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The Parliament of the Commonwealth of Australia

Monitoring and review of  
procedural changes  
implemented in the 43<sup>rd</sup>  
Parliament: 4<sup>th</sup> Report

House of Representatives  
Standing Committee on Procedure

November 2012  
Canberra

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## Foreword

This is the fourth report of the Procedure Committee in respect of its inquiry into the procedural changes implemented in the House of Representatives in the 43<sup>rd</sup> Parliament.

This report adds to the findings of the Committee's three previous reports on procedural changes brought about by the implementation of the reforms proposed in the *Agreement for a Better Parliament: Parliamentary Reform*. This report comes over two years after the implementation process began and provides an overview of the implementation process and an assessment of the success, or otherwise, of the changes.

The Committee has made two recommendations, one of which reiterates concerns the Committee has expressed in its previous reports.

Geoff Lyons MP  
Chair



## Membership of the Committee

**Chair** Mr Geoff Lyons MP (*from 15.03.12*)

**Deputy Chair** Mr Russell Broadbent MP

**Members** Ms Sharon Bird MP (*to 14.03.12*)

Hon Joel Fitzgibbon MP

Ms Jill Hall MP (*from 07.02.12*)

Mr Steve Irons MP

Mr Ewen Jones MP

Mr Geoff Lyons MP (*from 14.03.12*)

Ms Julie Owens MP (*Chair to 15.03.12*)

Mr Sid Sidebottom MP (*to 07.02.12*)

## Committee Secretariat

<b>Secretary</b>	Ms Catherine Cornish <i>(to 10.10.12)</i>
	Mr Peter Banson <i>(from 10.10.12)</i>
<b>Inquiry Secretary</b>	Mr Justin Baker <i>(to 23.04.12)</i>
	Dr Narelle McGlusky <i>(from 23.04.12)</i>
<b>Research Officers</b>	Ms Naomi Swann
	Ms Penny Branson





## Terms of reference

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



## List of abbreviations

HR Deb	Parliamentary Debates (Hansard – House of Representatives)
MP	Member of Parliament
MPI	Matters of Public Importance
PBO	Parliamentary Budget Office
The Agreement	<i>Agreement for a Better Parliament: Parliamentary Reform</i>



## List of recommendations

### 3 Increased participation by all Members

#### Recommendation 1 (para 3.41)

The Committee recommends that the maximum time allocated for the Matter of Public Importance discussion be reduced to one hour, with speaking times as follows:

- proposer and Member next speaking: 15 minutes each;
- next two Members speaking: 10 minutes each; and
- any other Members: 5 minutes each.

### 5 The committee system and other issues

#### Recommendation 2 (para 5.66)

The Committee recommends that the House consider measures to manage the workload of Members during sitting weeks, having regard to the health and wellbeing of Members, their staff and parliamentary staff, including but not limited to:

- a) commencing at 12.00 noon on Mondays in the House and 12.30pm in the Federation Chamber;
- b) commencing at 12.00 noon on Tuesdays in the House;
- c) offsetting the reduction in sitting hours resulting from a) and b) by reducing the time allocated to private Members' business each week by three hours;
- d) providing that divisions and quorums called for after 6.30pm on Mondays and Tuesdays be deferred until the following day; and

- e) rising half an hour earlier on Mondays, Tuesdays and Wednesdays, by reducing the time allocated for adjournment debate.

## Introduction

- 1.1 At the beginning of the 43<sup>rd</sup> 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.<sup>1</sup>
- 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.<sup>2</sup> 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

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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'.<sup>3</sup>

- 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.<sup>4</sup> The report examined the work of the House in the first five weeks of the 43<sup>rd</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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
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3 HR Deb, 29 September 2010, 129.

4 Standing Committee on Procedure, *Interim report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> 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](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 43<sup>rd</sup> 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 43<sup>rd</sup> 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.<sup>8</sup>

## Scope of the inquiry

- 1.8 At its first meeting in the 43<sup>rd</sup> Parliament, the Committee adopted these terms of reference:
- To monitor and report on procedural changes implemented in the House of Representatives in the 43<sup>rd</sup> 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

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8 Standing Committee on Procedure, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> 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 43<sup>rd</sup> Parliament*, April 2011, Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> 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 43<sup>rd</sup> Parliament: The effectiveness of reforms to the House committee system*, February 2012.



## The reforms – an overview

- 2.1 The *Agreement for a Better Parliament: Parliamentary Reform* (the Agreement) that was entered into following the uncertain result of the general election of August 2010 triggered a range of procedural reforms in the 43<sup>rd</sup> Parliament. On the second day of the Parliament many of the reforms were implemented formally, through amendments to standing orders, adoption of a sessional order, and a resolution of the House.<sup>1</sup> Some changes were less formal and could be accommodated as matters of practice or simply as being within the discretion of the Speaker.
- 2.2 This chapter outlines the reforms and their implementation. The Committee does not provide detail: that was a major component in its first report.<sup>2</sup> Rather, this chapter provides an overview of the reforms to introduce the analysis in the following chapters. In these later chapters the Committee assesses the effectiveness of the reforms – after almost two years of operation – in meeting their objective.
- 2.3 After discussing the objective of the reforms, the chapter considers the following areas:
- the role of the Speaker;
  - the Selection Committee;
  - Question Time;
  - opportunities for private Members;
  - the House committee system;
  - consideration of bills;
  - other procedural reforms; and

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1 Votes and Proceedings No. 2, 29 September 2010, 31–44; HR Deb, 29 September 2010, 128–141.

2 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011.

- non-procedural reforms.

## The objective of the reforms

- 2.4 The Agreement was based on twin principles – confirming each of the 150 Members of the House as the ‘foundation blocks’ of Australian democracy, and increasing the authority of the Parliament in its relationship with the Executive<sup>3</sup> – and its stated objective was to ‘increase the authority and opportunities for participation for all MPs’.<sup>4</sup>
- 2.5 When proposing the amendments to standing orders to reflect the Agreement, the Leader of the House, described the package of amendments in clear terms:
- It represents a transfer of power and influence in this place from a concentration in the executive, to bring a focus on the contribution that the 150 members of the House of Representatives can make.<sup>5</sup>
- 2.6 The following paragraphs outline the various changes and their implementation.

## Role of the Speaker

- 2.7 The second clause of the Agreement referred to an ‘Independent Speaker’, asserting the independence of the Speaker’s role from Government, and the power of the Speaker to enforce the standing orders. The impartiality and powers of the Speaker in enforcing standing orders, conventions and behavioural standards has long been considered crucial to the effective operation of the House.<sup>6</sup>
- 2.8 Unlike Speakers of the United Kingdom House of Commons, the Speaker of the House has usually retained his or her party affiliation after election as Speaker. Nevertheless, Speakers have generally been regarded as striving to maintain their independence and impartiality in enforcing the rules of the House. ‘This [practice] provides a Speaker who is politically

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

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

5 HR Deb, 29 September 2010, 128.

6 See, for example, *Standing and Sessional Orders* as at 1 December 2008, in particular chapter 8, covering debate, order and disorder, already provided for the customary powers of the Speaker. The traditional impartiality of the Chair is discussed in *House of Representatives Practice*, 6 ed., 2012, pp. 163–164.

affiliated but who is required to be impartial in the Chair, rather than a Speaker who is both independent and seen to be independent.<sup>7</sup>

- 2.9 The Agreement proposed that the Speaker and Deputy Speaker be drawn from different political parties and that they not attend their respective party room meetings. It also proposed that the Speaker, Deputy Speaker, and Members of the Speaker's Panel – when occupying the chair – be paired for divisions.<sup>8</sup> These proposals were not taken up in amendments to standing orders and the provision on pairing has not been implemented: it was the matter of extensive public debate and doubt was raised about the constitutionality of any formal pairing arrangement.<sup>9</sup>

## Selection Committee

- 2.10 A House Selection Committee has operated, traditionally, to determine the order of business for committee and delegation reports and private Members' business on sitting Mondays.<sup>10</sup> However, in the 42<sup>nd</sup> Parliament, the Government and Opposition Whips took on this responsibility in their own right, although still guided by standing orders.<sup>11</sup>
- 2.11 In line with the greater emphasis on private Members' participation, the Agreement proposed the re-establishment of a Selection Committee, with significantly wider powers than previously. 'New' standing order 222 implements this intention.<sup>12</sup> The Speaker chairs the Committee which comprises: the Speaker, or in his/her absence the Deputy Speaker, the Chief Government Whip or their nominee, the Chief Opposition Whip or

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7 *House of Representatives Practice*, 6 ed., 2012, p. 164.

8 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 2, p. 2. On 28 September 2010 a government Member, Mr Jenkins, was elected Speaker. There were two nominations for Deputy Speaker, both of whom were Opposition Members. Following a vote, Mr Slipper was elected Deputy Speaker. There is further material on the pairing issue in the Committee's first report, Standing Committee of Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 8.

9 See, for example, articles by Professor D R Rothwell and Dr D Dalla-Pozza, 'New paradigm shows early signs of wear', 21 September 2010, *Sydney Morning Herald*, viewed 1 March 2011 at <<http://www.smh.com.au/opinion/politics/new-political-paradigm-shows-early-signs-of-wear-20100921-15k6k.html>>; and Marcus Priest, 'Libs to force ALP's hand', *Financial Review*, 29 September 2010. The Commonwealth Solicitor-General issued advice on 22 September 2010.

10 *House of Representatives Practice*, 6 ed., 2012, p. 574. Previous Selection Committees comprised the Deputy Speaker, Chief Government and Opposition Whips, the Third Party Whip, and other members.

11 See standing orders 41 and 42, and note the omission of standing order 222, in the *Standing and Sessional Orders* as at 1 December 2008.

12 *Agreement for a Better Parliament: Parliamentary Reform*, Clauses 1 and 11, pp. 2 and 7.

their nominee, the Third Party Whip or their nominee, three government Members, two opposition Members and two non-aligned Members.<sup>13</sup>

- 2.12 As well as determining the order of committee and delegation and private Members' business, the Committee can now recommend items of private Members' business to be voted on, refer bills to relevant standing or joint committees for further consideration, and set speaking times for second reading debates.<sup>14</sup> A bill may be referred to a committee on the recommendation of one member of the Selection Committee.<sup>15</sup>

## Question Time

- 2.13 Question Time plays an important role in the House's ability to scrutinise Executive Government<sup>16</sup> but, for many years, its effectiveness has been questioned and its combative nature criticised. The Leader of the House recognised these difficulties:

Question time is the public face of the parliament and is often the Australian community's only perception of the workings of parliament. The adversarial nature of question time has thereby contributed to a perception that parliament is purely combative. The government is committed to ensuring that question time portrays a more balanced view of the workings of the parliament.<sup>17</sup>

- 2.14 The Agreement proposed measures to address these issues and improve the content and conduct of Question Time. Time limits were placed on both questions (45 seconds) and answers (4 minutes);<sup>18</sup> answers were required to be 'directly relevant' to questions<sup>19</sup> (rather than the previous requirement of 'relevant'); and the Speaker was urged to rigorously apply existing standing order provisions on the content of questions.<sup>20</sup> Additionally, points of order on relevance were limited to one per

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13 Standing order 222(b), 20 October 2010. Detail on the role and operation of the Selection Committee is also contained in the Committee's first report, *Standing Committee on Procedure, Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, beginning at p. 21.

