee.

(h) Members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(i) The committee or any subcommittee shall have power to send for persons, papers and records.

(j) The committee or any subcommittee shall have power to move from place to place.

(k) A subcommittee shall have power to adjourn from time to time and to sit during any sittings or adjournment of the House.

(l) A subcommittee shall have power to authorise publication of any evidence given before it and any document presented to it.

(m) The committee shall have leave to report from time to time.

(n) The committee or any subcommittee shall have power to consider and make use of the evidence and records of the Standing Committee on Procedure appointed during previous Parliaments.

VP 1990–91–92–93/12

* Adopted as standing order on 15 October 1992

Reports

	<i>Title</i>	<i>Presented</i>	<i>PP</i>
10	Greater opportunities for debate on reports from parliamentary committees	11 October 1990	176/90
11	Responses to petitions	6 December 1990	267/90
12	Private Members' Business: Speech time limits for individual Members and priority to notices for private Members' bills	6 March 1991	51/91
13	The standing orders governing: General rule for conduct of business and procedures for the opening of Parliament [2nd report on review of standing orders]	6 June 1991	167/91
14	A citizen's right of reply	6 June 1991	168/91
15	Disclosure of in camera evidence	14 November 1991	295/91
16	The standing orders governing the Speaker, Chairman, Deputy Chairmen and Officers [3rd report on review of standing orders]	30 April 1992	101/92
17	Seconding of private Members' notices of motion [4th report of review of standing orders]	30 April 1992	102/92
18	The standing orders governing questions seeking information [5th report of review of standing orders]	25 June 1992	179/92
19	The standing orders governing disorder and strangers [6th report of review of standing orders]	15 October 1992	243/92

Fourth committee: 37th Parliament: 4 May 1993–29 January 1996

Appointed 4 May 1993 pursuant to standing order 28C

Blewett, Hon. Dr N.	<i>Chairman</i>	ALP	SA	12 May 1993– 11 Feb 1994
Brown, Hon. R. J.	<i>Chairman</i>	ALP	NSW	9 May 1994— (Chair from 30 May 1994)
Sullivan, Mrs K. J.	<i>Deputy Chairman</i>	Lib	Qld	12 May 1993—
Elliott, Hon. R. P.		ALP	NSW	12 May 1993– 9 Feb 1994
Filing, Mr P. A.		Lib	WA	12 May 1993– 21 Jun 1995
McLeay, Hon. L. B.		ALP	NSW	12 May 1993—
Melham, Mr D.		ALP	NSW	12 May 1993—
Nehl, Mr G. B.		Nat	NSW	12 May 1993—
Price, Hon. L. R. S.		ALP	NSW	12 May 1993—
Scott, Mr L. J.		ALP	Qld	9 Feb 1994—
Thomson, Mr A. P.		Lib	NSW	21 Jun 1995—

Secretary

Robyn Webber

Standing order 28C

Standing Committee on Procedure

28C. (a) A Standing Committee on Procedure shall be appointed at the commencement of each Parliament to inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

(b) The committee shall consist of 8 members, 5 members to be nominated by the Government Whip or Whips and 3 members to be nominated by the Opposition Whip or Whips or by any independent Member.

(c) The committee shall elect a Government member as its chairman.

(d) The committee shall elect a deputy chairman who shall act as chairman of the committee at any time when the chairman is not present at a meeting of the committee and at any time when the chairman and deputy chairman are not present at a meeting of the committee the members present shall elect another member to act as chairman at that meeting.

(e) The committee shall have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any

matter which the committee is empowered to examine.

(f) The committee shall appoint the chairman of each subcommittee who shall have a casting vote only, and at any time when the chairman of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chairman at that meeting.

(g) The quorum of a subcommittee shall be a majority of the members of that subcommittee.

(h) Members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(i) The committee or any subcommittee shall have power to send for persons, papers and records.

(j) The committee or any subcommittee shall have power to move from place to place.

(k) A subcommittee shall have power to adjourn from time to time and to sit during any sittings or adjournment of the House.

(l) A subcommittee shall have power to authorise publication of any evidence given before it and any document presented to it.

(m) The committee shall have leave to report from time to time.

(n) The committee or any subcommittee shall have power to consider and make use of the evidence and records of the Standing Committee on Procedure appointed during previous Parliaments.

Reports

	<i>Title</i>	<i>Presented</i>	<i>PP</i>
20	About time: Bills, questions and working hours—Inquiry into reform of the House of Representatives	28 October 1993	194/93
21	Application of modern technology to committee proceedings	5 December 1994	364/94
22	Time for review: Bills, questions and working hours—Review of procedural changes operating since 21 February 1994	19 June 1995	108/95
23	Procedures for the opening of Parliament	16 October 1995	195/95

