
The Parliament of the Commonwealth of Australia

Maintenance of the standing and sessional orders

House of Representatives
Standing Committee on Procedure

June 2013
Canberra

© Commonwealth of Australia 2013

ISBN 978-1-74366-086-7 (Printed version)

ISBN 978-1-74366-087-4 (HTML version)

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



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

Contents

Foreword	v
Membership of the Committee	vi
Terms of reference	viii
List of recommendations	ix
1 Introduction	1
Scope of the inquiry.....	2
Structure of the report.....	2
2 Refinements to improve the efficiency of proceedings.....	3
Introduction	3
Private Members' business items in the Federation Chamber	4
Referral of private Members' business items to the Federation Chamber	4
Return of items from the Federation Chamber	6
Presentation of private Members' bills.....	7
Time limits for debates 'not otherwise provided for'	8
Appointment of supplementary members to House committees	9
3 Technical amendments	11
Referral of statements by indulgence	11
Committee and delegation reports	12
Referral of bills to committees.....	13
Committee audio and video links	15
Six month amendments.....	15
Authority of the Chair and Senators.....	16
Federation Chamber timetable format.....	18
Minor corrections of inconsistencies.....	19

4	Other issues.....	21
	Consideration in detail of the Main Appropriation Bill.....	21
	Party alignment of the Speaker, Deputy Speaker and Second Deputy Speaker.....	22
	Questions during second reading debate.....	24
	Work of committees.....	25
	Appendix A	27
	Proposed amendments to the Standing Orders (consolidated).....	27



Foreword

On 28 October 2010 the Procedure Committee adopted the wide-ranging reference, ‘The maintenance of the standing and sessional orders’. Over the years, previous Procedure Committees have adopted the same reference and used it, as has the current Committee, to identify and examine minor irregularities and problems in the sessional and standing orders which arise from time to time, and to propose possible improvements.

In this report we revisit a number of procedural changes that we recommended in previous reports on the reforms of the 43rd Parliament. The Committee considers these proposals would enhance efficiency and we hope they will be taken up. We also took the opportunity to acknowledge some minor, technical irregularities in the standing orders that have been brought to our attention. Sometimes these issues cause confusion and we hope that our suggestions, if implemented, will assist Members in their use and understanding of the standing orders and assist the understanding of people who are interested in the operations of the House.

During the inquiry the Committee also received several suggestions that are substantial: they are more than technical matters. They have been included in this report, along with the Committee’s preliminary views, so that Members are aware of them and can consider the possibilities they present.

Overall, the amendments to the standing orders proposed by the Committee in this report are intended to correct anomalies or inconsistencies within the standing orders, to improve the efficiency of proceedings, and to better align the standing orders with House practice. At this late stage in the 43rd Parliament, the Committee is pleased to provide what it hopes is a useful collection of comments and practical suggestions, for the preliminary consideration of the House now and, hopefully, in more detail in the next Parliament.

Geoff Lyons MP
Chair



Membership of the Committee

Chair Mr Geoff Lyons MP

Deputy Chair Mr Russell Broadbent MP

Members Hon Joel Fitzgibbon MP (*to 14.05.13*) Mr Steve Irons MP
 Ms Jill Hall MP Mr Ewen Jones MP
 Mr Chris Hayes MP (*from 14.05.13*) Ms Julie Owens MP

Committee Secretariat

Secretary Ms Catherine Cornish

Inquiry Secretary Dr Narelle McGlusky

Research Officers Ms Naomi Swann

Mr Peter Fowler

Ms Penny Branson



Terms of reference

Terms of reference of the Committee

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

Terms of reference for the inquiry

Maintenance of the standing and sessional orders.

List of recommendations

2 Refinements to improve the efficiency of proceedings

Recommendation 1 (para 2.12)..... 5

The Committee recommends that:

- a) standing order 183 be amended to provide for private Members' business and committee and delegation business to be referred directly to the Federation Chamber by the Selection Committee report mechanism;
- b) standing order 222 be amended to clarify that the Selection Committee may initiate referral of certain matters to the Federation Chamber and that such referrals are deemed referrals of the House;
- c) standing order 39 be amended to allow committee and delegation reports selected by the Selection Committee to be presented in the Federation Chamber and remove the need for the Speaker's involvement in the formal referral;
- d) standing order 41 be amended to remove the need for the Speaker's involvement in the referral of private Members' bills and motions scheduled by the Selection Committee for consideration in the Federation Chamber; and
- e) standing order 140 be amended to maintain consistency with the amendment to standing order 41 and remove the involvement of the Speaker in the referral of private Members' bills to the Federation Chamber.

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

Recommendation 2 (para 2.16) 6

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

Recommendation 3 (para 2.21) 8

The Committee recommends that provisions for the presentation and debate of private Members' bills be amended, specifically:

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

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

Recommendation 4 (para 2.25) 9

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

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

Recommendation 5 (para 2.28) 10

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

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

3 Technical amendments

Recommendation 6 (para 3.6) 12

The Committee recommends that:

- a) standing order 183 be amended to provide for the referral of statements by indulgence to the Federation Chamber; and
- b) standing order 1 be amended to provide for a time limit of 10 minutes for further statements by indulgence referred to the Federation Chamber.

(See Appendix A, pages 29 and 36, for detailed proposed amendments.)

Recommendation 7 (para 3.11) 13

The Committee recommends that:

- a) standing order 39(d) be amended to provide for the resumption of debate on committee and delegation reports to be referred to the Federation Chamber; and
- b) standing order 39(e) be amended to clarify that committee reports (not delegation reports) shall be made Parliamentary Papers on presentation.

(See Appendix A, page 31, for detailed proposed amendments.)

Recommendation 8 (para 3.18) 14

The Committee recommends that standing order 143 be amended to:

- a) restore there the provision for the referral of bills to committees by a motion moved in the House; and
- b) provide for statements discharging the requirement to provide an advisory report when a committee finds no issue to report on and to require that the relevant minutes of proceedings be presented with the discharge statement.

(See appendix A, page 34, for detailed proposed amendments.)

Recommendation 9 (para 3.21) 15

The Committee recommends that standing order 227 be deleted.

(See Appendix A, page 40, for detailed proposed amendment.)

Recommendation 10 (para 3.24) 15

The Committee recommends that standing order 235 be amended to remove the need for a committee to resolve to use audio visual links.

(See Appendix A, page 40, for detailed proposed amendments.)

Recommendation 11 (para 3.31) 16

The Committee recommends that standing orders 146 and 155 be amended to remove the unnecessary wording and state clearly that ‘the bill be not read a second/third time’.

(See Appendix A, page 35, for detailed proposed amendments.)

Recommendation 12 (para 3.35) 18

The Committee recommends that standing order 257(c) be amended to state that Senators must observe the Speaker’s instructions regarding good order wherever they are in the Chamber or galleries.