14 Standing order 222(a)(i-iv), 20 October 2010.

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

16 *House of Representatives Practice*, 6 ed., 2012, p. 543.

17 Hon Anthony Albanese MP, HR Deb, 29 September 2010, 131.

18 See Clause 4.1 of the Agreement and standing orders 1, 100(f) and 104(c), 20 October 2010. See also paragraph 2.14 below regarding revised times for questions and answers agreed to by the House on 8 February 2012.

19 Standing order 104(a), 20 October 2010.

20 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.4 and 4.5, p. 3.

question<sup>21</sup> and the use of notes was discouraged.<sup>22</sup> The Agreement suggested that Question Time conclude no later than 3.30pm, ‘enabling 20 questions each day in the normal course of events’.<sup>23</sup>

- 2.15 In February 2012, the standing orders were amended to reduce the time limits to 30 seconds for questions and 3 minutes for answers, thus allowing question time to conclude by approximately 3.10pm.<sup>24</sup>
- 2.16 The Agreement also proposed that the Leader of the Opposition or their delegate be permitted to ask one supplementary question each Question Time. However, as this Committee commented in a previous report, the opportunity to ask supplementary questions already existed in the standing orders although it had not been used since 1998.<sup>25</sup>
- 2.17 Standing order 101(b) states that the Speaker may allow supplementary questions at his/her discretion.<sup>26</sup> On 20 October 2010 the then Speaker, Mr Jenkins, set out his views:
- ... they need not be asked by the member who has asked the original question and may be asked either by the Leader of the Opposition or a member who appears to have been delegated by the Leader of the Opposition to ask the question, and I note that a supplementary question may be asked by a member other than the member who has asked the original question in a number of other jurisdictions; they should not contain any preamble, and they must arise out of, and refer to, the answer that has been given to the original question.<sup>27</sup>
- 2.18 In February 2012 the new Speaker, the Hon Peter Slipper, clarified the practice he would follow. He proposed to allow five supplementary questions and impose time limits of 20 seconds for questions and 1 and a half minutes for answers.<sup>28</sup>
- 2.19 To increase the opportunity for all Members to participate in Question Time, the Agreement proposed a proportionate allocation of questions to
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21 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.7; implemented through standing order 104(b), 20 October 2010.

22 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.7 and 4.8, p. 3.

23 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.3, p. 3; implemented through standing order 34, 20 October 2010.

24 Votes and Proceedings No. 85, 8 February 2012, 1177–1179; standing orders 1, 34, 100(f) and 104 (c), 20 October 2010.

25 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 10; and see standing order 101(b), 20 October 2010, that remained unchanged.

26 Standing order 101(b), 20 October 2010.

27 HR Deb, 20 October 2010, 859.

28 HR Deb, 7 February 2012, 112–13.

non-aligned Members.<sup>29</sup> In November 2010, the Leader of the House indicated that the government would facilitate this:

During each question time, after five questions have been asked and answered, the call would ordinarily be given to a government member to ask the sixth question. In order to ensure that the commitment in the agreement is implemented in full, if at that point – that is, after the fifth question – a non-aligned member rises to seek the call, the Chief Government Whip has asked that no government member seek the call.<sup>30</sup>

## Opportunities for private Members

### Time for private Members' business

2.20 The major aim of the reforms was to increase opportunities for private Members<sup>31</sup> to participate in the House. The Agreement proposed that the time for private Members' business on Mondays in the Chamber be increased from 1 hour to 3 hours and 45 minutes and in the Federation Chamber from 35 minutes to 2 and a half hours.<sup>32</sup> The amended standing orders implementing the reforms increased the hours even further so that 3 and a half hours have been allocated in the Chamber and 5 hours in the Federation Chamber.<sup>33</sup>

### Voting on private Members' bills

2.21 The opportunity for private Members to introduce bills into the House has always existed. However, due to the prioritisation of Government business it has proved difficult for private Members to have proposed legislation debated and voted on.<sup>34</sup> The Agreement proposed that time be allocated during Government Business time in the Chamber for private Members' bills to be voted on.<sup>35</sup> The Leader of the House has been facilitating this proposal in practice by moving regularly to suspend

29 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.6, p. 3.

30 HR Deb, 18 November 2010, 3027.

31 A private Member is defined in standing order 2, 20 October 2010, as a Member other than the Speaker or a Minister.

32 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 6.2, p. 4. Note that the Federation Chamber was then referred to as the Main Committee. The Chamber was renamed in February 2012. (See chapter 5 for further details.)

33 Votes and Proceedings No. 2, 29 September 2010, 31–44; standing orders 34 and 192, 20 October 2010.

34 See *House of Representatives Practice*, 6 ed., 2012, pp. 573–574 and 584–587.

35 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 6.1, p. 4.

standing orders to enable private Members' bills to be called on and voted on during Government business time, in accordance with recommendations of the Selection Committee.

- 2.22 This reform has lifted the profile of private Members' bills and their potential impact.

## Other opportunities for private Members

- 2.23 Apart from increased time for private Members' business, the reforms have substantially increased other opportunities for private Members to participate in the work of the House, and to raise and debate matters of their choosing.
- 2.24 Traditionally time has been allocated for Members to discuss Matters of Public Importance (MPI) on Tuesdays, Wednesdays and Thursdays following Question Time and after the presentation of documents and ministerial statements.<sup>36</sup> In the previous Parliament up to one hour was available for MPIs. Under the Agreement, the time was set at 1 and a half hours, and the MPI was to directly follow Question Time to provide greater prominence for the discussion. The Agreement also provided that a 'proportionate share of Matters of Public Importance be allocated to all non-Government Members.'<sup>37</sup>
- 2.25 Members' 90 second statements had originally taken place in the House on Mondays for 15 minutes before Question Time.<sup>38</sup> In the 42<sup>nd</sup> Parliament this period was moved to the Federation Chamber and took place on Monday evenings.<sup>39</sup> The Agreement proposed that 15 minutes be allocated in the Chamber prior to Question Time every sitting day for 90 second statements.<sup>40</sup>
- 2.26 The adjournment debate at the end of a sitting day has long been seen as an opportunity for private Members to raise issues of concern to them: it is exempt from the customary requirement for relevance to the question before the House.<sup>41</sup> Under the Agreement, time for the adjournment debate in the Chamber was to be extended (from thirty minutes) to one

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36 *House of Representatives Practice*, 6 ed., 2012, p. 592.

37 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 5.1–5.3, pp. 3–4.

38 *House of Representatives Practice*, 6 ed., 2012, p. 588.

39 See Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, p. 12.

40 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 8, p. 4. The 90 second statements occur before Question Time on Mondays, Wednesdays, and Thursdays; the House does not meet until 2.00pm on Tuesdays, beginning with Question Time.

41 *House of Representatives Practice*, 6 ed., 2012, p. 589. See also standing order 76(a), 20 October 2010 which is in its usual form.

hour on Monday and Tuesdays. The amended standing orders facilitated this, and also provided for a one hour adjournment debate on Wednesdays.<sup>42</sup>

## The House committee system

- 2.27 The parliamentary committee system enables private Members to focus on particular issues of current interest, improving their understanding of issues and facilitating public participation in the legislative process.<sup>43</sup> House of Representatives committees have enjoyed a reputation for bipartisan and cooperative work. They enable Members to have direct input into policy development<sup>44</sup> and play a significant role in scrutinising government administration.<sup>45</sup>
- 2.28 In June 2010 this Committee inquired into the House committee system and made a number of recommendations.<sup>46</sup> The changes to the committee system that were proposed in the Agreement reflected some of these recommendations and included:
- a reduction in the number of general purpose committees from 12 to nine; and
  - a reduction in membership from 10 permanent members to seven.<sup>47</sup>
- 2.29 The Agreement also provided for a maximum of four supplementary members (increased from two in previous parliaments) to be appointed to a committee for the purposes of an inquiry with full participatory rights, other than voting.<sup>48</sup> This would be expected to enable Members who wish to participate in a particular inquiry to do so.

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42 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 7, p. 4; and see standing orders 1 and 34, 20 October 2010.

43 *House of Representatives Practice*, 6 ed., 2012, p. 639.

44 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, pp. 6–7.

45 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, pp. 11–12.

46 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010.

47 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.1 and 10.2, p. 5. See also Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, pp. 69 and 85.

48 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.2, p. 5. See also Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, p. 73.



- 2.30 The Agreement proposed that the Chair of the Joint Committee of Public Accounts and Audit be either a non-Government or a non-aligned Member.<sup>49</sup> This reform was augmented on implementation, with the amended standing orders also providing that the Chair of the Standing Committee on Regional Australia need not be a Government Member.<sup>50</sup>
- 2.31 Traditionally, committee Chairs have been able to speak in the House about committee work only when presenting committee reports.<sup>51</sup> However, the Agreement proposed that committee Chairs be able to make short statements during private Members' business time, to inform the House of new inquiries. Now provided for in the standing orders, these additional statements by Chairs or Deputy Chairs are significant opportunities for committees to raise awareness of their work, to attract contributions to their inquiries and so, possibly, to strengthen their inquiry processes and reports.<sup>52</sup>
- 2.32 As mentioned in paragraph 2.12, the Agreement proposed the Selection Committee have the power to refer bills it considers controversial, or requiring consultation etc., to committees to ensure greater scrutiny of proposed legislation.<sup>53</sup> The effect of this change will be considered further in chapter 5.
- 2.33 In its report on the committee system in June 2010, the Committee expressed concern over the often lengthy delay in government responses to committee reports.<sup>54</sup> Although the Agreement did not take up the Committee's recommendation on this issue in full, it did require the government to respond to committee reports within six months and provided a mechanism for greater ministerial accountability if this deadline was not met.<sup>55</sup> The corresponding resolution proposed by the Leader of the House and adopted by the House on 29 September 2010 stated that, if a government response was not delivered within six months of the tabling of a committee report, the relevant Minister would:

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49 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.4, p. 5.