Fifth committee: 38th Parliament: 30 April 1996–31 August 1998

Appointed 30 April 1996 pursuant to standing order 28C

Sullivan, Mrs K. J.	<i>Chair</i>	Lib	Qld	29 May 1996– 23 Oct 1997
Nugent, Mr P. E.	<i>Chair</i>	Lib	Vic	23 Oct 1997— (Chair from 28 Oct 1997)
Mossfield, Mr F. W.	<i>Deputy Chair</i>	ALP	NSW	29 May 1996—
Andrew, Mr J. N.		Lib	SA	29 May 1996—
Cadman, Mr A. G.		Lib	NSW	29 May 1996– 24 Sep 1997
Cameron, Mr E. H.		Lib	WA	23 Oct 1997—
Forrest, Mr J. A.		Nat	Vic	30 Oct 1997—
Martin, Hon. S. P.		ALP	NSW	29 May 1996—
Reid, Hon. N. B.		Lib	Vic	29 May 1996—
Somlyay, Mr A. M.		Lib	Qld	24 Sep 1997– 23 Oct 1997
Thomson, Mr K. J.		ALP	Vic	29 May 1996—
Truss, Mr W. E.		Nat	Qld	29 May 1996– 30 Oct 1997

Secretary

Robyn Webber

Standing order 28C

Standing Committee on Procedure

28C. (a) A Standing Committee on Procedure shall be appointed at the commencement of each Parliament to inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

(b) The committee shall consist of 8 members, 5 members to be nominated by the Government Whip or Whips and 3 members to be nominated by the Opposition Whip or Whips or by any independent Member.

(c) The committee shall elect a Government member as its chairman.

(d) The committee shall elect a deputy chairman who shall act as chairman of the committee at any time when the chairman is not present at a meeting of the committee and at any time when the chairman and deputy chairman are not present at a meeting of the committee the members present shall elect another member to act as chairman at that meeting.

(e) The committee shall have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

(f) The committee shall appoint the chairman of each subcommittee who shall have a casting vote only, and at any time when the chairman of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chairman at that meeting.

(g) The quorum of a subcommittee shall be a majority of the members of that subcommittee.

(h) Members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(i) The committee or any subcommittee shall have power to send for persons, papers and records.

(j) The committee or any subcommittee shall have power to move from place to place.

(k) A subcommittee shall have power to adjourn from time to time and to sit during any sittings or adjournment of the House.

(l) A subcommittee shall have power to authorise publication of any evidence given before it and any document presented to it.

(m) The committee shall have leave to report from time to time.

(n) The committee or any subcommittee shall have power to consider and make use of the evidence and records of the Standing Committee on Procedure appointed during previous Parliaments.

Reports

	<i>Title</i>	<i>Presented</i>	<i>PP</i>
24	The operation of standing order 143: Questions to Members other than Ministers	16 September 1996	115/96
25	Bills—Consideration in detail: Review of the operation of standing order 226	28 October 1996	190/96
26	Conduct of divisions	18 November 1996	290/96
27	Review of reports of previous Procedure Committees which have not received a government response	2 December 1996	350/96
28	Provision for Members to make short speeches in the Main Committee	20 October 1997	184/97
29	Ten years on—A review of the House of Representatives committee system	1 June 1998	91/98

Sixth committee: 39th Parliament: 10 November 1998–8 October 2001

Appointed 10 November 1998 pursuant to standing order 28C; superseded by standing order 330 on 3 December 1998

Pyne, Mr C. M.	<i>Chair</i>	Lib	SA	8 Dec 1998– 6 Nov 2000
Nairn, Mr G.	<i>Chair</i>	Lib	NSW	6 Nov 2000— (Chair from 29 Nov 2000—)
Price, Hon. L. R. S.	<i>Deputy Chair</i>	ALP	NSW	8 Dec 1998—
Cameron, Mr R. A.		Lib	NSW	8 Dec 1998—
Ferguson, Mr M. J.		ALP	Vic	8 Dec 1998—
Forrest, Mr J. A.		Nat	Vic	8 Dec 1998—
Gash, Mrs J.		Lib	NSW	8 Dec 1998—
Gerick, Ms J.		ALP	WA	8 Dec 1998—
<i>Secretary</i>		Robyn Webber		

Standing order 330

Standing Committee on Procedure

330 (a) A Standing Committee on Procedure shall be appointed to inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their

improvement or change and for the development of new procedures.

(b) The committee shall consist of seven members, four government members and three non-government members.

Note: Standing order 28C was omitted on 3 December 1998 and standing order 330 introduced

Reports

	<i>Title</i>	<i>Presented</i>	<i>PP</i>
30	It's your House—Community involvement in the procedures and practices of the House of Representatives and its committees	22 November 1999	363/99
31	e-motions: The electronic transaction of questions, answers and notices of motion and related matters	12 April 2000	76/00
32	The Second Chamber: Enhancing the Main Committee	14 August 2000	158/01
33	Promoting community involvement in the work of committees: Conference of committee chairs, deputy chairs and secretaries 6 March 2001	18 June 2001	114/01
34	Balancing tradition and progress: Procedures for the opening of Parliament	27 August 2001	165/01

Seventh committee: 40th Parliament: 12 February 2002–31 August 2004*Appointed 12 February 2002 pursuant to standing order 330*

May, Mrs M. A.	<i>Chair</i>	Lib	Qld	20 Mar 2002—
Price, Hon. L. R. S.	<i>Deputy Chair</i>	ALP	NSW	20 Mar 2002—
Bishop, Hon. B. K.		Lib	NSW	20 Mar 2002—
Ferguson, Mr M. J.		ALP	Vic	20 Mar 2002—
Haase, Mr B. W.		Lib	WA	20 Mar 2002—
King, Mr P. E.		Lib	NSW	20 Mar 2002—
Vamvakinou, Ms M.		ALP	Vic	20 Mar 2002—

Secretary

Judy Middlebrook

Standing order 330**Standing Committee on Procedure**

330 (a) A Standing Committee on Procedure shall be appointed to inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their

improvement or change and for the development of new procedures.