(See Appendix A, page 40, for detailed proposed amendments.)

Recommendation 13 (para 3.38) 18

The Committee recommends that the presentation of Figure 4 in standing order 192 be amended to clarify the indicative nature of the order of business for the Federation Chamber.

(See Appendix A, page 37, for detailed proposed amendments.)

Recommendation 14 (para 3.41) 19

The Committee recommends that standing order 1 be amended to remove the inconsistency in wording with standing order 39.

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

Recommendation 15 (para 3.43) 19

The Committee recommends that the heading of standing order 198 be amended to read ‘Report to the House’.

(See Appendix A, page 38, for detailed proposed amendment.)

4 Other issues**Recommendation 16 (para 4.13) 23**

The Committee recommends that standing orders be amended to provide for at least one of the positions of Speaker, Deputy Speaker and Second Deputy Speaker to be filled by a non-government Member.

Introduction

- 1.1 At its first meeting of the 43rd Parliament on 28 October 2010, the Procedure Committee resolved to adopt the wide ranging reference ‘The maintenance of the standing and sessional orders’. This inquiry, usually adopted each parliament, allows the Committee to efficiently fulfil its important monitoring and ‘problem solving’ role.
- 1.2 The inquiry enables the Committee to identify and examine minor irregularities and problems in the sessional and standing orders which arise from time to time and also to propose necessary adjustments and possible improvements.
- 1.3 At the beginning of the 43rd Parliament, proposed amendments to standing and sessional orders incorporating a package of reforms were adopted by the House of Representatives, with wide-ranging implications for House practice and procedure. The Committee’s (separate) ongoing review of the implementation of those procedural changes has highlighted a number of issues that the Committee has identified in its reports.¹ Some issues have yet to be addressed.
- 1.4 This report reconsiders those issues and, in addition, examines minor anomalies and inconsistencies that the Committee has identified in the standing orders in operation in the 43rd Parliament. It also refers to a range of procedural policy matters that have been brought to the Committee’s attention.

1 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, April 2011; Standing Committee on Procedure, *Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th Report*, November 2012.

Scope of the inquiry

- 1.5 As stated, the inquiry reviewed some issues raised during the review of the procedural changes in the 43rd Parliament. It also examined a number of minor, technical irregularities within the standing orders that have come to the Committee's attention.
- 1.6 Due to time constraints, the Committee was unable to consult as broadly as it may have wished or to obtain information from all interested parties. Nonetheless, the Committee believes that it is important to address the issues, anomalies and inconsistencies that it has identified over the 43rd Parliament and propose amendments to improve the efficiency and effectiveness of the standing and sessional orders.

Structure of the report

- 1.7 Chapter 2 reviews matters specifically raised in the Committee's previous reports of its inquiry into the procedural changes implemented in the 43rd Parliament.
- 1.8 Chapter 3 examines minor technical irregularities within the standing orders that have been brought to the Committee's attention, including amendments to recognise recently developed, but now firmly entrenched, House practice.
- 1.9 Chapter 4 considers four additional issues that have been proposed to the Committee: the format for consideration in detail of the Main Appropriation Bill; the party role of the Speaker, Deputy Speaker and Second Deputy Speaker; the current provision for questions to be asked of Members at the end of their speeches during the second reading debate of a Government bill; and aspects of the work of House committees.
- 1.10 Appendix A lists the draft proposed amendments in detail.

Refinements to improve the efficiency of proceedings

Introduction

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

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

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

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

Private Members' business items in the Federation Chamber

Referral of private Members' business items to the Federation Chamber

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

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

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

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

- 2.9 The Clerk suggested that a refinement to the standing orders would provide that when the Selection Committee schedules items for consideration in the Federation Chamber (and the House adopts the Selection Committee report) the items are deemed to have been referred to the Federation Chamber by the House. This would streamline the process and remove 'double handling':

This would obviate the need for the Speaker to table the terms of matters in the House and for the matters to be deemed to be presented or moved before they can stand referred to the [Federation Chamber]. It would also allow the Member responsible for a notice to initiate a matter in the [Federation Chamber] by presenting a bill or moving a motion.⁶

- 2.10 The Committee acknowledges that amending the standing orders to facilitate this change will reduce paperwork and increase the efficiency of the Chamber.
- 2.11 The following recommendations are expressed in general terms for ease of reference. They should be read in conjunction with the draft amendments at Appendix A (pages 28-40).

Recommendation 1

- 2.12 **The Committee recommends that:**

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

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

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

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

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

Return of items from the Federation Chamber

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

Recommendation 2

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

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

Presentation of private Members' bills

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

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

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

Recommendation 3

2.21 The Committee recommends that provisions for the presentation and debate of private Members' bills be amended, specifically:

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

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

Time limits for debates 'not otherwise provided for'

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

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

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

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

Recommendation 4

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

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

Appointment of supplementary members to House committees

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

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

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

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

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

Recommendation 5

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

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

Technical amendments

- 3.1 A number of oversights and inconsistencies have come to the attention of the Committee during the course of the 43rd Parliament. The Committee has proposed a range of technical amendments to rectify these issues and enhance the operation of the House. Additionally, the amendments recognise recently developed, but now firmly entrenched, House practice.

Referral of statements by indulgence

- 3.2 The Speaker or Chair may grant a Member indulgence to make a statement on a variety of matters.¹ In the 42nd Parliament it became the practice for further statements by indulgence to be referred to the Federation Chamber when other Members wished to speak on the same matter.² Such statements are at the Speaker's discretion in the House, but there is no provision covering them when continued in the Federation Chamber. They have therefore been treated as debates, even though technically they do not constitute debates.
- 3.3 At present, the standing orders only recognise the referral of bills and motions to the Federation Chamber. The practice of referring statements by indulgence to the Federation Chamber should be recognised and provided for in the standing orders.
- 3.4 Currently there is no time limit specified for these statements so time limits for debates 'not otherwise provided for' are imposed when they continue in the Federation Chamber. A time limit of 10 minutes for

1 *House of Representatives Practice*, 6th edn, 2012, p. 498.

2 *House of Representatives Practice*, 6th edn, 2012, p. 500 (fn 69).

Members wishing to make further statements in the Federation Chamber would be appropriate.

- 3.5 The following recommendations are expressed in general terms for ease of reference. They should be read in conjunction with the draft amendments at Appendix A (pages 28-40).

Recommendation 6

- 3.6 **The Committee recommends that:**

- a) **standing order 183 be amended to provide for the referral of statements by indulgence to the Federation Chamber; and**
- b) **standing order 1 be amended to provide for a time limit of 10 minutes for further statements by indulgence referred to the Federation Chamber.**

(See Appendix A, pages 29 and 36, for detailed proposed amendments.)