50 Votes and Proceedings No. 2, 29 September 2010, 40; standing order 215(e), 20 October 2010.

51 *House of Representatives Practice*, 6 ed., 2012, p. 710.

52 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.7, p. 6. See standing order 39(a), 20 October 2010, which provides slightly broader arrangements, allowing statements that 'inform the House of matters relating to an inquiry'. See also Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, p. 53.

53 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.5, p. 6. See standing order 222(a) (iii), 20 October 2010. See also Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, p. 120.

54 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, pp. 129–131.

55 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.6, p. 6.

- present a signed statement to the House stating the reasons for the delay; and
  - make themselves available to the committee at their request to answer questioning regarding the statement.<sup>56</sup>
- 2.34 If a dispute arises between a committee and the government over the delay in a response, provision was made for the issue to be referred to the Auditor-General to assist in resolving the matter.<sup>57</sup>

## Consideration of bills

### Speaking times

- 2.35 The Agreement proposed that the time limit for speakers during the second reading debate be reduced from 20 to 15 minutes.<sup>58</sup> This reform was introduced through amendments to standing order 1 and applied the 15 minute limit to all Members excepting the mover and the main Opposition speaker, on government bills; or to the mover and the main Government/Opposition speakers on private Members' bills.<sup>59</sup>
- 2.36 The Selection Committee could further reduce the speaking time allocated to each Member if the bill was not considered controversial by the Committee.<sup>60</sup> The Selection Committee could also limit speaking times, by agreement, when a large number of Members wished to speak on a bill to enable as many Members as possible to participate.<sup>61</sup> These proposals were implemented by standing order 222(a)(iv), which simply provides that the Selection Committee may, subject to standing order 1, 'set speaking times for second reading debates'.

### Questions during second reading debate

- 2.37 This Committee recommended in 2006 that time be allocated for questions during second reading speeches.<sup>62</sup> The stated intention was to facilitate more meaningful debate on bills. This recommendation was reflected in the Agreement which proposed that the Speaker and the Selection

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56 HR Deb, 29 September 2010, 143.

57 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.6, p. 6.

58 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 11.1, p. 7.

59 Standing order 1, 20 October 2010. The mover on government bills, a Minister, is subject to the 15 minute time limit when 'summing up' at the conclusion of the second reading debate.

60 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 11.1, p. 7.

61 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 11.1, p. 7.

62 Standing Committee on Procedure, *Encouraging an interactive Chamber*, December 2006, pp. 9-14.

Committee consider and potentially ‘trial’ allowing five minutes for questions at the end of Members’ second reading speeches.<sup>63</sup> The proposal was subsequently implemented through sessional order 142<sub>A</sub> which allows for each Member who has made a second reading speech on a government bill to then be questioned for up to five minutes (30 seconds for a question, 2 minutes for the answer).<sup>64</sup> However, the Member is not obliged to take questions and the standing order does not apply to a Minister’s speech or speech in reply, or to the main Opposition speaker’s speech on a bill.<sup>65</sup> So far, this opportunity to question Members has not been taken up.<sup>66</sup>

## Other procedural reforms

### Acknowledgement of country

2.38 The Agreement proposed that an ‘acknowledgement of country’ be incorporated into the daily opening proceedings of the House.<sup>67</sup> This formally demonstrates the House’s respect for traditional owners of the land on which it meets.<sup>68</sup>

### Repeating a division

2.39 The Agreement proposed that the standing orders be amended to allow for a vote to be repeated, following a suspension of standing orders, if a Member accidentally missed a division in the House.<sup>69</sup> Previously a division could only be repeated if confusion had occurred over the numbers reported by the tellers.<sup>70</sup>

2.40 The Government sought to implement this, along with the other amendments proposed on 29 September 2010, but proposed that ‘the House divide again’ rather than that the repeated division occur after a successful suspension of standing orders.<sup>71</sup> The Opposition successfully

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63 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 11.1, p. 7.

64 Standing order 142<sub>A</sub>(a)(c), 20 October 2010.

65 Standing order 142<sub>A</sub>(b)(d), 20 October 2010.

66 Under standing order 66<sub>A</sub>, 20 October 2010 a similar provision is available to Members in the Federation Chamber and has been used from time to time. Interventions may be sought during consideration of any order of the day.

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

68 HR Deb, 29 September 2010, 132.

69 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 12, p. 7.

70 *House of Representatives Practice*, 6 ed., 2012, p. 282.

71 HR Deb, 29 September 2010, 123.

moved an amendment that would require the suspension of standing orders.<sup>72</sup>

- 2.41 As the Committee explained in a previous report, this has the potential to make a repeated vote difficult to achieve:

The amendment had the effect that in order to recommit a vote which could be passed by a simple majority in the House, there must first be a suspension of standing orders which, when moved without notice, can only be carried by an absolute majority (currently 76 votes). That is, the votes required to recommit a vote may be greater than the numbers required to pass the vote, when the vote is retaken.<sup>73</sup>

## Non-procedural reforms

- 2.42 The Agreement also included proposals for non-procedural reforms aimed at ensuring adequate resourcing to support parliamentary functions, increased transparency and accountability and enhanced parliamentary standards.

## Parliamentary resources

- 2.43 A number of proposals in the Agreement directly relate to the resourcing of the Parliament, and particularly the House of Representatives, including:
- the establishment of a Parliamentary Budget Office (PBO);
  - a review of staffing levels within the House of Representatives Committee Office and the Parliamentary Library; and
  - the establishment of a House Committee on Appropriations and Staffing.<sup>74</sup>
- 2.44 Under the Agreement a PBO was to be set up to provide independent financial analysis of policy costings to all Members of Parliament. A Select Committee of the House of Representatives was to be established to determine the structure, resourcing and protocols for the intended PBO.<sup>75</sup> The Joint Select Committee on the Parliamentary Budget Office was

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72 HR Deb, 29 September 2010, 123. See standing order 132(b), 20 October 2010.

73 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 16. It is possible, however, that such a motion to suspend standing orders could be agreed to on the voices.

74 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 16.1–16.3, p. 8.

75 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 16.1, p. 8.

established in November 2010 and presented its report on 23 March 2011.<sup>76</sup> The PBO was subsequently established with the passing of the *Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011* in December 2011 and the Parliamentary Budget Officer appointed on 23 May 2012.<sup>77</sup>

- 2.45 In its report into the committee system, this Committee expressed concern over levels of funding and resourcing for the House of Representatives Committee Office.<sup>78</sup> The Agreement proposed that the Speaker arrange an external review of the staffing levels of the Committee Office aimed at determining the resourcing levels required to ensure continued adequate support for the House committee system.<sup>79</sup>
- 2.46 To address broader budgetary concerns, the Committee also recommended in its 2010 report on the committee system the establishment of a House Committee on Appropriations and Staffing.<sup>80</sup> The Agreement, in effect, proposed that this recommendation be implemented in its entirety, requiring that the Appropriations and Staffing Committee be chaired by the Speaker and determine budgetary estimates for the House of Representatives.<sup>81</sup> Standing order 222<sub>A</sub> established the House Appropriations and Administration Committee, with the responsibilities set down in the Agreement.<sup>82</sup> Additionally the Liaison Committee of Chairs and Deputy Chairs was to report to the Appropriations and Staffing Committee on committee activities and resource levels.<sup>83</sup>

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76 Information on the inquiry and a copy of the report is available from the Committee's website at:

[http://aph.gov.au/Parliamentary\\_Business/Committees/House\\_of\\_Representatives\\_Committees?url=jscpbo/index.htm](http://aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jscpbo/index.htm). The Committee was dissolved once its work was completed with the tabling of the report.

77 Votes and Proceedings No. 111, 30 May 2012, 1523; HR Deb, 30 May 2012, 6305.

78 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, pp. 24–27.

79 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 16.2, p. 8.

80 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, p. 27.

81 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 16.3, p. 8.

82 The Committee was also given the responsibility to confer with the Senate Standing Committee on Appropriations and Staffing and consider the estimates for the Department of Parliamentary Services. The Committee will then provide those estimates to the Speaker for presentation to the House and the Minister for Finance and Deregulation for inclusion in appropriation and supply bills. (Standing order 222<sub>A</sub>(b)(i) and (ii), 20 October 2010.)

83 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 16.3, p. 8.

## Enhancing parliamentary standards

- 2.47 The Agreement also addressed issues regarding parliamentary standards, proposing that a Parliamentary Integrity Commissioner be appointed to advise Members on a range of ethical matters.<sup>84</sup> The Commissioner would also be responsible for upholding a proposed formal Code of Conduct for Members of the House and Senate.<sup>85</sup> On 23 November 2010, on the motion of the Leader of the House, the House referred to the Standing Committee of Privileges and Members' Interests an inquiry into a code of conduct for Members of Parliament. The terms of reference included consideration of the role of a Parliamentary Integrity Commissioner.
- 2.48 On 23 November 2011 the Privileges and Members' Interests Committee reported to the House. That Committee decided to present the work of the inquiry as a discussion paper rather than a report. The discussion paper considers various aspects of a code of conduct including:
- the nature of a proposed code and a process for its implementation;
  - the role of a possible Parliamentary Integrity Commissioner in relation to a code;
  - possible procedures for receiving and investigating complaints under a code;
  - the role a House committee could play in oversighting a code and the handling of complaints; and
  - possible sanctions that could be imposed for breaches of a code and processes in the House for dealing with reports or complaints and imposing sanctions.<sup>86</sup>
- 2.49 In this chapter the Committee has outlined the principal reforms to the operation of the House and the nature of their implementation. In the following chapters it considers their impact.

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84 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 18, p. 9.

85 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 19, p. 9.

86 Standing Committee of Privileges and Members' Interests, *Draft Code of Conduct for Members of Parliament: Discussion Paper*, November 2011, p. 5.

## Increased participation by all Members

- 3.1 A major aim of the *Agreement for a Better Parliament: Parliamentary Reform* (the Agreement) was to 'increase the authority and opportunities for participation for all MP's, regardless of their political party or their status of office'.<sup>1</sup>
- 3.2 This chapter examines in more detail the increased opportunities for private Members and the way they have been used.