(b) The committee shall consist of seven members, four government members and three non-government members.

Reports

<i>Title</i>	<i>Presented</i>	<i>PP</i>
35 Sessional Order 344	19 June 2003	119/03
36 Review of the conduct of divisions	18 August 2003	163/03
37 House estimates: Consideration of the annual estimates by the House of Representatives	13 October 2003	211/03
38 Revised standing orders: The standing orders of the House of Representatives as last amended on 6 February 2003, redrafted and reorganised	24 November 2003	394/03
39 Arrangements for second reading speeches	1 December 2003	407/03
40 Trial of additional tellers	1 December 2003	408/03
41 Renaming the Main Committee	3 June 2004	
42 Arrangements for joint meetings with the Senate	21 June 2004	
43 Media coverage of House Proceedings including the Chamber, Main Committee and committees—Interim report	9 August 2004	

Eighth committee: 41st Parliament: 16 November 2004¹*Appointed 16 November 2004 pursuant to standing order 221*

May, Mrs M. A.	<i>Chair</i>	Lib	Qld	1 Dec 2004—
Melham, Mr D.	<i>Deputy Chair</i>	ALP	NSW	2 Dec 2004—
Bishop, Hon. B. K.		Lib	NSW	1 Dec 2004—
Draper, Mrs P.		Lib	SA	1 Dec 2004—
Hartsuyker, Mr L.		Nat	NSW	31 May 2005—
Hoare, Ms K. J.		ALP	NSW	2 Dec 2004—
Neville, Mr P. C.		Nat	Qld	1 Dec 2004— 31 May 2005
Price, Hon. L. R. S.		ALP	NSW	2 Dec 2004—

Secretary

Judy Middlebrook

Standing order 221**221 Procedure Committee**

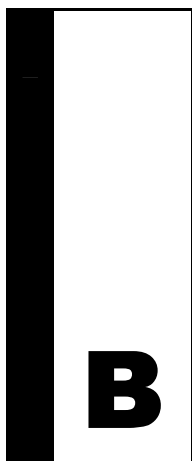
(a) A Procedure Committee shall be appointed to inquire into and report on the practices and procedures of the House and its committees.

(b) The committee shall consist of seven members: four government and three non-government Members.

Reports

<i>Title</i>	<i>Presented</i>	<i>PP</i>
44 The anticipation rule	14 March 2005	82 / 05

¹ As to the end of March 2005



Appendix B—Chairs and members roll

Chairs

Keogh, Mr L. J.	20 March 1985 to 5 June 1987
Mountford, Mr J. G.	8 October 1987 to 19 February 1990
Scholes, Hon. G. G. D.	16 May 1990 to 8 February 1993
Blewett, Hon. Dr N.	13 May 1993 to 11 February 1994
Brown, Hon. R. J.	30 May 1994 to 29 January 1996
Sullivan, Mrs K. J.	20 June 1996 to 23 October 1997
Nugent, Mr P. E.	28 October 1997 to 31 August 1998
Pyne, Mr C. M.	10 December 1998 to 6 November 2000
Nairn, Mr G.	29 November 2000 to 8 October 2001
May, Mrs M. A.	21 March 2002 to 31 August 2004 2 December 2004 —

Deputy Chairs

Cameron, Mr D. M.	20 March 1985 to 5 June 1987 8 October 1987 to 19 February 1990
Shack, Mr P. D.	16 May 1990 to 3 June 1992
Sullivan, Mrs K. J.	13 October 1992 to 8 February 1993 13 May 1993 to 29 January 1996
Mossfield, Mr F. W.	20 June 1996 to 31 August 1998
Price, Hon. L. R. S.	10 December 1998 to 8 October 2001 21 March 2002 to 31 August 2004
Melham, Mr D.	2 December 2004 —