Committee and delegation reports

- 3.7 Standing order 39, which provides for announcements concerning inquiries and presentation of committee and delegation reports, contains two anomalies that the Committee wishes to be rectified.
- 3.8 Firstly, there is no provision for the referral of debate on committee and delegation reports to the Federation Chamber. Committee and delegation Members must, therefore, after moving that the House take note of the report presented, seek leave to move a 'take note' motion to the Federation Chamber.
- 3.9 Secondly, the standing order does not distinguish between committee and delegation reports with regard to the reports being made Parliamentary Papers. Committee reports are routinely made Parliamentary Papers when they are tabled whereas delegation reports are not. Whether or not delegation reports are made Parliamentary Papers is a decision for the Publications Committee.
- 3.10 The Committee recommends that these two anomalies be corrected by amending standing order 39 to reflect actual practice.

Recommendation 7

3.11 The Committee recommends that:

- a) standing order 39(d) be amended to provide for the resumption of debate on committee and delegation reports to be referred to the Federation Chamber; and
- b) standing order 39(e) be amended to clarify that committee reports (not delegation reports) shall be made Parliamentary Papers on presentation.

(See Appendix A, page 31, for detailed proposed amendments.)

Referral of bills to committees

3.12 Similarly the Committee has identified two anomalies in standing order 143.

3.13 The first is an unintended consequence of the changes to the standing order implemented at the beginning of the 43rd Parliament. Previously standing order 143 provided for a bill to be referred by the House to a standing or select committee for an advisory report.³ This was changed in the 43rd Parliament to accommodate the expanded role of the Selection Committee in referring bills to committees.⁴

3.14 This change inadvertently removed from standing order 143 the provision for a bill to be referred to a committee by a motion moved in the House, although provision for this still exists under standing order 215(b). The Committee wishes the provision to be restored to standing order 143 to provide consistency and clarity.

3.15 The second discrepancy has become manifest with the practical implementation of the bills referral provisions in standing order 143 during the 43rd Parliament. Committees have developed the practice – from time to time – of making a statement to discharge their obligation to provide an advisory report.⁵ This circumvents the necessity to provide a full report when a Committee determines that the bill is uncontroversial or

3 Standing order 143(b), 1 December 2008.

4 Standing order 143(b), 20 October 2010. See also standing order 222, 20 October 2010.

5 Standing Committee on Procedure, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43rd Parliament*, February 2012, p. 15.

that to undertake an inquiry would be an unnecessary duplication of work by other committees.⁶

- 3.16 The Committee believes that this practice should be formalised in the standing orders.
- 3.17 Also, as the practice has evolved independently of the standing orders, there is no obligation for a Committee making a statement to discharge to present the minutes of the Committee's proceedings. (This is a requirement for the presentation of a Committee report under standing order 247(a).) In the interests of openness and transparency, standing order 143 should be amended to require that the minutes of the Committee's deliberations are presented with the statement to discharge the Committee's obligation to report.

Recommendation 8

- 3.18 **The Committee recommends that standing order 143 be amended to:**

- a) restore there the provision for the referral of bills to committees by a motion moved in the House; and**
- b) provide for statements discharging the requirement to provide an advisory report when a committee finds no issue to report on and to require that the relevant minutes of proceedings be presented with the discharge statement.**

(See appendix A, page 34, for detailed proposed amendments.)

- 3.19 On a related issue, the Committee has identified an unnecessary provision: standing order 227. This provides for House Members of joint committees to be a committee for the purpose of considering bills referred by the House. In practice, this standing order has never been used.
- 3.20 Essentially, standing order 227 has been superseded in the current Parliament as the Selection Committee is authorised to refer bills to both House and joint committees for consideration and report.⁷

6 Standing Committee of Procedure, *Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th Report*, November 2012, pp. 45-46.

7 Standing order 222(a)(iii), 20 October 2010.

Recommendation 9

- 3.21 The Committee recommends that standing order 227 be deleted.
(See Appendix A, page 40, for detailed proposed amendment.)

Committee audio and video links

- 3.22 The use of technology is transforming the ways in which committee inquiries are conducted. There is an ongoing need to update the standing orders to accommodate emerging practice.
- 3.23 The Committee perceives such a need in regard to the use of audio and video links. Currently, House committees need to resolve to conduct proceedings using audio or audio visual links with committee members or witnesses (standing order 235(b)). This reflects the experimental nature of the technology when the relevant standing order was drafted. However, the use of such technology is now routine and unremarkable. The need for such a resolution should be removed from standing order 235 to reflect current practice.

Recommendation 10

- 3.24 The Committee recommends that standing order 235 be amended to remove the need for a committee to resolve to use audio visual links.
(See Appendix A, page 40, for detailed proposed amendments.)

Six month amendments

- 3.25 Another anachronism, this time with regard to language use, has been identified by the Committee in standing orders 146 and 155. Standing order 146 has been designed to enable the disposal of a bill at the second reading stage and standing order 155 to enable the disposal of a bill at the third reading stage.
- 3.26 For example, standing order 146 states:
An amendment may be moved to the question –
That this bill be now read a second time –

By omitting 'now' and adding 'this day six months', which, if carried shall finally dispose of the bill.

- 3.27 Standing order 155 makes the same provision to dispose of a bill at the third reading stage. *House of Representatives Practice* notes that, in effect, if carried such an amendment is the equivalent of the House resolving, 'That this bill be not read a second (or third) time'.⁸
- 3.28 The practice of moving the '6 month amendment' derives from the United Kingdom (UK) House of Commons. Originally in the House of Commons the postponing of a bill for 6 months presupposed that the end of the parliamentary session would arrive within the six months and the bill would therefore lapse. This procedure has been regarded as obsolete by the House of Commons for many years.⁹
- 3.29 With regard to Australian practice, *House of Representatives Practice* notes:
It is now so long since this procedure has been used that it could, especially in its current wording, perhaps be regarded as obsolete.¹⁰
- 3.30 The Committee recommends that the wording of standing orders 146 and 155 be amended to ensure that each is self-explanatory and easily understood. The proposed clarification would not alter the effect of the provisions.

Recommendation 11

- 3.31 **The Committee recommends that standing orders 146 and 155 be amended to remove the unnecessary wording and state clearly that 'the bill be not read a second/third time'.**

(See Appendix A, page 35, for detailed proposed amendments.)

Authority of the Chair and Senators

- 3.32 Standing order 257(c) has also become inadequate in meeting the present needs of House practice. It provides for the admission of Senators to the

⁸ *House of Representatives Practice*, 6th edn, pp. 371-72 (fn 201) and 384(fn 335).

⁹ Sir William McKay, ed., *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 23rd edn, LexisNexis UK, London, 2004, p. 583 (fn 7). (Note: The practice has been omitted from the current 24th edition, published in 2012.)

¹⁰ *House of Representatives Practice*, 6th edn, p. 372.