### **Private Members' business**

- 3.3 The Agreement proposed a substantial increase in the time allocated for private Members' business. Amended standing orders altered the order of business to allow 3 and a half hours in the House and 5 hours in the Federation Chamber for private Members' business.<sup>2</sup>
- 3.4 In the 42<sup>nd</sup> Parliament private Members' business took place on Monday evenings for 1 hour in the House and 1 hour 35 minutes in the Federation Chamber.<sup>3</sup> In the 43<sup>rd</sup> Parliament 2 hours have been allocated on Monday mornings in the House and another 1 and a half hours on Monday

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

2 See standing order 34 (figure 2) and standing order 192 (figure 4), 20 October 2010.

3 Standing orders 34 and 192, 1 December 2008. Note that the Federation Chamber was then referred to as the Main Committee. The Chamber was renamed in February 2012. (See chapter 5 for further details.)

evenings. In the Federation Chamber 2 and a half hours have been allocated on Monday mornings and again on Monday evenings.<sup>4</sup>

## Selection Committee

- 3.5 The Agreement proposed that the re-established Selection Committee would select and schedule items of non-government business, including private Members' business.<sup>5</sup> The Agreement also proposed that 'the Speaker, the Leader of the House, and the Selection committee, will ensure time is allocated for votes on Private Members' Bills during Government Business time in the Main Chamber.'<sup>6</sup> Standing order 222 implements these intentions: 222(a)(i) provides for the Selection Committee to arrange the timetable and order of private Members' business for each sitting Monday and standing order 222(a)(ii) provides for the Committee to recommend items of private Members' business to be voted on.
- 3.6 The Selection Committee may also select bills that it considers controversial or requiring further consultation or debate for referral to the relevant standing or joint committee.<sup>7</sup> This will be considered in chapter 5.
- 3.7 In practice, the Selection Committee meets each sitting Tuesday to schedule committee and delegation and private Members' business for the next sitting Monday and meets again on Wednesday to consider bills for referral to committees. The Committee reports to the House on Wednesdays and Thursdays.<sup>8</sup> As at 30 June 2012, the Selection Committee has presented 59 reports to the House.
- 3.8 In its third report, the Selection Committee endorsed a set of general principles relating to the selection of private Members' business.<sup>9</sup> These principles reflect similar guidelines applied by the Selection Committee in the 41<sup>st</sup> Parliament and by the Whips in the 42<sup>nd</sup> Parliament.<sup>10</sup> The Selection Committee recommended that the House adopt the principles, an action seconded by this Committee in its initial report on the implementation of the procedural changes.<sup>11</sup> To date, the House has not
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4 Standing orders 34 and 192, 20 October 2010.

5 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 1, p. 2.

6 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 6.1, p. 4.

7 Standing order 222(a)(iii), 20 October 2010 and *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.5, p. 6.

8 Reports of the Selection Committee are available at the Committee's webpage: [http://www.aph.gov.au/Parliamentary\\_Business/Committees/House\\_of\\_Representatives\\_Committees?url=selc/reports.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=selc/reports.htm).

9 House of Representatives Selection Committee, *Report No. 3*, 21 October 2010, pp. 6-7.

10 Refer to chapter 2, p. 3 for more information.

11 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 25.



adopted the principles. The Government noted the Committee's recommendation in its response on 1 November 2012.

## Private Members' motions

- 3.9 In the 43<sup>rd</sup> Parliament, as at 30 June 2012, 216 private Members' motions were debated (120 proposed by Government Members, 74 by Opposition Members and 22 by non-aligned Members). Of those motions, the Selection Committee selected 103 motions to be voted on (19 proposed by Government Members, 71 by Opposition Members and 13 proposed by non-aligned Members). Eighty of the selected motions were voted on (13 proposed by Government Members, 57 by Opposition Members and ten by non-aligned Members). In the 42<sup>nd</sup> Parliament, 142 private Members' motions were debated and none were voted on.
- 3.10 In the 43<sup>rd</sup> Parliament, sixty-six of the motions were agreed to following a vote (13 proposed by Government Members, 46 by Opposition Members and seven by non-aligned Members). Thus, although the majority of private Members' motions debated were proposed by Government Members, the majority of motions brought to a vote and agreed to were proposed by non-Government Members.
- 3.11 By their nature, private Members' motions provide additional opportunities for opposition leaders as they can be proposed by any Member other than the Speaker or a Minister.<sup>12</sup> When a motion is agreed to it is considered an order or a resolution of the House.<sup>13</sup> Although the power of such orders or resolutions on those outside the House may be limited (as an expression of opinion), they may provide guidance to the Executive Government and other stakeholders on the wishes of the House.<sup>14</sup> Shadow ministers, including the Leader of the Opposition, have proposed 30 private Members' motions related to their portfolio topics and 16 of those motions have been agreed to by the House. While the majority of private Members' motions could be considered to be generally accepted and expected to gain comprehensive support, almost 40% of the private motions agreed to could be considered to be of a more political nature.<sup>15</sup>

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12 *House of Representatives Practice*, 6 ed., 2012, p. 577. Standing order 2, 20 October 2010, defines a private Member as 'a Member other than the Speaker or a Minister'.

13 *House of Representatives Practice*, 6 ed., 2012, p. 316. An order is defined as a command and a resolution as a wish.

14 *House of Representatives Practice*, 6 ed., 2012, p. 318.

15 Chamber Research Office statistics, 2012. For example, these may contain terms critical of government policies or actions.

- 3.12 With the opportunities presented by the 43<sup>rd</sup> Parliament for private Members' motions to be debated and voted on, a trend has emerged with some Members seeking to amend their motion prior to a vote. This practice, which is often based on prior negotiation, can encourage acceptance of the terms and increase the likelihood of agreement.
- 3.13 Of the 118 private Members in the House, 72 moved the 216 motions debated. Twenty-six Members proposed one motion each and the remaining 190 motions were proposed by 46 Members.

### Private Members' bills

- 3.14 There were 44 non-Government bills presented in the 43<sup>rd</sup> Parliament to 30 June 2012: two were introduced by Government Members, 19 by Opposition Members and 23 by non-aligned Members. Forty-two bills originated in the House of Representatives and the remaining two in the Senate.<sup>16</sup>
- 3.15 Of the 21 private Members' bills introduced in the House by non-aligned Members, 9 were introduced by the Australian Greens Member and 12 by Independent Members.
- 3.16 Twenty-six of the 44 non-Government bills introduced to 30 June 2012 were the subject of a second reading debate. Nine of the bills were negatived at the second reading stage and six have passed the House. Of the six that have passed the House, four of the bills have passed into law<sup>17</sup>, one was discharged from the Notice Paper by the Senate, and the other is still before the Senate as at 30 June 2012.<sup>18</sup>
- 3.17 In the 42<sup>nd</sup> Parliament, 24 non-Government bills were introduced, 20 originating in the House of Representatives (two by Government Members, 18 by non-Government Members) and four originating in the Senate. Of these only five bills reached the second reading stage and none passed the House.<sup>19</sup>

### Presentation of private Members' bills

- 3.18 In his submission, the Clerk of the House of Representatives proposed that the practice for presenting private Members' bills be made consistent with
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16 Chamber Research Office statistics, 2012.

17 The four bills passed into law are: *Evidence Amendment (Journalists' Privilege) Act 2010* (Mr Wilkie); *Auditor-General Amendment Act 2011* (Mr Oakeshott); *Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Act 2011* (Mr Bandt); *Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Act 2011* (Senator Bob Brown).

18 Chamber Research Office statistics, 2012.

19 Chamber Research Office statistics, 2012.

the handling of government bills.<sup>20</sup> Currently the standing orders provide for a private Member to make a statement not exceeding 10 minutes when presenting a bill. If the bill is selected for a second reading debate by the Selection Committee, the Member can speak again.<sup>21</sup>

- 3.19 The Clerk suggested that the current arrangements could lead to a 'degree of duplication' between the presentation statements and the second reading speeches.<sup>22</sup> Standing orders could be amended to allow private Members to move the second reading at presentation, as occurs for government bills, so eliminating room for duplication.<sup>23</sup>
- 3.20 The second reading speeches for private Members' bills do indicate some duplication of material.<sup>24</sup> However, many Members' take the opportunity to update the House on changes to conditions since the original presentation of the bill or to expand on the original arguments.<sup>25</sup>

### Committee comment

- 3.21 The stated aim of the Agreement was to increase the authority of, and opportunities for participation by all Members. This aim would appear to have been achieved with an increase in both private Members' bills and motions introduced into the House. The number of private Members' bills introduced has increased by 54.5% compared to the 42<sup>nd</sup> Parliament and the number of private Members' motions debated has increased by 65.7%.
- 3.22 In the first interim report the Committee remarked that the evidence suggested that the time allocated for private Members' business was excessive and that it was difficult to fill the time.<sup>26</sup> The Committee also noted that the time allocated to particular private Members' motions and bills was insufficient for all Members who wished to, to participate.<sup>27</sup> Additionally, the five minutes that was often allocated was 'not enough

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20 Mr Bernard Wright, Clerk of the House of Representatives, *Submission 1*, p.1.

21 Standing orders 1, 41(a)(b)(c), and 222(a)(i)(ii), 20 October 2010.

22 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 1.

23 Mr Wright, Clerk of the House of Representatives, *Submission 1*, pp. 1 and 2.

24 See HR Deb, 18 October 2010, 386–388 and HR Deb, 25 October 2010, 1235–1237; HR Deb, 28 February 2011, 1531–1532 and HR Deb, 21 March 2011, 2369–2370; HR Deb, 21 May 2012, 4696–4699 and HR Deb, 28 May 2012, 5640–5643.

25 See HR Deb, 25 October 2010, 1232–1235 and HR Deb, 15 November 2010, 2159–2162; HR Deb, 28 February 2011, 1532–1534 and HR Deb, 21 March 2011, 2374–2375; HR Deb, 19 March 2012, 3210–3212 and HR Deb, 21 May 2012, 4825–4828.

26 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 23.

