

Introduction

- 1.1 At the beginning of the 43rd Parliament in September 2010, a diverse range of reforms to the procedures of the House of Representatives was ushered in. The catalyst was the *Agreement for a Better Parliament: Parliamentary Reform* (the Agreement) that had been negotiated between the major political parties and non-aligned Members after the inconclusive election result of 21 August 2010. The changes were implemented formally – through amendments to standing orders, a sessional order and a resolution of the House – and informally through arrangements within the discretion of the Speaker and which were notified to the House by the Speaker.

Background

- 1.2 The Agreement was said to be based on two principles:
- ... to confirm 150 local MP's (and by extension their communities) as the foundation blocks of our Australian system of democracy, and increas[e] the authority of the Parliament in its relationship with the Executive.¹
- 1.3 The Agreement noted that a review mechanism would be established to allow the changes to procedure and practice to be monitored and evaluated after the first session of the Parliament.² When proposing the initial amendments to standing orders, the Leader of the House, the Hon Anthony Albanese, identified the Procedure Committee (the Committee) as the appropriate body to informally monitor the changes, to consult and

1 *Agreement for a Better Parliament: Parliamentary Reform*, Preamble.

2 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 21, p. 9.

identify any necessary refinements, and to report to the House formally after the 'first year of operation of the new arrangements'.³

- 1.4 The Committee has presented three interim reports to the House on the reforms.
- 1.5 The first, presented in April 2011, briefly discussed the context of the reforms, and analysed the reforms themselves, as well as making some preliminary observations on their implementation.⁴ The report examined the work of the House in the first five weeks of the 43rd Parliament, documenting the early stages of implementation and capturing initial reactions. The Committee suggested some fine-tuning and flagged some emerging issues for further monitoring and evaluation.⁵ The Government response to this report was presented on 1 November 2012.
- 1.6 In the second report, presented in June 2011, the Committee turned its attention to the referral of bills to committees by the House Selection Committee. The ability to make such referrals had been foreshadowed in the Agreement and implemented by changes to the standing orders.⁶ The Committee found that Members were enthusiastic about the increased opportunities to review and comment on proposed legislation. However, it expressed concern over the significant and sustained increases in workload being experienced by some committees. The report contained one recommendation which was supported by the Government in its response, presented on 1 November 2012.
- 1.7 The third report, presented in February 2012, considered the effectiveness of the reforms of the House committee system.⁷ The Committee concluded that, while the reforms had provided some extra opportunities for Members, some aspects had not been as beneficial as expected. In particular, the rationalisation of committees had not necessarily improved the workability of the system for Members as it had been offset by an increase in the number of joint select committees. There had not been a

3 HR Deb, 29 September 2010, 129.

4 Standing Committee on Procedure, *Interim report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, April 2011. All of the reports are available from the Standing Committee on Procedure web site at:
http://aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/proceduralchanges/index.htm.

5 The recommendations of this report and the second and third reports on the reforms are included in Appendix C of this report.

6 Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43rd Parliament: Referral of bills to committees by the House Selection Committee*, June 2011. See p.12 for the recommendation.

7 Standing Committee on Procedure, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43rd Parliament: The effectiveness of reforms to the House committee system*, February 2012.

noticeable improvement in the timeliness of Government responses to committee reports. The Committee again noted the strain being placed on committee resources by the bill referral process and, while it made no recommendations, suggested a number of improvements.⁸

Scope of the inquiry

- 1.8 At its first meeting in the 43rd Parliament, the Committee adopted these terms of reference:

To monitor and report on procedural changes implemented in the House of Representatives in the 43rd Parliament.

- 1.9 The three interim reports have documented the reforms and their initial implementation. Several aspects of the reforms have been considered in detail.

- 1.10 This report will consider the reforms and their impact after almost two years of operation. In doing so it will also consider whether the original intent – to develop a more active and participatory House for all Members, regardless of party affiliation, or status – has been realised. It will consider the implementation process and the various adaptations that have been made and will also revisit some of the issues identified previously.

Conduct of the inquiry

- 1.11 The Committee has received formal, written evidence to the inquiry (listed in Appendix A), as well as informal feedback from Members and other interested parties including in general correspondence. Additionally the Committee has drawn on data collected by the Chamber Research Office and on comments made publicly by Members: in the House or elsewhere.

- 1.12 Throughout this inquiry the Committee has ensured that Members were given opportunities to provide feedback, including at informal roundtable meetings to which all Members were invited (February and September 2011). Evidence was also received during private meetings with the Speaker (November 2010 and October 2011), party Whips (February 2011 and May 2012), the Chair of the Liaison Committee of Chairs and Deputy Chairs (May 2012), the Clerk (November 2010, October 2011, and May

8 Standing Committee on Procedure, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43rd Parliament: The effectiveness of reforms to the House committee system*, February 2012, pp. 23–25.

2012), the Leader of the House (September 2012) and the Manager of Opposition Business (September 2012).

Structure of the report

- 1.13 Chapter 2 presents an overview of the reform agenda, outlining the objectives, individual reforms and the mechanisms supporting their implementation.
- 1.14 Chapter 3 considers in detail the reforms aimed at increasing the participation of all Members and examines how these opportunities have been used.
- 1.15 Chapter 4 focusses on reforms to Question Time.
- 1.16 Chapter 5 examines the changes to the House committee system and a number of other issues that have emerged during the inquiry.
- 1.17 The Appendices contain:
 - A: A list of the submissions and exhibits received;
 - B: Text of the *Agreement for a Better Parliament: Parliamentary Reform*;
 - C: Recommendations of the following reports, Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, April 2011, Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43rd Parliament: Referral of bills to committees by the House Selection Committee*, June 2011, Standing Committee on Procedure, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43rd Parliament: The effectiveness of reforms to the House committee system*, February 2012.