Chamber and obliges Senators to follow the Speaker's instructions regarding good order while in the Senators' gallery:

257 Admission of Senators and visitors

(c) Senators shall have the privilege of being admitted into the Senators' gallery without invitation, but they must observe the Speaker's instructions regarding good order.

- 3.33 In reality Senators may also be present in the Distinguished Visitors' Gallery or, by invitation, on the floor of the House. The standing order does not cover either of these situations. To circumvent this deficiency and ensure that there is no misunderstanding regarding the authority of the Speaker when Senators are present in the Chamber, a separate provision has been included in recent resolutions of the House covering occasions when Senators are invited to attend the House. For example, the resolution to invite the Prime Minister of New Zealand to address the House in June 2011 included the provision (in bold for ease of reference) to extend the power of standing order 257(c):

Mr Albanese (Leader of the House), by leave, moved – That:

- (1) the House invite the Rt Hon John Key, Prime Minister of New Zealand, to attend and address the House on Monday, 20 June 2011, at 2.30p.m.;
- (2) unless otherwise ordered, at the sitting of the House on Monday, 20 June 2011:
 - a) the sitting commence at approximately 2.30p.m. when the proceedings shall be welcoming remarks by the Prime Minister and the Leader of the Opposition and an address by the Prime Minister of New Zealand, ... and
 - b) **the provisions of standing order 257(c) shall apply to the area of Members' seats as well as the galleries;**
- (3) a message be sent to the Senate inviting Senators to attend the House as guests for the welcoming remarks by the Prime Minister and the Leader of the Opposition and address by the Rt Hon John Key, Prime Minister of New Zealand...¹¹

- 3.34 Standing order 257(c) should make clear that when Senators are present anywhere in the Chamber or galleries, they must observe the Speaker's instructions regarding good order. This flows from a desire for clarity about the authority of the Speaker regarding the attendance by Senators

11 Votes and Proceedings No. 46, 14 June 2011, 620.

whether in the galleries or on the floor of the House, rather than any apprehension about good order not being maintained.

Recommendation 12

- 3.35 **The Committee recommends that standing order 257(c) be amended to state that Senators must observe the Speaker's instructions regarding good order wherever they are in the Chamber or galleries.**

(See Appendix A, page 40, for detailed proposed amendments.)

Federation Chamber timetable format

- 3.36 The Federation Chamber¹² was established in 1994 as an additional chamber of the House to assist in handling the House's increasing workload and allow more time for debate.¹³ While business is carried on concurrently in both Chambers, business in the House takes precedence over business being conducted in the Federation Chamber. Therefore, although an order of business for the Federation Chamber is provided in the standing orders, this order of business is only indicative, not prescriptive.
- 3.37 The presentation of Figure 4 in standing order 192 could be slightly amended to better reflect the indicative nature of the order of business for the Federation Chamber.

Recommendation 13

- 3.38 **The Committee recommends that the presentation of Figure 4 in standing order 192 be amended to clarify the indicative nature of the order of business for the Federation Chamber.**

(See Appendix A, page 37, for detailed proposed amendments.)

12 The Federation Chamber was originally known as the Main Committee. It was renamed the Federation Chamber in 2012. (Votes and Proceedings No. 85, 8 February 2012, 1177-1179.)

13 *House of Representatives Practice*, 6th edn, p. 113.

Minor corrections of inconsistencies

- 3.39 The Committee has identified two further minor inconsistencies in standing order 1 and standing order 198 that invite amendment.
- 3.40 Standing order 39 provides for Chairs and Deputy Chairs of committees to make announcements concerning inquiries and uses the phrase 'relating to an inquiry'. The correlating section of standing order 1 setting speaking times uses the phrase '(A)nnouncements of inquiries'. Standing order 1 requires a slight alteration in the wording to make it consistent with the wording in standing order 39 and clarify that such announcements may cover a range of matters relating to an inquiry, not just the announcement of an inquiry.

Recommendation 14

- 3.41 **The Committee recommends that standing order 1 be amended to remove the inconsistency in wording with standing order 39.**
(See Appendix A, page 29, for detailed proposed amendment.)
- 3.42 Similarly, the heading of standing order 198 'Report of bill to the House' should read 'Report to the House' as the standing order covers all reports from the Federation Chamber, not just reports on bills.

Recommendation 15

- 3.43 **The Committee recommends that the heading of standing order 198 be amended to read 'Report to the House'.**
(See Appendix A, page 38, for detailed proposed amendment.)

Other issues

- 4.1 Four additional procedural policy matters have been proposed to the Committee: the format for consideration in detail of the Main Appropriation Bill; the party role of the Speaker, Deputy Speaker and Second Deputy Speaker; the current provision for questions to be asked of Members at the end of their speeches during the second reading debate of a Government bill; and changes to aspects of committee work.
- 4.2 This chapter examines each of these issues. The Committee acknowledges at the outset the issue of the party role of the Speaker is considerably more than a technical matter.

Consideration in detail of the Main Appropriation Bill

- 4.3 Currently, consideration in detail of Appropriation Bill (No. 1) occurs in the Federation Chamber. Proposed expenditure is considered portfolio by portfolio and the format of debate has been flexible. Members may make an unlimited number of five minute contributions. *House of Representatives Practice* notes that in recent years, Chairs have encouraged a question and answer format, rather than general debate:

Members seek the call to question the Minister, often not taking their full five minutes. Ministers may respond to questions individually, may wait until several Members have spoken before responding, or may respond to all questions in their closing remarks.¹

- 4.4 It has been suggested to the Committee that this accepted practice be recognised and that the standing orders be amended so that:

1 *House of Representatives Practice*, 6th edn, p. 432.

- standing orders could specifically provide for Members to ask questions and Ministers to provide answers during consideration in detail of the Main Appropriation Bill;
 - Members could have an unlimited number of two minute periods to ask questions; and
 - Ministers could have an unlimited number of four minute periods to respond to questions.
- 4.5 The suggested change would allow Members to pursue specific constituency issues with Ministers and allow Ministers to provide information directly relevant to a Member's concerns. As well as encouraging more targeted questions (and answers), the tighter control of time allocations would make it possible for more questions to be dealt with in the time available.
- 4.6 The Committee acknowledges the merits of the suggestion but is convinced the current arrangements are sufficiently flexible and that there is no need for the proposed amendments at this stage.