27 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 23.

time to speak to private Members' items'.<sup>28</sup> With regard to private Members' motions the Committee suggested:

There may be value in encouraging a reduction in the number of motions that are proposed, thereby enabling a greater number of speakers to debate fewer motions and possibly to speak for longer to them.<sup>29</sup>

- 3.23 The Committee has not received any further evidence – formal or anecdotal – that would cause it to resile from its previous comments on the additional time allocated to private Members' items as being excessive.
- 3.24 In terms of motions, the Committee notes that there does not appear to have been a reduction in the number of motions being selected for debate. Although there have been a number of incidences in the Autumn sitting period of 2012 where two speakers have been allocated 15 minutes to speak on an item, overall the time allocation remains unchanged. This would suggest that Members may still be experiencing difficulties participating and that there is still room for improvement in this area.
- 3.25 The Committee is pleased to see the increase in the number of private Members' bills being presented and being allocated time for a second reading debate. While the number of bills that have passed the House remains relatively low, it is still a remarkable increase on previous years. In the Committee's view, the fact that these bills are able to be debated, and voted upon, reinforces the notion of backbench Members being effective representatives in their own right, regardless of their party affiliations or their office.
- 3.26 The Committee is also pleased to see the number of private Members' motions that have received the support of the whole House. It is easy to dismiss the value of this endorsement by the House by saying that the impact of a resolution by the House is limited, or that if 'both sides' are in favour of a proposition in a motion, that renders it somehow less worthy. The fact that the House gives its approval to a motion, and that Members repeatedly seek the House's approval of terms of a motion of their own choosing signifies the importance of these new opportunities.

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28 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 24.

29 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 24.

## Other opportunities for private Members

- 3.27 Changes proposed by the Agreement in three other areas provide additional opportunities for private Members to raise matters of their choice:
- adjournment debates;
  - Members' 90 second statements; and
  - Matters of Public Importance (MPI).

### Adjournment debates

- 3.28 The time for the adjournment debate in the House has increased from 2 hours in the 42<sup>nd</sup> Parliament to 3 and a half hours in the 43<sup>rd</sup> Parliament. The adjournment debate now comprises 1 hour on Mondays, Tuesdays and Wednesdays, and a half hour on Thursdays, compared to a half-hour debate at the end of each sitting day.<sup>30</sup>
- 3.29 During the calendar year 2011, there were 525 adjournment debate speeches in the House compared to 321 adjournment debate speeches during a similar period in the 42<sup>nd</sup> Parliament. This indicates an increase of over 60%.

### Members' 90 second statements

- 3.30 Under the amended standing orders, 90 second statements have received greater prominence in the 43<sup>rd</sup> Parliament, moving from the Federation Chamber on Monday to the House on Monday, Wednesday and Thursday, immediately prior to Question Time.<sup>31</sup>
- 3.31 During the calendar year 2011, 431 statements were made, compared to only 138 statements during a similar period in the 42<sup>nd</sup> Parliament. This represents more than a 300% increase in the number of statements.
- 3.32 The majority of the 118 private Members have taken the opportunity to make a 90 second statement, with 105 Members making at least one statement, including 31 Members who have made ten or more.<sup>32</sup>

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30 Standing order 34, 20 October 2010. The time for adjournment debate in the Federation Chamber (Thursdays at 12.30pm to 1.00pm) did not change.

31 Standing orders 34 and 43, 20 October 2010. The time allocated for 90 second statements is 15 minutes.

32 Parliamentary Library statistics, 28 June 2012. Standing order 2, 20 October 2010, defines a private Member 'as a Member other than the Speaker or a Minister'.

## Discussion of Matters of Public Importance (MPI)

- 3.33 Under amended standing order 1 the time allocated for discussion of the MPI was increased to 1 and a half hours, although the 'automatic' adjournment at 4.30pm on Thursdays in effect reduces the time available for discussion that day. The Agreement proposed that the MPI immediately follow Question Time, to provide greater prominence to the debate. This timing has been enabled.<sup>33</sup> The Agreement also proposed that a 'proportionate share' of MPIs 'be allocated to all non-Government Members'.<sup>34</sup>
- 3.34 During the calendar year 2011, a total of 57 MPIs were proposed to the Speaker. Of those, 50 were submitted to the House and supported for discussion. Forty-nine MPIs were discussed.<sup>35</sup>
- 3.35 Of the MPIs discussed during 2011, one was proposed by a Government Member, 47 by Opposition Members, and one by a non-aligned Member.<sup>36</sup> Speakers on those discussions have been drawn almost equally from Government and non-Government Members with the five non-aligned Members participating, including the Australian Greens Member.<sup>37</sup>
- 3.36 During a similar period in the 42<sup>nd</sup> Parliament, terms of 51 MPIs were proposed to the Speaker, 49 were found to be in order and submitted to the House and 48 supported. There were 45 discussions. Of those, 39 were proposed by Opposition Members and six by non-aligned Members.<sup>38</sup>
- 3.37 During the calendar year 2011, 56 hours and 17 minutes were spent on discussing MPIs, averaging one hour and nine minutes per discussion. In a similar period in the 42<sup>nd</sup> Parliament, 41 hours and nine minutes were spent on discussing MPIs, averaging 55 minutes per discussion.<sup>39</sup>
- 3.38 As these figures indicate, the MPI has become a means for Opposition Members to raise issues critical of Executive Government. However, it is an important avenue for all private Members to raise current topics.<sup>40</sup>

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33 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 5.2, pp. 3–4; standing order 34, 20 October 2010.

34 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 5.3, p. 4.

35 Chamber Research Office statistics, 2012.

36 Chamber Research Office statistics, 2012.

37 Parliamentary Library statistics, 28 June 2012. Two of the non-aligned Members participated in four MPI debates, three non-aligned Members each participated in one MPI debate. The Australian Greens Member participated in one MPI debate.

38 Chamber Research Office statistics, 2012.

39 Chamber Research Office statistics, 2012.

40 *House of Representatives Practice*, 6 ed., 2012, p. 592.

3.39 The prominence given to the MPI discussion by the Agreement reflects its importance to private Members as reiterated by the Speaker in a statement in August 2012:

The matter of public importance debate is one of the primary avenues for private members of the House to be able to initiate immediate debate on a matter which is of current concern.<sup>41</sup>

3.40 Despite the importance of the MPI discussion, there is a view that the expanded time allocated to the discussion is excessive and often results in uncertainty in respect of when the discussion might conclude. The Committee recommends that the time allocation be reduced to a maximum of one hour with appropriate reallocation of speaking times.

### Recommendation 1

3.41 **The Committee recommends that the maximum time allocated for the Matter of Public Importance discussion be reduced to one hour, with speaking times as follows:**

- **proposer and Member next speaking: 15 minutes each;**
- **next two Members speaking: 10 minutes each; and**
- **any other Members: 5 minutes each.**

## **The balance between private Members' business and government business and the nature of legislative debate**

3.42 The main purpose of the Parliament is its legislative function and, while the increased participation of all Members is central to the Agreement, time must be maintained for the Government to pursue its legislative program.<sup>42</sup> Indications are that the increased time for private Members' business has not impinged on the Government's ability to effectively manage its business.

3.43 As a result of the increased time allocated to private Members' business, the percentage of time taken up by Government business in the House and the Federation Chamber fell from approximately 60% to approximately

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41 HR Deb, 23 August 2012, 56; *House of Representatives Practice*, 6 ed., 2012, p. 592.

42 *House of Representatives Practice*, 6 ed., 2012, p. 16.

50%.<sup>43</sup> Correspondingly, the time taken up by private Members' bills and motions increased from approximately 9% to approximately 17%.<sup>44</sup> However, the actual increase in time has largely been compensated for by the increase in sitting hours. Therefore the Government has retained approximately the same number of hours for its business.

- 3.44 As a consequence, there does not appear to have been any decrease in the amount of Government legislation that the Parliament has been able to deal with. In the calendar year 2011, 215 Government bills were introduced into the House. In a corresponding period in the 42<sup>nd</sup> Parliament, 218 Government bills were introduced into the House. For a similar period in the 41<sup>st</sup> Parliament, 166 Government bills were introduced into the House.<sup>45</sup>

## Committee comment

- 3.45 It is essential that a government maintain its ability to propose legislation that will implement its policy program and it is essential that the House has sufficient time to scrutinise and test these legislative proposals thoroughly. In this instance it appears that the increase in time allocated to private Members' business has been no hindrance to the Government in proposing to the House, and advocating, its legislative objectives.
- 3.46 Private Members have always had opportunities to participate in the work of the House. These have largely been comprised of the opportunities to speak to proposed legislation. As noted above, 215 Government bills were presented in 2011. Clearly, opportunities for Members to participate in debate and respond to legislative proposals are important and are taken up by Members, but, these particular opportunities are confined to matters proposed by government.
- 3.47 Likewise, private Members have long had opportunities to discuss matters of their own choosing: for example, in private Members' business, through motions and bills, as well as in adjournment and grievance debates. As outlined in previous sections, the time allocated for private Members' business and adjournment debates, in particular, has been increased

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43 Government Business includes government sponsored legislation and motions (including motions to suspend standing orders) and ministerial statements. (*House of Representatives Practice*, 6 ed., (2012), p. 861.)

44 Private Members' Business includes legislation and motions (including motions to suspend standing orders) sponsored by private Members and statements by Members. (*House of Representatives Practice*, 6 ed., (2012), p. 861.)

45 Chamber Research Office statistics, 2012.



significantly. The opportunity for these kinds of debate to have an impact – through passage of legislation and through resolutions of the House – has also been increased significantly.

- 3.48 Mixed views continue as to whether the extent of the increase in time for private Members was necessary, as noted in the Committee's initial interim report.<sup>46</sup> In particular, there was a perception that the adjournment debate was unnecessarily long and that it was sometimes difficult to arrange for sufficient speakers to use the time. The Committee addresses this issue in its comments on the changes to weekly sitting hours and its recommendation in chapter 5.
- 3.49 The Committee is pleased to note that most private Members have used the opportunities available to them to debate Government bills, and to propose and participate in debate on matters chosen by them and their backbench colleagues because of their particular significance to them and to their constituents.

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46 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 23.



## Question Time

- 4.1 The *Agreement for a Better Parliament: Parliamentary Reform* (the Agreement) foreshadowed a range of procedural changes to the operation of Question Time. This chapter examines the changes and the further modifications to Question Time made in the two years since implementation of the Agreement.

### Question Time

- 4.2 Question Time is an important accountability mechanism providing a very public forum for scrutiny of Executive Government. Originally intended to provide an opportunity for Ministers to be questioned regarding their area of responsibility, Question Time is often used for political ends by both the Government and Opposition.<sup>1</sup> Consequently it has been criticised for its adversarial nature and its usefulness has been questioned.
- 4.3 The Agreement proposed a number of changes to Question Time, including:
- imposition of time limits on questions and answers;
  - the duration of Question Time;
  - use of supplementary questions; and
  - the content of questions and answers.

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<sup>1</sup> *House of Representatives Practice*, 6 ed., 2012, p. 543.