Members

<i>Member</i>	<i>Party</i>	<i>State</i>	<i>Parlt</i>	<i>Committee membership</i>
Andrew, Mr J. N.	Lib	SA	38	29 May 1996—31 August 1998
Bishop, Hon. B. K.	Lib	NSW	40 41	20 March 2002—31 August 2004 1 December 2004—
Blewett, Hon. Dr N.	ALP	SA	37	12 May 1993—11 February 1994
Brown, Hon. R. J.	ALP	NSW	37	9 May 1994—29 January 1996
Cadman, Mr A. G.	Lib	NSW	38	29 May 1996—24 September 1997
Cameron, Mr D. M.	Lib	Qld	34 35	28 February 1985—5 June 1987 8 October 1987—19 February 1990
Cameron, Mr E. C.	Lib	Vic	35	8 October 1987—19 February 1990
Cameron, Mr E. H.	Lib	WA	38	23 October 1997—31 August 1998
Cameron, Mr R. A.	Lib	NSW	39	8 December 1998—8 October 2001
Charles, Mr R. E.	Lib	Vic	36	14 September 1992—8 February 1993
Draper, Mrs P.	Lib	SA	41	1 December 2004—
Edwards, Mr R. F.	ALP	WA	35 36	8 October 1987—19 February 1990 16 May 1990—8 February 1993
Elliott, Hon. R. P.	ALP	NSW	37	12 May 1993—9 February 1994
Ferguson, Mr M. J.	ALP	Vic	39 40	8 December 1998—8 October 2001 20 March 2002—31 August 2004
Filing, Mr P. A.	Lib	WA	37	12 May 1993—21 June 1995
Forrest, Mr J. A.	Nat	Vic	38 39	30 October 1997—31 August 1998 8 December 1998—8 October 2001
Gash, Mrs J.	Lib	NSW	39	8 December 1998—8 October 2001
Gerick, Ms J.	ALP	WA	39	8 December 1998—8 October 2001
Grace, Mr E. L.	ALP	NSW	36	16 May 1990—8 February 1993
Haase, Mr B. W.	Lib	WA	40	20 March 2002—31 August 2004
Hartsuyker, Mr L.	Nat	NSW	41	31 May 2005—
Hoare, Ms K. J.	ALP	NSW	41	2 December 2004—
Hodgman, Hon. W. M.	Lib	Tas	34	28 February 1985—5 June 1987
Hollis, Mr C.	ALP	NSW	34 36	28 February 1985—5 June 1987 16 May 1990—8 February 1993
Keogh, Mr L. J.	ALP	Qld	34	28 February 1985—5 June 1987
King, Mr P. E.	Lib	NSW	40	20 March 2002—31 August 2004
Lamb, Mr A. H.	ALP	NSW	35	8 October 1987—19 February 1990
Lindsay, Mr E. J.	ALP	Qld	34 35	28 February 1985—5 June 1987 8 October 1987—19 February 1990
Martin, Hon. S. P.	ALP	NSW	38	29 May 1996—31 August 1998

<i>Member</i>	<i>Party</i>	<i>State</i>	<i>Parlt</i>	<i>Committee membership</i>
May, Mrs M. A.	Lib	Qld	40 41	20 March 2002—31 August 2004 1 December 2004—
McLeay, Mr / Hon. L. B.	ALP	NSW	34 37	28 February 1985—5 June 1987 12 May 1993—29 January 1996
Melham, Mr D.	ALP	NSW	37 41	12 May 1993—29 January 1996 2 December 2004—
Millar, Mr P. C.	Nat	Qld	34 35	28 February 1985—5 June 1987 8 October 1987—19 February 1990
Mossfield, Mr F. W.	ALP	NSW	38	29 May 1996—31 August 1998
Mountford, Mr J. G.	ALP	NSW	34 35	28 February 1985—5 June 1987 8 October 1987—19 February 1990
Nairn, Mr G.	Lib	NSW	39	6 November 2000—8 October 2001
Nehl, Mr G. B.	Nat	NSW	37	12 May 1993—29 January 1996
Neville, Mr P. C.	Nat	Qld	41	1 December 2004—31 May 2005
Nugent, Mr P. E.	Lib	Vic	38	23 October 1997—31 August 1998
Price, Hon. L. R. S.	ALP	NSW	37 39 40 41	12 May 1993—29 January 1996 8 December 1998—8 October 2001 20 March 2002—31 August 2004 2 December 2004—
Pyne, Mr C. M.	Lib	SA	39	8 December 1998—6 November 2000
Reid, Hon. N. B.	Lib	Vic	38	29 May 1996—31 August 1998
Rocher, Mr A. C.	Lib	WA	36	16 May 1990—14 September 1992
Scholes, Hon. G. G. D.	ALP	Vic	35 36	8 October 1987—19 February 1990 16 May 1990—8 February 1993
Scott, Mr L. J.	ALP	Qld	37	9 February 1994—29 January 1996
Shack, Mr P. D.	Lib	WA	36	16 May 1990—26 May 1992
Somlyay, Mr A. M.	Lib	Qld	38	24 September 1997—23 October 1997
Sullivan, Mrs K. J.	Lib	Qld	36 37 38	3 June 1992—8 February 1993 12 May 1993—29 January 1996 29 May 1996—23 October 1997
Thomson, Mr A. P.	Lib	NSW	37	21 June 1995—29 January 1996
Thomson, Mr K. J.	ALP	Vic	38	29 May 1996—31 August 1998
Truss, Mr W. E.	Nat	Qld	36 38	16 May 1990—8 February 1993 29 May 1996—30 October 1997
Vamvakinou, Ms M.	ALP	Vic	40	20 March 2002—31 August 2004
Walker, Hon. F. J.	ALP	NSW	36	16 May 1990—8 February 1993



Appendix C—Reports and responses

Table 1 contains details for each of the 44 reports which the committee has presented within the period covered by this report:

Column	Notes
No.	Serial number of the report. <i>Note:</i> The committee does not formally number its reports and the numbers in this table are used merely for internal reference.
Title	The formal title of the report as presented to the House. <i>Note:</i> Shorthand titles have been used in the text of the report and these are listed in the Reference Guide at pages xviii–xix.
Origin	The date the committee resolved to undertake the inquiry unless stated otherwise. <i>Note:</i> No inquiries have been referred to the committee by resolution of the House but the committee has resolved to undertake inquiries following requests.
Presented	Date on which the report was presented to the House. <i>Note:</i> Only one report, No. 43 (an interim report), has been presented ‘out of session’.
Response	Date on which a response was presented to the House. <i>Note:</i> This refers only to a formal response and does not include comments in periodic government responses to the Speaker’s schedule (GRSS).
Action	Date on which action was taken. <i>Note:</i> It is not unusual for action to be taken in lieu of a formal response.
Comments	Remarks about responses and outcomes.
Text ref	Location in text (paragraph) of references to response and outcome.

Table 1—Responses to Procedure Committee reports

No	Title	Origin	Presented	Response*	Action	Comments	Text ref
1	Alternative opportunities for private Members to concisely address the House Alternative opportunities	28 Mar 1985 Committee	23 May 1985	29 Nov 1985 Min. paper	None	Government believed matter should be dealt with in the broader context of the second inquiry (which was then under way)	6.10
2	Days and hours of sitting and the effective use of the time of the House Days and hours	18 Apr 1985 Committee (based on responses to questionnaire)	29 May 1986	15 Sep 1987 Min. paper (incorporated in Hansard)	Indirect	Government supported most recommendations which the committee then framed as proposed sessional orders—see No. 4 Government did not support changes to sitting pattern, establishment of business committee or reintroduction of legislation committees	6.22–3
3	The standing orders and practices which govern the conduct of question time Conduct of Question Time	20 Feb 1986 Committee (based on responses to questionnaire)	27 Nov 1986	None	None	Referred to in GRSS 5 Jun 1991 (bipartisan support had not been obtained); GRSS 19 Dec 1991 (would respond in due course); GRSS 31 Jun 1995 (would not respond because report had been superseded by later report)	6.20, 6.27
4	Improved opportunities for private Members: Proposed sessional orders Improved opportunities	8 Oct 1987 Committee (at suggestion of Leader of the House)	5 Nov 1987	Not needed (follow-up to No. 2)	9 Dec 1987	House adopted sessional orders which committee proposed to implement those recommendations in No. 2 which the Government supported	6.26
5	The ringing of the bells and the Chamber precincts in the new Parliament House and certification of petitions not in the English language Ringing of bells	24 Nov 1987 Committee (at suggestion of Leader of the House)	14 Apr 1988	(a) Action (b) 28 Feb 1989 Min. paper	24 May 1988 4 May 1989	House amended standing orders and adopted sessional orders for division and quorum arrangements in new Parliament House (a) House amended standing order on certification of petitions (b)	6.31 6.32

No	Title	Origin	Presented	Response*	Action	Comments	Text ref
6	The publication of tabled papers Publication of tabled papers	23 Feb 1988 Committee (at request of Speaker)	24 Nov 1988	None	27 Aug 1997	No response received before change of Government. Committee requested response in No. 27. Referred to in GRSS 19 Jun 1997—House amended standing order less restrictively than recommended by committee	6.35, 6.117
7	Committee procedures for dealing with witnesses Dealing with witnesses	23 Feb 1988 Committee	13 Apr 1989	None	None	No response received before change of Government. Committee did not request response in No. 27. Noted in GRSS 19 Jun 1997	6.42, 6.117
8	The election of Speaker Election of Speaker	4 Apr 1989 Committee (at request of Leader of the House)	11 May 1989	None	None	The Government indicated in GRSS 31 Aug 1995 that it would not respond because the report had been superseded by a later report	6.42
9	The standing orders governing the conduct of committees of the House [1st report on review of standing orders] Conduct of committees	7 Mar 1989 Committee	30 Nov 1989	None	None	No response received before change of Government. Committee did not request response in No. 27. Noted in GRSS 19 Jun 1997	6.42, 6.117
10	Greater opportunities for debate on reports from parliamentary committees Debate on reports	31 May 1990 Committee	11 Oct 1990	None	6 Dec 1990	House adopted sessional orders giving effect to most recommendations	6.51–2
11	Responses to petitions Responses to petitions	31 May 1990 Committee	6 Dec 1990	None	None	Leader of the House indicated in correspondence to committee that Government did not support recommendation No response received before change of Government. Committee requested response in No. 27. Referred to in GRSS 19 Jun 1997—Government saw no reason to change existing arrangements	6.53, 6.117