Party alignment of the Speaker, Deputy Speaker and Second Deputy Speaker

- 4.7 Since federation, the Speaker and Deputy Speaker have usually been Government Members. Standing orders are silent about the party alignment of the Speaker and Deputy Speaker and, from time to time, nominations have been received for non-government members to serve in these offices. The office of Second Deputy Speaker was created in 1994 and, until recently, was held by a non-government Member.²
- 4.8 At the beginning of the 43rd Parliament, the *Agreement for a Better Parliament: Parliamentary Reform* provided that if the Speaker were drawn from a political party, then the Deputy Speaker would be drawn from an alternative political party.³ On 28 September 2010, Mr Jenkins was elected Speaker and Mr Slipper was elected Deputy Speaker.⁴ Mr Scott was elected Second Deputy Speaker.⁵ On 24 November 2011, following Mr Jenkin's resignation, Mr Slipper⁶ was elected Speaker, Ms Burke⁷ was elected Deputy Speaker and Mr Scott was elected Second Deputy Speaker.

2 See standing order 13(c), 20 October 2010.

3 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 2.1, p. 2.

4 Mr Harry Jenkins, Member for Scullin, Australian Labor Party; the Hon Peter Slipper, Member for Fisher (at that time Liberal Party of Australia).

5 The Hon Bruce Scott, Member for Maranoa, The Nationals.

6 The Hon Peter Slipper, Member for Fisher, became non-aligned on appointment as Speaker.

7 Ms Anna Burke, Member for Chisholm, Australian Labor Party.

- 4.9 Mr Slipper, in turn, resigned on 9 October 2012, and Ms Burke was elected Speaker unopposed. Mr Scott was elected Deputy Speaker after receiving the majority of votes in a ballot with a Government Member. This meant that, contrary to past practice, the Deputy Speaker was a non-government Member.
- 4.10 The following day, the House agreed to amend standing orders to remove the requirement that the Second Deputy Speaker be a non-government member by omitting standing order 13(c), which had been in place since 2004.⁸ Later that day Mr Georganas (a Government Member) was elected Second Deputy Speaker in a ballot with a non-government Member.⁹
- 4.11 While the current arrangements have been facilitated by the exigencies of the minority government, in a future parliament with a likely majority government, a Government could determine the holder of each position. It has been suggested to the Committee that the standing orders could be amended to specify the party alignment of the Speaker, Deputy Speaker and Second Deputy Speaker. While the Speaker would be drawn from the party in Government, the Deputy Speaker would be drawn from the non-government parties. This, it was suggested, would provide a better reflection of the make-up of the House itself.
- 4.12 While the Committee recognises the benefits provided by the current arrangements it is reluctant to support too rigid an approach to the issue and recognises equally that this is a matter for the House. The Committee does not propose to recommend any particular arrangement but wishes to record its view that it is in the best interests of the House to have at least one of the Speaker, Deputy Speaker and Second Deputy Speaker positions filled by a non-government Member.

Recommendation 16

- 4.13 **The Committee recommends that standing orders be amended to provide for at least one of the positions of Speaker, Deputy Speaker and Second Deputy Speaker to be filled by a non-government Member.**

8 Votes and Proceedings No. 137, 10 October 2012, 1853-1854.

9 Mr Steve Georganas, Member for Hindmarsh, Australian Labor Party.

Questions during second reading debate

- 4.14 The *Agreement for a Better Parliament: Parliamentary Reform* provided for the Speaker and the Selection Committee to consider and trial a provision for Members to ask questions at the end of Members' speeches on bills.¹⁰ The option for questions during second reading debate was recommended by the Procedure Committee in its 2006 report *Encouraging an interactive Chamber*.¹¹ The Committee observed that the introduction of standing order 66A which provides for questions during debate of any order of the day in the Federation Chamber had been successful and recommended that the practice be extended to the Chamber.¹²
- 4.15 On 29 September 2010, sessional order 142A which allows questions and answers after second reading speeches in the Chamber on government bills was adopted (for the remainder of the session). It provides that at the end of a Member's second reading speech, the Member may agree to be questioned on his or her speech:

142A Questions during second reading debate

- (a) At the end of each Member's speech during the second reading debate of a government bill, the Member may be questioned by other Members in relation to his or her speech.
 - (b) The Member is not obliged to take questions, and may indicate this during his or her speech.
 - (c) After each speech, questions and answers may continue for up to five minutes. Each question may take up to 30 seconds and each reply may take up to 2 minutes.
 - (d) This standing order shall not apply to the Minister's second reading speech and a Minister's speech closing the debate or to the speech of the main opposition speaker.
- 4.16 The sessional order has not been used to date and the Committee wishes its potential to be tested in the Chamber. It reiterates the benefits that could be gained by Members availing themselves of the opportunity provided by this sessional order and encourages Members to seek to take it up.

10 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 11.1, p. 7. The role of the Selection Committee was to set limits on speaking times to allow as many Members as possible to speak. It was suggested that the trial allow 5 minutes of questions (30 second question with two minute answers).

11 Standing Committee on Procedure, *Encouraging an interactive Chamber*, December 2006, pp. 13, 15-16.

12 Standing Committee on Procedure, *Encouraging an interactive Chamber*, p. 13.

Work of committees

- 4.17 During the 43rd Parliament, House committees have taken on a greater role in the scrutiny of legislation. The Committee has previously noted the impact on the work of committees, including the potential for duplication of the work of House and Senate committees.¹³ The burden placed on witnesses who may have to provide similar evidence to two separate inquiries has been remarked on. It has been suggested to the Committee that this issue could be addressed if standing orders were amended to provide for bills inquiries to be conducted by House and Senate committees meeting jointly. The Committee sees merit in the suggestion, noting as it has before, that the Committee from each house could then evaluate and report on the evidence separately. The Committee would wish to collect evidence before making any recommendations on the matter.¹⁴
- 4.18 It has also been suggested to the Committee that it would improve efficiency if provision were made to enable the expulsion of a Member from a committee if they were absent, without leave, for three consecutive meetings. This, it was said, would allow another Member to be appointed who has the time and interest to be involved. This would be a very significant change to current arrangements and, in the absence of evidence, the Committee does not wish to comment other than to say that members of committees are appointed by the House so it would be expected that they could only be removed by the House.
- 4.19 The Committee acknowledges that some of the issues raised in this chapter go beyond the technical and amount effectively to matters of policy. However, it wished to take the opportunity of this inquiry and report to alert Members to the possibilities and to encourage their consideration.

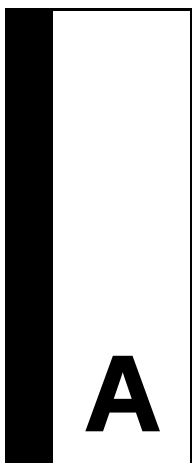
13 Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43rd Parliament: Referral of bills to committees by the House Selection Committee*, June 2011, pp. 9-10; Standing Committee on Procedure, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43rd Parliament: The effectiveness of reforms to the House committee system*, February 2013, p. 20.

14 There have been past examples of informal cooperation between House and Senate committees. Current provisions allow a House committee to confer with a Senate committee (standing order 238). Senate committees may only confer or sit with a House committee by order of the Senate (Senate standing order 40(1)).