## Time limits and duration

- 4.4 Amendments to standing orders introduced in September 2010 implemented the following changes proposed in the Agreement:
- time limits on questions (45 seconds) and answers (4 minutes);<sup>2</sup> and
  - duration of Question Time (it would conclude no later than 3.30pm).<sup>3</sup>
- 4.5 During the 43<sup>rd</sup> Parliament further refinements have been made. The standing orders were amended in February 2012, reducing the time limits to 30 seconds for questions and 3 minutes for answers and allowing Question Time to conclude by 3.10pm.<sup>4</sup>
- 4.6 Questions were averaging 23 seconds earlier in the 43<sup>rd</sup> Parliament but after the amendments to the standing orders in February 2012 have been averaging 21 seconds. In the 42<sup>nd</sup> Parliament questions averaged 25 seconds. Questions asked by Government Members continue to be shorter than questions asked by non-Government Members.<sup>5</sup>
- 4.7 Whereas the limits imposed on the length of questions have had little apparent effect, the limits imposed on answers have had a measureable effect between the 42<sup>nd</sup> Parliament and the 43<sup>rd</sup> Parliament to 30 June 2012. The average length of answers has been reduced from 3 minutes 37 seconds to 3 minutes 7 seconds.
- 4.8 The reduction applies almost exclusively to answers to questions from Government Members, going from an average length in the 42<sup>nd</sup> Parliament of 4 minutes and 52 seconds to 3 minutes and 24 seconds in the 43<sup>rd</sup> Parliament. In contrast, the average length of answers to questions from non-Government Members remains relatively constant: 2 minutes 23 seconds in the 42<sup>nd</sup> Parliament and 2 minutes 24 seconds in the 43<sup>rd</sup> Parliament.
- 4.9 What does not appear to have changed is the traditional tendency for Ministers to provide longer answers to Government questions than non-Government questions.
- 4.10 Table 4.1 provides a comparative summary of the key features of Question Time from the 41<sup>st</sup> to the 43<sup>rd</sup> parliaments.

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2 Standing order 100(f) and 104(c), 20 October 2010; *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.1, p. 2.

3 Standing order 34, 20 October 2010; *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.3, p. 3.

4 Votes and Proceedings No. 85, 8 February 2012, 1177–1179; standing orders 1, 34, 100(f) and 104(c), 20 October 2010.

5 Chamber Research Office statistics, 2012.

Table 4.1 Comparison of key features of Question Time

	Questions without notice		
	41 <sup>st</sup> Parliament	42 <sup>nd</sup> Parliament	43 <sup>rd</sup> Parliament (calendar year 2011)
Average duration of Question Time*	1 hour 7 minutes	1 hour 32 minutes	1 hour 9 minutes
Average number of questions per Question Time	18.7	18.6	14.5**
Average length of question	Figure not recorded	25 seconds	23 seconds
Average length of response	2 minutes 24 seconds	3 minutes 37 seconds	3 minutes 7 seconds
% of questions asked by government	49.0	49.7	45.8
% of questions asked by opposition	48.5	48.3	47.7
% of questions asked by Independent/ non-aligned Members	2.4	2.0	6.5
Average points of order per Question Time	Figure not recorded	10.7	7.0

Source: Chamber Research Office statistics as at 30 June 2012.

\* rounded to nearest full minute.

\*\* motions to suspend standing orders interrupted Question Time on 24 occasions in 2011

Note: Figures do not include data for supplementary questions.

4.11 The changes to the duration of Question Time suggested in the Agreement were intended to enable '20 questions each day in the normal course of events'<sup>6</sup>, a point acknowledged by the Leader of the House when moving the relevant amendments to the standing orders.<sup>7</sup> When the time limits on questions and answers were further reduced and the conclusion of Question Time moved to 3.10pm, the Leader of the House reiterated the Government's commitment:

I indicate that, whatever other differences I have with the Manager of Opposition Business and others, we will continue to examine these issues and see how they operate in practice. We would not want to see, for example, fewer questions being asked in the parliament. That is certainly not the government's intention.<sup>8</sup>

4.12 In the calendar year 2011, 882 questions were asked during Question Time, averaging 14.46 questions per session.<sup>9</sup> Of those questions, 404 (45.8%) were asked by Government Members, 421 (47.7%) by Opposition Members and 57 (6.5%) by non-aligned Members.<sup>10</sup> During 2011, Question Time concluded with an Opposition motion to suspend standing orders on 24 occasions.

6 Agreement for a Better Parliament: Parliamentary Reform, Clause 4.3, p. 3.

7 HR Deb, 29 September 2010, 132.

8 HR Deb, 8 February 2012, 212.

9 Chamber Research Office statistics, 2012.

10 Chamber Research Office statistics, 2012.

- 4.13 During a similar period in the 42<sup>nd</sup> Parliament, a total of 1187 questions were asked during Question Time, averaging 18.55 questions per session.<sup>11</sup> Of those questions 589 (49.6%) were asked by Government Members, 569 (47.9%) by Opposition Members and 29 (2.4%) by non-aligned Members.<sup>12</sup>
- 4.14 Table 4.2 provides a comparative summary of the source of the questions asked during Question Time during similar periods in the 40<sup>th</sup> to the 43<sup>rd</sup> Parliaments.

Table 4.2 Comparison of source of questions asked during Question Time

	Questions without notice			
	40 <sup>th</sup> Parliament (calendar year 2003)	41 <sup>st</sup> Parliament (calendar year 2005)	42 <sup>nd</sup> Parliament (calendar year 2009)	43 <sup>rd</sup> Parliament (calendar year 2011)
Total number of questions during Question Time	1194	1274	1187	882
Average number of questions per Question Time	17.56	19.01	18.55	14.46
Number of questions asked by Government Members	576 (48.2%)	626 (49.1%)	589 (49.6%)	404 (45.8%)
Number of questions asked by Opposition Members	585 (49%)	619 (48.6%)	569 (47.9%)	421 (47.7%)
Number of questions asked by non-aligned Members	33 (2.8%)	29 (2.3%)	29 (2.4%)	57 (6.5%)

Source Chamber Research Office statistics 2012

## Supplementary questions

- 4.15 The Agreement also proposed arrangements for supplementary questions. However, such arrangements already existed under standing orders and are at the discretion of the Speaker.<sup>13</sup> The purpose of supplementary questions is to provide clarification of an answer already given to a question asked during Question Time.<sup>14</sup> However, historically, limits have been placed on supplementary questions to avoid the discussion developing into a debate.<sup>15</sup> Standing order 101(b) states that the Speaker may:

... allow supplementary questions to be asked to clarify an answer to a question asked during Question Time.

11 Chamber Research Office statistics, 2012.

12 Chamber Research Office statistics, 2012.

13 Standing order 101(b), 20 October 2010; *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.2, p. 3.

14 *House of Representatives Practice*, 6 ed., 2012, p. 547.

15 *House of Representatives Practice*, 6 ed., 2012, p. 547. Standing order 100(a), 20 October 2010, prohibits questions being debated.

- 4.16 When the amendments to the standing orders were initially introduced in the 43<sup>rd</sup> Parliament, the Manager of Opposition Business commented that the existing provision would 'simply require reinterpretation by the Speaker':

The agreement contains a proposal, which we have obviously all agreed to, that the Leader of the Opposition or his delegate be able to ask a supplementary question once during question time. There is already a provision for supplementary questions in the standing orders and therefore I note that that is part of the agreement ...<sup>16</sup>

- 4.17 The implementation of the standing order was questioned on 30 September 2010. The Leader of the House raised a point of order concerning a supplementary question that the Speaker granted to the Leader of the Opposition on a question originally asked by the Shadow Minister for Immigration and Citizenship. The Leader of the House suggested that, while supplementary questions had always been allowed under the standing orders, the supplementary question should come from the person who asked the original question:

It is a follow-up question to the question they have asked seeking additional information on the basis of the answer that has been given by the minister.<sup>17</sup>

- 4.18 In his reply, the then Speaker, Mr Jenkins, indicated that he had not been involved in the negotiations for the Agreement and that there were some difficulties in interpreting the intention of the clause on supplementary questions. He did, however, draw attention to practices in other jurisdictions where a person other than the person who has asked the question may ask a supplementary question.<sup>18</sup>

- 4.19 To clarify the situation, in October 2010 Speaker Jenkins told the House he would apply the following criteria to supplementary questions:

... they need not be asked by the member who has asked the original question and may be asked either by the Leader of the Opposition or a member who appears to have been delegated by the Leader of the Opposition to ask the question, ... they should not contain any preamble; and they must arise out of, and refer to, the answer that has been given to the original question.<sup>19</sup>

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16 HR Deb, 29 September 2010, 134-135.

17 HR Deb, 30 September 2010, 345.

18 HR Deb, 30 September 2010, 345.

19 HR Deb, 20 October 2010, 859.

4.20 On the first sitting day of 2012, the Speaker, the Hon Peter Slipper, outlined his own position on supplementary questions, introducing a trial of the following criteria:

1. each supplementary question will be limited to 20 seconds notwithstanding the formal time limits;
2. an answer to a supplementary question will be limited to 1½ minutes notwithstanding the formal time limits;
3. one supplementary question can be asked by the Leader of the Opposition or his or her delegate specifically, and up to one additional supplementary question can be asked by any opposition member, including the Leader of the Opposition, each day;
4. up to two supplementary questions can be asked by government private members each day;
5. when a non-aligned member asks a question, a supplementary question will be permitted;
6. a supplementary question must not introduce new matter, should not contain any preamble and must arise out of, and refer to, the answer that has been given to the original question;
7. a supplementary question can be asked in relation to any original question from the same group – that is, opposition, government or non-aligned;
8. more than one supplementary question can be asked to an original question; and
9. after any supplementary questions have been asked the call will be given to the side – that is, government or non-government – that did not ask the previous original question.<sup>20</sup>

4.21 The following day the Speaker clarified his position on supplementary questions asked by non-aligned Members:

My intention is to maintain proportionality and, under current arrangements, that would allow for one supplementary question each week for non-aligned members. Should the number of questions asked by non-aligned members change, I would seek to accommodate that change with regard to supplementary questions.<sup>21</sup>

4.22 From 7 February 2012 to 28 June 2012, Government Members asked 47 supplementary questions, all of which were allowed. Opposition Members asked 62 supplementary questions, of which 53 were allowed. Non-aligned Members asked 6 supplementary questions, all of which were

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20 HR Deb, 7 February 2012, 112–13.

21 HR Deb, 8 February 2012, 195.



allowed.<sup>22</sup> If this trend continues it will indicate a substantial increase in supplementary questions on previous sessions. For example, in the 43<sup>rd</sup> Parliament during calendar year 2011, only 59 supplementary questions were asked (all by Opposition Members) and 57 were allowed.