No	Title	Origin	Presented	Response*	Action	Comments	Text ref
12	Private Members' Business: Speech time limits for individual Members and priority to notices for private Members' bills Private Members' business	19 Feb 1991 Committee (at request of Selection Committee)	6 Mar 1991	None	14 Mar 1991	House adopted amended sessional orders giving effect to recommendations	6.55
13	The standing orders governing: General rule for conduct of business and procedures for the opening of Parliament [2nd report on review of standing orders] Conduct of business and opening of Parliament	7 Mar 1989 Committee	6 Jun 1991	None	None	Government indicated in GRSS 31 August 1995 that it would not respond because report had been superseded by a later inquiry	6.59
14	A citizen's right of reply Right of reply	14 May 1991 Committee	6 Jun 1991	None	27 Aug 1997	No response received before change of Government in 1996. Committee requested a response in No. 27. The Government replied in GRSS 19 Jun 1997 that it accepted the recommendation and it was later implemented in a resolution with continuing effect	6.59, 6.117
15	Disclosure of in camera evidence Disclosure of in camera evidence	14 May 1991 Committee	14 Nov 1991	None	None	No response received before change of Government in 1996. Committee requested a response in No. 27. Government replied in GRSS 19 Jun 1997 that it expected committee to address this in its current inquiry on committees	6.60, 6.117
16	The standing orders governing the Speaker, Chairman, Deputy Chairmen and Officers [3rd report on review of standing orders] Speaker, Chairman etc.	7 Mar 1989 Committee	30 Apr 1992	None	None	Government indicated in GRSS 31 Aug 1995 that it would not respond because the report had been superseded by later report, No. 20, but that it supported in principle the recommendations about the election of Speaker	6.63

No	Title	Origin	Presented	Response*	Action	Comments	Text ref
17	Seconding of private Members' notices of motion [4th report of review of standing orders] Seconding notices	7 Mar 1989 Committee	30 Apr 1992	None	None	No response had been received before change of Government in 1996. Committee requested a response in No. 27. Government replied in GRSS 19 Jun 1997 that it saw no reason to change	6.63, 6.117
18	The standing orders governing questions seeking information [5th report of review of standing orders] Questions seeking information	7 Mar 1989 Committee	25 Jun 1992	None	None	Government indicated in GRSS 31 Aug 1995 that it would not respond because the report had been superseded by a later inquiry, No. 20	6.65
19	The standing orders governing disorder and strangers [6th report of review of standing orders] Disorder and strangers	7 Mar 1989 Committee	15 Oct 1992	None	27 Aug 1997	No response had been received before change of Government in 1996. Committee requested a response in No. 27. Government replied in GRSS 19 Jun 1997 that it accepted most of the recommendations and corresponding sessional orders were adopted	6.70, 6.117
20	About time: Bills, questions and working hours—Inquiry into reform of the House of Representatives About time	13 May 1993 Committee	28 Oct 1993	10 Feb 1994 Min. paper	10 Feb 1994	Government accepted nearly all the recommendations except some relating to Question Time and these were implemented as standing and sessional orders	6.85
21	Application of modern technology to committee proceedings Application of technology to committees	30 May 1994 Committee (at request of Speaker)	5 Dec 1994	None	18 Mar 1997	No response had been received before change of Government in 1996. Committee requested a response in No. 27. Government replied in GRSS 19 Jun 1997 that a trial had commenced by resolution of the House authorising one committee to follow the recommendations; these were later adopted generally by resolution with continuing effect	6.92, 6.117
22	Time for review: Bills, questions and working hours—Review of procedural changes operating since 21 February 1994 Time for review	13 Oct 1994 Committee	19 Jun 1995	29 Nov 1995 Min. paper	None	Government accepted most recommendations except those dealing with Question Time and the routine of business however there was no action before the House was dissolved on 29 Jan 1996	6.100

No	Title	Origin	Presented	Response*	Action	Comments	Text ref
23	Procedures for the opening of Parliament Opening procedures	2 Mar 1995 Committee (at request of Speaker)	16 Oct 1995	None	None	No response had been received before change of Government in 1996. Committee requested a response in No. 27. Government replied in GRSS 19 Jun 1997 that it did not propose to seek any changes to the traditional proceedings for the opening of Parliament	6.117
24	The operation of standing order 143: Questions to Members other than Ministers SO 143	20 Jun 1996 Committee (at request of Leader of the House in previous Parliament)	16 Sep 1996	10 Oct 1996 Min. paper	Not needed	Accepted. Status quo maintained	6.106
25	Bills—Consideration in detail: Review of the operation of standing order 226 SO 226	22 Aug 1996 Committee (at request of Speaker)	28 Oct 1996	5 Dec 1996 Min. paper	6 Feb 1997	Accepted. Standing order amended	6.108
26	Conduct of divisions Conduct of divisions	20 Jun 1996 Committee	18 Nov 1996	None	6 Mar 1997	Government indicated in GRSS 19 Jun 1997 that a trial had commenced by resolution of the House The sessional orders which effected the trial were adopted as standing orders on 4 Dec 1997	6.112
27	Review of reports of previous Procedure Committees which have not received a government response Review of reports	20 Jun 1996 Committee (at request of Leader of the House)	2 Dec 1996	None	19 Jun 1997	Government indicated in GRSS 19 Jun 1997 that it was responding in this document to the 8 reports for which the committee requested responses: Nos. 6, 11, 14, 15, 17, 19, 21 and 23 as well as two for which the committee did not request responses: 7 and 9	6.117
28	Provision for Members to make short speeches in the Main Committee Short speeches in the Main Committee	4 Jun 1997 Committee (at request of Member)	20 Oct 1997	None	4 Dec 1997	Sessional orders adopted. Sessional orders adopted as standing orders on 30 Jun 1998	6.121