GEOFF LYONS MP

Chair

June 2013



Appendix A

**Proposed amendments to the Standing Orders
(consolidated)**

1 Maximum speaking times

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

<i>subject</i>	<i>time (max)</i>	
Bills—Private Members' (All)—presentation Presenter (standing order 41)	10 mins	
Bills—Private Members' (Government)—second reading Mover Prime Minister or Member representing Leader of Opposition or Member representing	30 mins 30 mins 30 mins	Time limits for all second reading speeches on private Members' bills (except mover) will now be included under the existing provision for <i>Bills-All-Second reading</i> , as set out below — i.e. 15 minutes or lesser time determined by the Selection Committee
Bills—Private Members' (Non-Government)—second reading Mover Prime Minister or Member representing	30 mins 30 mins	
<u>Bills—Private Members'—second reading</u> <u>Mover</u> <u>At time of presentation</u> <u>In continuation, on resumption of debate (if required by mover)</u> (standing order 222)	<u>10 minutes</u> <u>5 minutes</u>	Private Members to make 10 minute second reading speech instead of 10 minute presentation statement (currently Members make both a presentation statement and second reading speech)
<i>Bills—All—second reading</i> Any other Member not specified above (standing order 222)	15 mins or lesser time determined by the Selection Committee	(no change)

<i>Committee and delegation business on Mondays</i> <i>Announcements <u>relating to</u> of inquiries</i> Committee chair or deputy chair <i>Reports</i> Each Member <i>(standing orders 39, 40, 192, <u>222</u>)</i>	as determined by the Selection Committee 10 mins or lesser time determined by the Selection Committee	Correction of inconsistency in wording—S.O. 39 says “relating to”
<i>Other debates – not otherwise provided for</i> <i>(e.g. censure of a Minister, reference to committee, approval of public works)</i> Mover of a motion Any other Member	<u>15</u> 20 mins <u>10</u> 15 mins	Reductions of 5 minutes, corresponding to reduction in times for second reading speeches
<i>Other statements – by permission from the Speaker <u>(by indulgence)</u></i> <i>(e.g. adding to answer, personal explanation, privilege)</i> Member <i><u>If further statements referred to the Federation Chamber</u></i> <u>Any other Member</u> <i>(standing order 183)</i>	at the discretion of the Speaker <u>10 mins</u>	New provision to accommodate current practice

<i>Private Members' business on Mondays</i> Whole debate Each Member <i>(standing order 41, 192 and 222)</i>	as determined by the Selection Committee, <u>subject to</u> <u>times set</u> <u>down for</u> <u>private</u> <u>Members'</u> <u>bills</u>	Reference to private Members' bills added for clarification
--	---	--

39 Announcements concerning inquiries and presentation of reports

(a) The Chair or Deputy Chair of a committee may make a statement to inform the House of matters relating to an inquiry during the periods for committee and delegation business on Mondays (*standing order 34*). The Selection Committee shall recommend time limits for such statements.

(b) Members may present reports of committees or delegations:

(i) as determined by the Selection Committee, during the periods for committee and delegation business on Mondays in the House and Federation Chamber (*standing orders 34 and 192*); or

(ii) in the House at any time when other business is not before the House.

(c) Members may make statements in relation to these reports:

(i) during the periods for committee and delegation business on Mondays in the House and Federation Chamber (*standing orders 34 and 192*); the Selection Committee shall determine time limits for statements, of not more than 10 minutes for each Member; or

(ii) in the House at any other time, by leave of the House.

(d) The Member presenting a report may move without notice, a specific motion in relation to the report. Debate on the question shall be adjourned to a future day and the resumption of the debate may be referred to the Federation Chamber.

~~(e) If, on Mondays, the Speaker presents a report referred to in this standing order, the following steps are deemed to have occurred in respect of the report — a motion to take note of the report, debate on the motion to be adjourned to a later hour and the order of the day to be referred to the Federation Chamber for further consideration within any parameters determined by the Selection Committee.~~

(e) ~~(f)~~ Unless otherwise ordered, a committee report presented in accordance with this standing order shall be made a Parliamentary Paper.

(b) amended to allow reports to be presented in Fed Chamber (if selected by Selection Committee)

(c)(ii) amended for clarification

addition to (d) avoids need to seek leave to move motion to refer a “take note” motion to the Federation Chamber

(e) deleted—Reports to be referred to Fed Chamber by Selection Committee report mechanism—Speaker’s involvement not necessary

change to new (e) reflects practice that delegation reports are not routinely made a PP

41 Private Members' business

(a) In the periods set for committee and delegation business and private Members' business under *standing orders 34 and 192*, private Members' notices and orders of the day shall be considered in the order shown on the Notice Paper. When the time set by *standing orders 34 or 192* or determined by the Selection Committee ends, the Speaker shall interrupt proceedings and the matter shall be listed on the Notice Paper for the next sitting.

Private Members' bills – priority

- (b) The Selection Committee, in making determinations:
- (i) shall give priority to private Members' notices of intention to present bills over other notices and orders of the day; and
 - (ii) shall set the order in which the bills are to be presented.

First and second reading

(c) Subject to this standing order, the first and second reading shall proceed in accordance with *standing orders 141 and 142*. The Member who has presented the bill may speak to the second reading for no longer than 10 minutes at the time of presentation and 5 minutes on resumption of the debate. The Selection Committee may determine times for consideration of the remainder of the second reading debate.

~~(c) When each notice is called on by the Clerk, the Member in whose name the notice stands may present the bill, together with an explanatory memorandum (if available), and may speak to the bill for no longer than 10 minutes. The bill shall be then read a first time and the motion for the second reading shall be set down on the Notice Paper for the next sitting.~~

~~(d) If, on Mondays, the Speaker presents a bill for which notice has been given by a private Member, the first reading of the bill is deemed to stand referred to the Federation Chamber. When the bill is called on in the Federation Chamber by the Clerk, the Member sponsoring the bill may present an explanatory memorandum (if available), and may speak to the bill for no longer than 10 minutes. The bill shall be then read a first time and the motion for the second reading shall be set down on the Notice Paper for the next sitting.~~

Priority following second reading

~~(d) (e)~~ The Selection Committee may determine times for ~~debate of the second reading~~. If the motion for the second reading is agreed to by the House, further consideration of the bill shall be accorded priority over other private Members' business and the Selection Committee may determine times for consideration of the remaining stages.

(c) replaced—Private Members to speak to second reading at time of presentation of bill instead of making a statement (and later also speaking to second reading)

(d) deleted—
Bills to be referred to Fed Chamber by Selection Committee, report mechanism—
Speaker's involvement not necessary

First sentence of renumbered (d) covered in new para (c)

Alternation of notices

(e) ~~(f)~~ Subject to paragraph (b)(i), the Selection Committee shall provide for the consideration of private Members' notices to alternate between those of government and non-government Members.