- 4.23 Although standing orders have provided for supplementary questions to be asked at the Speaker's discretion, Speakers in preceding Parliaments have rarely exercised that discretion. The most recent occurrence of the Speaker allowing supplementary questions was in the 38<sup>th</sup> Parliament, in which 136 supplementary questions were asked and 39 were allowed throughout the whole of the Parliament.<sup>23</sup>

## Content of questions and answers

- 4.24 The Agreement urged the Speaker to apply the standing order requirements regarding the content of questions.<sup>24</sup> On the second sitting day of the 43<sup>rd</sup> Parliament, the then Speaker, Mr Jenkins, confirmed that the standing orders would be enforced:

I indicate to the Leader of the House ... my intention to tighten the rulings on questions ... I will take it that at this point in time we acknowledge that there is to be less argument and that the points in the standing order in relation to questions will be much more tightly adhered to than in the past.<sup>25</sup>

- 4.25 The Agreement also proposed that answers be 'directly relevant' to questions and standing order 104(a) was amended to implement this reform.<sup>26</sup> Similarly, Speaker Jenkins interpreted this reform to imply that 'there be less debate in answers'.<sup>27</sup>

- 4.26 During his time as Speaker, Mr Jenkins experienced ongoing difficulties applying the standing order on 'direct relevance' to answers. On a number of occasions he remarked that the same rules should apply to both questions and answers. For example after more than twelve months of the 43<sup>rd</sup> Parliament, he stated:

Ad nauseam, I have suggested that the same standing order should apply to answers as applies to the questions. It would have

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22 Chamber Research Office statistics, 2012.

23 *House of Representatives Practice*, 6 ed., 2012, p. 547; Chamber Research Office statistics, 2012.

24 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.4, p. 3.

25 HR Deb, 29 September 2010, 181.

26 Standing order 104(a), 20 October 2010; *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.5, p. 3.

27 HR Deb, 28 October 2010, 2063.

been a much better solution than “directly relevant”. It would have meant that question time is not about the debate ...<sup>28</sup>

- 4.27 Speaker Jenkins partly blamed the difficulty in applying the ‘direct relevance’ rule to answers to the wording of questions, warning that if questions contain argument they leave the potential for debate to ensue.<sup>29</sup>
- 4.28 As well as proposing changes to the content of questions and answers, the Agreement suggested that only one point of order on relevance be allowed per question.<sup>30</sup> This was implemented through standing order 104(b). Since this change, there has been a reduction in the average number of points of order during Question Time from 10.7 in the 42<sup>nd</sup> Parliament to 7.5 in the 43<sup>rd</sup> Parliament.<sup>31</sup>

### Backbench question time

- 4.29 The Committee received a suggestion that the creation of a dedicated backbench question time would provide the opportunity for backbench Members to ask questions concerning local electorate issues.<sup>32</sup>
- 4.30 To enable Ministers to provide answers to specific questions, the proposal suggested that backbencher Members could submit written questions ahead of Question Time. A number of questions would be selected and put to the relevant Minister. As questions would relate to a particular portfolio, Ministers would be able to alternate attendance in the House.<sup>33</sup>
- 4.31 The Committee has no particular view on the matter of a backbench question time at this point.

### Committee comment

- 4.32 The Committee’s initial findings indicated that Question Time appeared to be more efficient, with an increased average number of questions being asked per Question Time and the number of points of order decreasing.<sup>34</sup> However, now that the reforms have been embedded, indications of increased efficiency are not so clear. The average length of Question Time

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28 HR Deb, 22 February 2011, 913. See also HR Deb, 28 October 2010, 2056; HR Deb, 24 November 2010, 3630; HR Deb, 23 March 2011, 2929.

29 HR Deb, 24 March 2011, 3207.

30 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 4.7, p. 3.

31 Chamber Research Office statistics, 2012.

32 Hon Christopher Pyne MP, Manager of Opposition Business, *Submission 4*, p. 4.

33 Hon Pyne MP, Manager of Opposition Business, *Submission 4*, p. 4.

34 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 37.

has decreased but the average number of questions has also decreased, from 18.6 in the 42<sup>nd</sup> Parliament to 15.2 in the 43<sup>rd</sup> Parliament. On the other hand, points of order have decreased from 10.7 per Question Time to 7.5, a significant reduction.

- 4.33 The Committee notes the increased participation of non-aligned Members in Question Time and the support given to supplementary questions which suggests that Question Time has become more interactive.
- 4.34 However, frustrations about the combative nature of Question Time and the content of questions and answers appear to continue. The Manager of Opposition Business, while acknowledging overall improvement to the operation of Parliament, observed that the argumentative nature of Question Time continued.<sup>35</sup>
- 4.35 Speaker Jenkins commented early in the Parliament that it would take more than a change in standing orders to bring lasting change to Question Time:
- ... it will not only take a change of standing orders but a change of culture in the whole House to bring about the type of question time and proceedings in this place that many outside would like to see.<sup>36</sup>
- 4.36 The fundamental question is one of the effectiveness of Question Time as a primary measure of accountability. The Committee does not consider the reforms have made a very significant improvement in this regard. Nor has Question Time become a period that improves the regard in which the House and Members are held by the Australian public.

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35 Hon Pyne, Manager of Opposition Business, *Submission 4*, p. 3.

36 HR Deb, 28 October 2010, 2062.



## The committee system and other issues

- 5.1 The Committee reviewed the reforms of the House committee system in two previous interim reports: one completed five weeks after their implementation, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, and the other twelve months after their implementation, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: The effectiveness of reforms to the House committee system*. The origins of some changes and the Committee's initial response have been discussed in these two reports.
- 5.2 This chapter will re-visit some of the earlier conclusions and examine the progress of the reforms to the committee system after nearly two years.
- 5.3 The chapter also reconsiders other issues in the Committee's initial interim report including the changes to weekly sitting hours, minor amendments and updates to the standing orders to enhance the operations of the House, and the renaming of the Main Committee.<sup>1</sup>

### Committee system

- 5.4 In summary, the Agreement proposed a number of changes to the House committee system including:
- reducing the number of standing committees from 12 to nine;
  - reducing membership of committees from 10 to seven;
  - increasing the opportunity for supplementary members to be appointed to an inquiry;

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<sup>1</sup> Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, chapter 5, pp. 45–59.

- providing the Selection Committee with the power to refer bills to committees for additional scrutiny;
- providing additional opportunities for Chairs and Deputy Chairs to make statements in the House about committee inquiries; and
- improving government response times to committee recommendations.<sup>2</sup>

## Number of committees and membership

- 5.5 Under amended standing order 215(a), House standing committees were reduced from 12 in the previous Parliament to nine in the 43<sup>rd</sup> Parliament. Standing order 215(d) reduced membership of these committees from 10 permanent members (six Government and four non-Government) to seven (four Government and three non-Government), with provision to accommodate non-aligned Members. In the 2010 report (prior to the reforms), this Committee recommended a rationalisation in the number and membership of committees to allow Members to use their time more effectively and concentrate their involvement on fewer committees.<sup>3</sup> The Leader of the House, on introducing the amendments to standing orders commented on the need to ensure an effective and efficient committee system.<sup>4</sup>
- 5.6 In the 42<sup>nd</sup> Parliament there were 256 positions<sup>5</sup> on House and joint committees to be filled by 118 Members eligible to be members.<sup>6</sup> As a result, most eligible Members were required to serve on two or three committees and a number served on as many as four.<sup>7</sup>
- 5.7 As at 20 June 2012, there are 278 positions<sup>8</sup> on House and joint committees and 118 eligible Members.<sup>9</sup> Figure 5.1 compares the distribution of committee positions among Members for the 42<sup>nd</sup> Parliament and the 43<sup>rd</sup> Parliament to 30 June 2012.

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2 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.1–10.7, pp. 5–6.

3 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, June 2010, pp. 68–69.

4 HR Deb, 29 September 2010, 132.

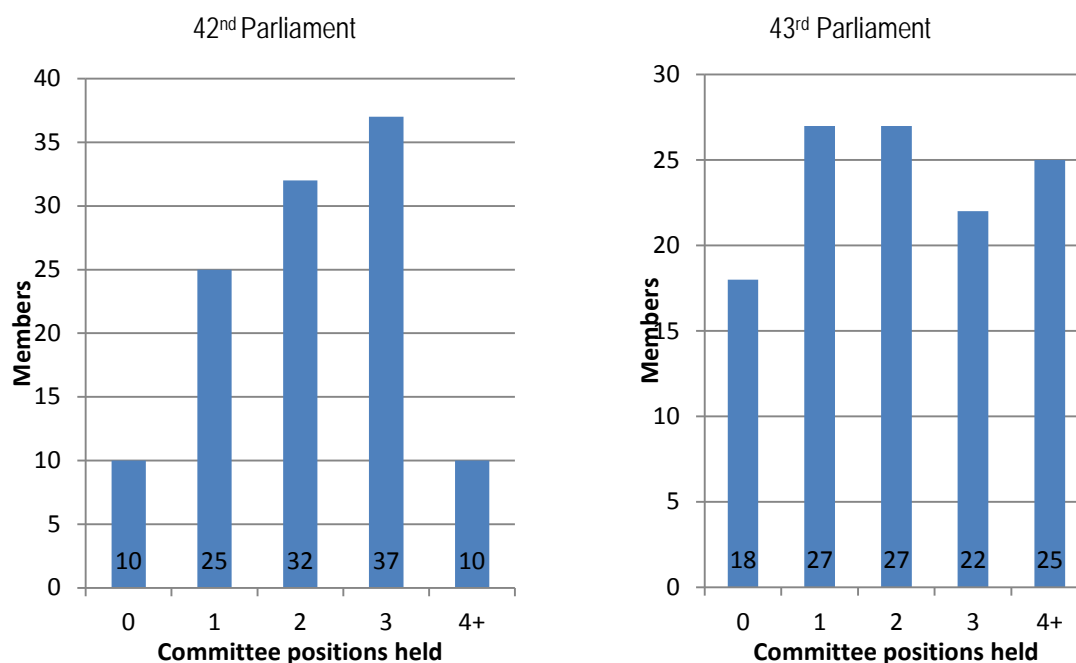
5 Excludes *ex officio* positions filled by the Speaker and the Deputy Speaker.

6 Excludes Ministers, Parliamentary Secretaries and the Leader of the Opposition.

7 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, pp. 39–40.