No	Title	Origin	Presented	Response*	Action	Comments	Text ref
29	Ten years on—A review of the House of Representatives committee system Ten years on	20 Nov 1997 Committee	1 Jun 1998	None	3 Dec 1998	Most recommendations adopted among rationalised standing orders for committees	6.126–7
30	It's your House—Community involvement in the procedures and practices of the House of Representatives and its committees It's your House	10 Mar 1999 Committee	22 Nov 1999	10 Oct 2000 Min. paper Spkr's paper	various	Speaker supported 18 recommendations for which he felt responsible; Government supported 20 (out of 31 though not all were in Government's hands) Report was followed up by No. 33	6.144–5
31	e-motions: The electronic transaction of questions, answers and notices of motion and related matters e-motions	24 Nov 1999 Committee	12 Apr 2000	6 Dec 2000 Min. paper	7 Dec 2000	Standing orders were amended to implement the main recommendations	6.148
32	The Second Chamber: Enhancing the Main Committee Second chamber	24 Nov 1999 Committee	14 Aug 2000	27 Jun 2002 Min. paper	22 Aug 2002	Standing orders were amended and a sessional order adopted to implement most of the recommendations	6.161–2
33	Promoting community involvement in the work of committees: Conference of committee chairs, deputy chairs and secretaries 6 March 2001 Promoting community involvement	24 Nov 1999 Committee (launch deferred until responses to No. 30 received)	18 Jun 2001	27 Jun 2002 Min. paper	various	Report dealt with implementation of recommendations in No. 30 dealing with committees. Few recommendations required a Government response and most were expressions of principle rather than proposals for changes to the standing orders	6.161, 6.163
34	Balancing tradition and progress: Procedures for the opening of Parliament Balancing tradition and progress	7 Feb 2001 Committee	27 Aug 2001	None	None		6.190, 6.208

No	Title	Origin	Presented	Response*	Action	Comments	Text ref
35	Sessional Order 344 SO 344	7 Feb 2001 Committee (at request of Leader of the House)	19 Jun 2003	Not needed	Not needed	Report followed adoption of sessional order and recommended its retention. Status quo maintained. The intent of the sessional order was incorporated in the revised standing orders in No. 38	6.179
36	Review of the conduct of divisions Review of conduct of divisions	14 Nov 2002 Committee (at request of Leader of the House)	18 Aug 2003	Not needed	9 Sep 2003	Recommendations were administrative matters requiring no resolution of the House. Speaker announced trial of additional tellers. Trial evaluated in No. 40	6.182
37	House estimates: Consideration of the annual estimates by the House of Representatives House estimates	20 Jun 2002 Committee	13 Oct 2003	None	None		6.190, 6.208
38	Revised standing orders: The standing orders of the House of Representatives as last amended on 6 February 2003, redrafted and reorganised Revised standing orders	22 Aug 2002 Committee (date on which draft received from Clerk)	24 Nov 2003	None	24 Jun 2004	Revised standing orders adopted, as presented, to take effect from start of 41st Parliament (16 November 2004)	6.199
39	Arrangements for second reading speeches Second reading speeches	26 Jun 2003 Committee (at request of Speaker)	1 Dec 2003	None	None		6.190, 6.208
40	Trial of additional tellers Additional tellers	9 Sep 2003 Committee (date on which trial started)	1 Dec 2003	Not needed	10 Feb 2004	Committee recommended return to status quo ante and this was accepted	6.188

No	Title	Origin	Presented	Response*	Action	Comments	Text ref
41	Renaming the Main Committee Renaming the Main Committee	12 Feb 2004 Committee	3 Jun 2004	None	None	Government indicated in GRSS 9 Dec 2004 that it did not support the proposed name change	6.208
42	Arrangements for joint meetings with the Senate Joint meetings	12 Feb 2004 Committee	21 Jun 2004	None	None	Government indicated in GRSS 9 Dec 2004 that it considered existing arrangements continue to remain appropriate	6.208
43	Media coverage of House proceedings: Including the Chamber, Main Committee and committees—Interim report Media coverage	12 Feb 2004 Committee	9 Aug 2004	Not needed	Not needed	Interim report only	6.208
44	The anticipation rule: Aspects of the application of the rule Anticipation rule	9 Dec 2004 Committee (at request of Speaker)	14 Mar 2005	None	17 Mar 2005	House adopted recommendations for a trial period	6.211