Private Members' motions

~~(g) If, on Mondays, the Speaker presents a copy of the terms of a motion for which notice has been given by a private Member, the following steps are deemed to have occurred—the motion is deemed to have been moved and debate on the motion adjourned to a later hour and the order of the day referred to the Federation Chamber for further consideration in accordance with any parameters determined by the Selection Committee.~~

(g) deleted—Motions to be referred to Fed Chamber by Selection Committee report mechanism—Speaker's involvement not necessary

140 Signed copy of bill presented

- (a) A Member presenting a bill must sign a legible copy of the bill and give it to the Clerk at the Table, ~~or to the Speaker for the purposes of standing order 41(d).~~
- (b) The title of a bill must agree with the notice of intention to present it, and every clause must come within the title.

Reference to deleted S.O. 41(d) deleted

141 First reading and explanatory memorandum

- (a) ~~Subject to standing order 41(d), w~~ When a bill is presented to the House, or a Senate bill is first received, the bill shall be read a first time without a question being put. ~~A Member presenting a bill during private Members' business may speak to the bill, before it is read a first time, for no longer than 10 minutes.~~

Private Members to speak to second reading at time of presentation of bill instead of making a statement

- (b) For any bill presented by a Minister, except an Appropriation or Supply Bill, the Minister must present a signed explanatory memorandum. The explanatory memorandum must include an explanation of the reasons for the bill. For other bills, the Member presenting the bill may present an explanatory memorandum.

EM provision transferred from deleted 41(d)

142 Second reading

- (a) If copies of the bill are available to Members, the Member presenting the bill may move immediately after the first reading, or at a later hour —

That this bill be now read a second time.

At the conclusion of the Member's speech the debate on the question must then be adjourned to a future sitting.

~~After the first reading of a bill presented during private Members' business, the motion for the second reading shall be set down on the Notice Paper for the next sitting.~~

Private Members to move second reading at time of presentation

- (b) If copies of the bill are not available, a future sitting shall be appointed for the second reading and copies of the bill must then be available to Members.

143 Bill referred to Federation Chamber or committee

After the first reading but before the resumption of debate on the motion for the second reading:

- (a) a motion may be moved without notice to refer a bill to the Federation Chamber for further consideration as provided by *standing order 183*; or
- (b) a motion may be moved without notice or a determination may be made by the Selection Committee as provided by *standing order 222* to refer a bill to a committee for an advisory report. The motion or determination may specify a date by which the committee is to report to the House. After an advisory report has been presented to the House, the bill may then be referred to the Federation Chamber under paragraph (a).

Change to 143(b) restores previous wording of the S.O. to make it clear that bills can be referred to a committee by a motion in the House (as provided for by S.O. 215(b)), as well as by the Selection Committee process.

(c) If, having considered a bill referred to it for an advisory report, a committee finds no issues requiring a formal report, the Chair or Deputy Chair may make a statement to the House to that effect. The statement, with the presentation of the relevant minutes of proceedings, discharges the committee's obligation to report on the bill.

Proposed new 143(c) recognises the newly developed practice of committees discharging their obligation to report to the House by way of a statement to the House. This saves the administration and expense of producing a formal printed report when there is nothing to report.

146 Six month amendment

An amendment may be moved to the question –

That this bill be now read a second time –

by omitting 'now' ~~and adding 'this day six months', in order to insert 'not',~~ which, if carried, shall finally dispose of the bill. No amendment may be moved to this amendment.

The amended wording to 146 and 155 is to modernise archaic provisions which are not easily understood. The revised wording does not alter the effect of the provisions, but clearly expresses what is intended.

155 Question for third reading

(a) When a bill has been agreed to, the House may grant leave for the motion for the third reading to be moved immediately, or a future sitting may be set for the motion.

The question shall be proposed on the motion –

That this bill be now read a third time.

(b) The only amendment which may be moved to this question is by omitting 'now' ~~and adding 'this day six months', in order to insert 'not',~~ which, if carried, shall dispose of the bill.

(c) After the third reading the bill has passed the House and no further question may be put.

183 Establishment of Federation Chamber

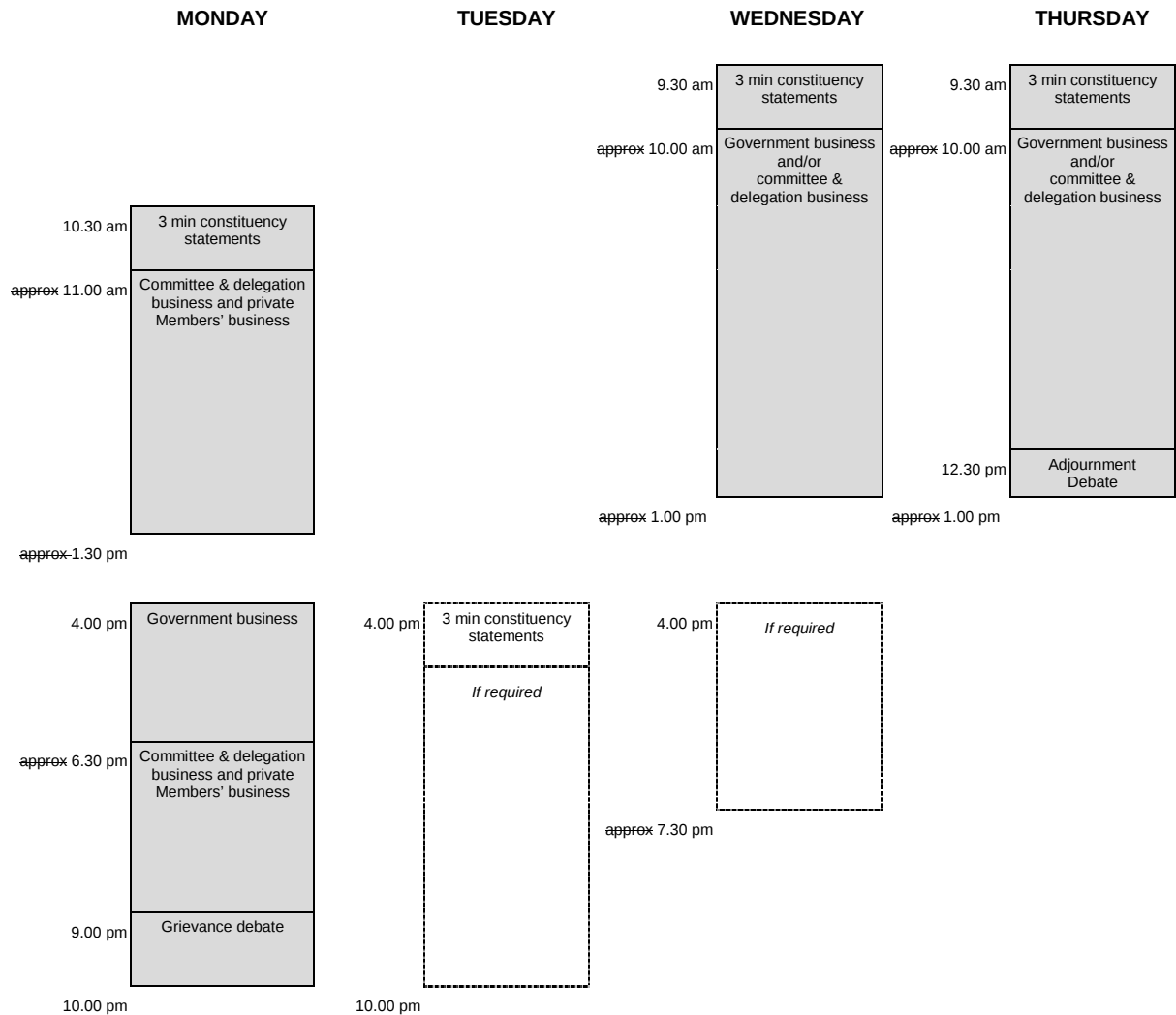
The Federation Chamber shall be established as a committee of the House to consider matters referred to it by the House as follows:

- (a) proceedings on bills to the completion of the consideration in detail stage; ~~and~~
- (b) orders of the day for the resumption of debate on any motion;
- (c) further statements on a matter when statements have commenced in the House; and
- (d) subject to paragraph (a), private Members' notices and other items of private Members' and committee and delegation business referred in accordance with a Selection Committee determination pursuant to *standing order 222*.

New para (c) recognises recently established practice of referring statements to the Fed Chamber.

New para (d) provides for private Members' business and committee and delegation business to be referred to Fed Chamber by Selection Committee report mechanism

192 **Figure 4.** Federation Chamber indicative order of business



The meeting times of the Federation Chamber are fixed by the Deputy Speaker and are subject to change. Times shown for the start and finish of items of business are approximate. Adjournment debates can occur on days other than Thursdays by agreement between the Whips.

This amendment is a change to presentation only, which will produce no change to practice. It reflects the reality that the Federation Chamber order of business is indicative rather than prescriptive. It puts the word ‘approximate’ once in the note rather than in multiple places in the table.

198 ~~Report of bill~~ Report to the House

(a) When the Main Committee has fully considered a bill referred to it, a final question shall be put immediately and resolved without amendment or debate —

That this bill be reported to the House, with[out] [an] amendment[s] [and with (an) unresolved question(s)].

(b) The Clerk of the Committee shall certify a copy of the bill or other matter to be reported to the House, together with any schedules of amendments and unresolved questions. Unless otherwise provided, the Speaker shall report the matter at a later hour that day when other business is not before the House.

Change to heading to correct inaccuracy— i.e. para (b) refers to reports on other matters, not only on bills

215 General purpose standing committees

...

(d) Each committee appointed under paragraph (a) shall consist of seven members: four government Members and three non-government Members, provided that if a non-aligned Member is appointed to a committee, such committee shall consist of eight members: four government Members, three non-government Members, and one non-aligned Member. Each committee may have its membership supplemented ~~its membership~~ by up to four members for a particular inquiry, with a maximum of two extra government and two extra opposition or non-aligned Members. Supplementary members shall have the same participatory rights as other members, but may not vote.

Clarifies that supplementary committee members are appointed by the House, not the committee itself
See also
S.O. 229

222 Selection Committee

- (a) A Selection Committee shall be appointed to:
- (i) arrange the timetable and order of committee and delegation business and private Members' business for each sitting Monday in accordance with *standing orders 39 to 41*;
 - (ii) select private Members' notices and other items of private Members' and committee and delegation business for referral to the Federation Chamber;
 - (iii) recommend items of private Members' business to be voted on;
 - (iv) select bills that the committee regards as controversial or as requiring further consultation or debate for referral to the relevant standing or joint committee in accordance with *standing order 143*. One member of the committee is sufficient to select a bill for referral; and
 - (v) subject to *standing order 1*, set speaking times for second reading debates.
- (b) The committee shall consist of eleven members: the Speaker, or in the absence of the Speaker the Deputy Speaker, the Chief Government Whip or his or her nominee, the Chief Opposition Whip or his or her nominee, the Third Party Whip or his or her nominee, three government Members, two opposition Members and two non-aligned Members. The Speaker shall be the Chair of the committee. A quorum shall be three members of the committee.
- (c) For committee and delegation business and private Members' business, the committee may determine the order of consideration of the matters, and the times allotted for debate on each item and for each Member speaking.
- (d) In relation to committee and delegation business and private Members' business the committee must report its determinations to the House in time for its decisions to be published on the Notice Paper of the sitting Thursday before the Monday being considered. In relation to bills the committee must report its determinations as soon as practical in respect of each bill or each group of bills.
- (e) Reports of the committee under paragraph (d) shall be treated as having been adopted when they are presented. Reports shall be published in Hansard.
- (f) A referral by determination of the Selection Committee pursuant to paragraph (a)(ii) or (a)(iv), once the determination has been reported to the House, is deemed to be a referral by the House.

New (a)(ii) allows Selection Committee to initiate referral of matters to Fed Chamber, avoiding involvement of Speaker

New (f) clarifies that referrals initiated by the Selection Committee are (deemed) referrals of the House

227 ~~Consideration of bills by House members of joint committees~~

~~Members appointed to a joint committee by the House shall be a committee for the purpose of considering bills referred by the House under *standing order 143*, and this committee shall operate as a committee of the House.~~

Proposal to delete S.O. 227 which was superseded by 2010 changes— (S.O. 222 now provides for Selection Committee to refer bills to joint committees)

229 Appointment of committee members

...

(c) If a committee is considering a bill referred under *standing order 143*, one or more members of the committee may be replaced by other Members by motion moved on notice. This does not affect ~~the power~~ the ability of a general purpose standing committee to have its membership supplemented ~~supplement its membership~~ under *standing order 215(d)*.

Clarifies that supplementary committee members are appointed by the House, not the committee itself
See also
S.O. 215

235 Proceedings and sittings of committee

...

(b) A committee may ~~resolve to~~ conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one place. If an audio visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location. A committee may resolve for a subcommittee to use audio visual or audio links.

Removal of the words “resolve to” allows a committee to use audio visual links as a matter of routine, without having to have resolutions of the committee.

257 Admission of Senators and visitors

...

(c) Senators shall have the privilege of being admitted into the Senators’ gallery without invitation, ~~but~~ . When present in the Chamber or galleries they must observe the Speaker’s instructions regarding good order.

The proposed amendment to 257 widens the scope of the standing order to cover the whole Chamber and all galleries, and so avoids the need for a separate provision by resolution each time Senators are invited to the Chamber to hear an address by a visiting head of state