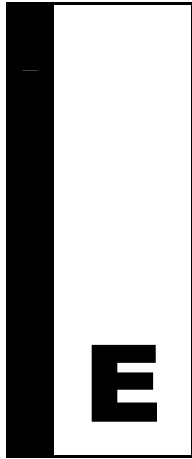


Appendix D—Annual committee activity

Table 1—Annual activity

<i>Year</i>	<i>Reports</i>	<i>Meetings</i>	<i>Duration (hours)</i>
1985	1	18	30.0
1986	2	25	51.0
1987	1	13	16.5
1988	2	13	10.5
1989	3	14	19.5
1990	2	7	5.5
1991	4	9	5.0
1992	4	6	6.5
1993	1	12	18.5
1994	1	6	6.5
1995	2	11	15.0
1996	4	11	9.0
1997	1	8	5.5
1998	1	6	6.0
1999	1	16	15.0
2000	2	15	9.0
2001	2	8	5.0
2002	0	15	11.5
2003	6	27	42.0
2004	3	14	9.0
2005*	1	5	2.0
Total	44	259	298.5

* To end of March 2005



Appendix E—Who's who

The following table provides a list of principal office holders during the period covered by this report.

Table 1—Principal office holders: 1985–2005

<i>Parl't</i>	<i>Speaker</i>	<i>Prime Minister</i>	<i>Leader of the Opposition</i>	<i>Leader of the House</i>	<i>Manager of Opposition Business</i>	<i>Procedure Committee Chair</i>
34 1985–86–87	Hon. Dr H. A. Jenkins (21.2.1985–11.2.1986)	Hon. R. J. L. Hawke	Hon. A. S. Peacock (to 5.9.1985)	Hon. M. J. Young	Rt Hon. I. McC. Sinclair (to 28.4.1987)	Mr L. J. Keogh (20.3.1985–5.6.1987)
	Hon. J. Child (11.2.1986–5.6.1987)		Hon. J. W. Howard (from 5.9.1985)		Mr J. M. Spender (from 29.4.1987)	
35 1987–88– 89–90	Hon. J. Child (14.9.1987–28.8.1989)	Hon. R. J. L. Hawke	Hon. J. W. Howard (to 9.5.1989)	Hon. M. J. Young (to 12.2.1988)	Hon. W. C. Fife	Mr J. G. Mountford (8.10.1987–19.2.1990)
	Hon. L. B. McLeay (29.8.1989–22.12.1989)		Hon. A. S. Peacock (from 9.5.1989)	Hon. K. C. Beazley (from 15.2.1988)		
36 1990–91– 92–93	Hon. L. B. McLeay (8.5.1990–8.2.1993)	Hon. R. J. L. Hawke (to 20.12.1991)	Dr J. R. Hewson	Hon. K. C. Beazley	Hon. W. C. Fife (to 23.5.1992)	Hon. G. G. D. Scholes (16.5.1990–8.2.1993)
		Hon. P. J. Keating (from 20.12.1991)			Mr W. L. Smith (from 23.5. 1992)	
37 1993–94– 95–96	Hon. S. P. Martin (4.5.1993–29.1.1996)	Hon. P. J. Keating	Dr J. R. Hewson (to 23.5.1994)	Hon. K. C. Beazley	Hon. J. W. Howard (to 31.1.1995)	Hon. Dr N. Blewett (13.5.1993–11.2.1994)
			Mr A. J. G. Downer (from 23.5.1994 to 30.1.1995)		Mr P. K. Reith (from 31.1.1995)	Hon. R. J. Brown (30.5.1994–29.1.1996)
38 1996–97–98	Hon. R. G. Halverson (30.4.1996–3.3.1998)	Hon. J. W. Howard	Hon. J. W. Howard (from 30.1.1995)			
	Rt Hon. I. McC. Sinclair (4.3.1998–31.8.1998)		Hon. K. C. Beazley	Hon. P. K. Reith	Hon. S. F. Crean	Mrs K. J. Sullivan (20.6.1996– 23.10.1997) Mr P. E. Nugent (28.11.1997– 31.8.1998)

<i>Parl't</i>	<i>Speaker</i>	<i>Prime Minister</i>	<i>Leader of the Opposition</i>	<i>Leader of the House</i>	<i>Manager of Opposition Business</i>	<i>Procedure Committee Chair</i>
39 1998–1999– 2000–2001	Hon. J. N. Andrew (10.11.1998–8.10.2001)	Hon. J. W. Howard	Hon. K. C. Beazley	Hon. P. K. Reith	Mr R. F. McMullan	Mr C. M. Pyne (10.12.1998– 6.11.2000) Mr G. Nairn (29.11.2000– 8.10.2001)
40 2002–03–04	Hon. J. N. Andrew (12.2.2002–31.8.2004)	Hon. J. W. Howard	Hon. S. F. Crean (to 2.12.2003) Mr M. W. Latham (from 2.12.2003)	Hon. A. J. Abbott	Mr W. M. Swan (to 16.6.2003) Mr M. W. Latham (from 16.6.2003 to 8.12.2003) Ms J. E. Gillard (from 8.12.2003)	Mrs M. A. May (21.3.2002–31.8.2004)
41 2004–05	Hon. D. P. M. Hawker (16.11.2004–)	Hon. J. W. Howard	Mr M. W. Latham (to 28.1.2005) Hon. K. C. Beazley (from 28.1.2005)	Hon. A. J. Abbott	Ms J. E. Gillard	Mrs M. A. May (2.12.2004–)