8 Excludes *ex officio* positions filled by the Speaker and provisions for supplementary Members.

9 Excludes Ministers, Parliamentary Secretaries and the Leader of the Opposition.

Figure 5.1 Distribution of committee positions among Members of the 42<sup>nd</sup> and 43<sup>rd</sup> Parliaments

Source Chamber Research Office statistics 2012

- 5.8 Distribution of committee positions in the 43<sup>rd</sup> Parliament indicates that, while fewer Members are serving on two or three committees, substantially more are serving on four or more committees.
- 5.9 The anomaly noted in the interim report on the effectiveness of the reforms on the House committee system, appears to have continued. Two joint standing committees and six joint select committees have been established during the 43<sup>rd</sup> Parliament, cancelling out the loss of positions caused by the reduction in House committees.<sup>10</sup> Fourteen Members have been appointed to the two joint standing committees and 38 Members to positions on the six joint select committees.
- 5.10 To enable Members to participate in inquiries of particular interest to them, provision was made for up to four supplementary Members (up from two in previous parliaments) to be appointed to a committee.<sup>11</sup> In the 43<sup>rd</sup> Parliament to 30 June 2012, 40 supplementary Members had been appointed to eight separate committees for particular inquiries.<sup>12</sup>

10 Chamber Research Office statistics, 2012.

11 Standing order 215(d), 20 October 2010.

12 Chamber Research Office statistics, 2012. Note that in the 42<sup>nd</sup> Parliament, supplementary Members were appointed for two committee inquiries and in the 41<sup>st</sup> Parliament supplementary Members were appointed for one inquiry.

## Referral of bills to committees

- 5.11 The Selection Committee can refer bills that it considers controversial or requiring further consultation or debate to relevant standing or joint committees. In the 43<sup>rd</sup> Parliament, as at 30 June 2012, the Selection Committee has referred for inquiry 114 bills to 14 committees (seven House standing committees and seven joint committees).<sup>13</sup>
- 5.12 Thirty bills have been referred to the Standing Committee on Economics, 21 bills to the Standing Committee on Social Policy and Legal Affairs, 13 to the Standing Committee on Infrastructure and Communications and 12 to the Standing Committee on Agriculture, Resources, Fisheries and Forestry. The remaining bills have been referred to 10 other standing and joint committees with each committee receiving between one and nine bills.<sup>14</sup>
- 5.13 Of the 114 bills referred to committees, as at 30 June 2012, the inquiry process has been concluded on 104. The average duration of each has been 64 days, with the longest taking 210 days<sup>15</sup> and the shortest one day.<sup>16</sup>
- 5.14 There have been two refinements to the process that the Selection Committee uses to refer bills to committees:
- discontinuing reporting timeframes; and
  - providing reasons for the referral.
- 5.15 As noted in this Committee's second interim report, the Selection Committee originally set reporting timeframes for the bills it referred to committees. However, it discontinued this practice after it referred the first four bills.<sup>17</sup>
- 5.16 This Committee recommended in its second interim report that the Selection Committee provide the reasons for referring a bill to a

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

14 The Standing Committee on Climate Change, Environment and the Arts received nine bills, the Standing Committee on Education and Employment eight, the Joint Committee on Corporations and Financial Services seven, the Standing Committee on Health and Ageing three, the Joint Committee on Foreign Affairs and Trade three, the Joint Committee on Electoral Matters three, the Joint Committee on Migration two, and the Joint Select Committee on Cyber-Safety, the Joint Committee on Treaties and the Joint Committee on the National Broadband Network one each. (Chamber Research Office statistics, 2012.)

15 The Competition and Consumer (Price Signalling) Amendment Bill 2010 referred to the Standing Committee on Economics on 24 November 2010.

16 The Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 referred to the Standing Committee on Social Policy and Legal Affairs on 11 May 2011.

17 Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: Referral of bills to committees by the House Selection Committee*, June 2011, p. 6.



committee, to improve efficiency.<sup>18</sup> A number of committee Chairs and Deputy Chairs publicly supported this recommendation. For example, the Chair of the Standing Committee on Employment and Education told the House:

The education and employment committee concurs with the Procedure Committee's recent recommendation that reasons be provided for referral. The committee and I am sure that those stakeholders who made submissions would have found an explanation as to why the current proposal was referred most useful.<sup>19</sup>

5.17 The Chair of the Joint Committee on Corporations and Financial Services reiterated the point, emphasising the connection between reasons for referral and committee efficiency:

While supporting the referral of bills as an effective mechanism for increasing transparency and public consultation, the committee feels that the referral process would be more effective if an explanation were also provided as to why the bill was referred in the first place so that the committee can target its efforts more effectively.<sup>20</sup>

5.18 The Selection Committee responded to these concerns and has provided reasons for the referral of all bills since Report No. 49 on 22 March 2012.

5.19 This Committee also recommended: that standing order 222(a)(iii) be amended to remove the provision that one member of the Selection Committee is sufficient to select a bill for referral, (thereby requiring a majority decision of the Committee).<sup>21</sup> The Government indicated its support for this recommendation in its response presented on 1 November 2012 to the Committee's second interim report.

5.20 A further development noted in the interim report was the trend for Chairs to present a statement to the House discharging the committee's requirement for reporting on bill referrals, rather than presenting a report. This has enabled them to report back quickly. In their discharge statements Chairs have noted the uncontroversial nature of bills or the unnecessary duplication of an inquiry where a bill has been referred to

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18 Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: Referral of bills to committees by the House Selection Committee*, June 2011, pp. 11–12.

19 HR Deb, 16 August 2011, 8175.

20 HR Deb, 22 August 2011, 8738.

21 Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: Referral of bills to committees by the House Selection Committee*, June 2011, pp. 11–12.

both House and Senate committees. One Chair commented that the bill under investigation had been referred to eight Senate committees:

Eight committees of the Senate will conduct wide-ranging scrutiny of executive government over the next four days. It was the view of the committee that it would unnecessarily duplicate the work of these Senate committees and possibly create confusion amongst witnesses if it attempted to undertake its own, concurrent examination.<sup>22</sup>

- 5.21 As at 30 June 2012, 53 reports on bills referred by the Selection Committee have been presented to the House and 11 statements discharging the requirement for reporting have been presented.<sup>23</sup>

## Statements by Chairs and Deputy Chairs

- 5.22 The Agreement proposed that committee Chairs be able to make short statements to the House relating to committee inquiries.<sup>24</sup> Standing order 39(a) enables Chairs and Deputy Chairs to make such statements during the periods for committee and delegation business on Mondays. Chairs and Deputy Chairs representing seven committees used this opportunity, making 25 statements to the House.<sup>25</sup> One Chair remarked:

... I want to thank the Standing Committee on Procedure for the change to the standing orders that actually allows us to discuss committee reports as they are going along and not just at the end, when all the hard work is done and you are relegated to five minutes in this place. I think this is a terrific initiative and I commend the parliament and those involved in the change.<sup>26</sup>

## Government responses

- 5.23 The Agreement proposed to encourage more timely responses from the Government to committee reports and greater accountability from Ministers for those responses.<sup>27</sup> The House resolved on 29 September 2010 to require the Government to respond to recommendations in committee

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22 HR Deb, 13 February 2012, 812. The Committee noted the potential for duplication in two previous reports: *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: Referral of bills to committees by the House Selection Committee*, June 2011, pp. 9–10 and *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: The Effectiveness of reforms to the House committee system*, February 2012, pp. 20–21.

23 Chamber Research Office statistics, 2012.

24 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.7, p. 6.

25 To the 30 June 2012 (Chamber Research Office statistics, 2012).

26 HR Deb, 28 February 2011, 1528.

27 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 10.6, p. 6.

reports within six months of the report being presented to the House.<sup>28</sup> If the Government failed to respond within the timeframe, the relevant Minister was expected to present a statement to the House explaining the reasons for the delay. Additionally, committees were enabled to request a Minister to appear before the committee and provide an explanation.

- 5.24 Of the 58 committee reports tabled to 30 June 2012, 45 required a Government response to recommendations. Six of those have not yet reached the six month cut-off date. Of the remaining 39 reports, 21 have received a Government response, eight within the specified period, leaving 18 outstanding.<sup>29</sup> On five occasions a Status of Government Response explaining the cause for the delay in responding to the committee's recommendations has been presented to the House.<sup>30</sup>
- 5.25 In previous parliaments the Speaker presented a schedule listing government responses and outstanding responses to committee reports to the House approximately every six months.<sup>31</sup> In addition, in the 43rd Parliament, the Status of Government Response has been tabled by the Leader of the House on behalf of the relevant Minister and the document has then been made the subject of a take note motion.<sup>32</sup>

## Committee comment

- 5.26 As the Committee observed in its interim report, many of the reforms proposed in the Agreement and implemented in the 43rd Parliament, stemmed from recommendations of the Committee.<sup>33</sup>

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28 HR Deb, 29 September 2010, 143.

29 Chamber Research Office statistics, 2012.

30 Votes and Proceedings No. 84, 7 February 2012, 1157 (Joint Standing Committee on Electoral Matters, *The 2010 Federal Election: Report on the Conduct of the Election and Related Matters*); Votes and Proceedings No. 85, 8 February 2012, 1182 (Standing Committee on Social Policy and Legal Affairs, *Reclaiming Public Space: Inquiry into the Regulation of Billboard and Outdoor Advertising*); Votes and Proceedings No. 92, 28 February 2012, 1265 (Joint Statutory Committee on Law Enforcement, *Examination of the Annual Report of the Australian Crime Commission*); Votes and Proceedings No. 114, 19 June 2012, 1574 (Joint Select Committee on Gambling Reform, *Interactive and Online Gambling and Gambling Advertising and Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011*); Votes and Proceedings No. 115, 20 June 2012, 1587 (Joint Standing Committee on Electoral Matters, *Report on the Funding of Political Parties and Election Campaigns*).

31 *House of Representatives Practice*, 6 ed., 2012, p. 714.

32 This procedure enables the document to be placed on the Notice Paper allowing it to be debated.

33 Standing Committee on Procedure, *Building a modern committee system: an inquiry into the effectiveness of the House committee system*, June 2010.

- 5.27 Despite the reduction in the number of committees and in membership of committees, the overall number of committee positions has increased and the number of Members serving on four or more committees has increased substantially. This indicates, unfortunately, that the aim of these reforms to make the committee system more workable for Members and allow individual Members to dedicate their time more effectively to committee work<sup>34</sup> may not have been met.
- 5.28 Members, by their actions, have indicated a favourable response to the greater opportunity to be appointed as supplementary Members to particular inquiries.
- 5.29 The Committee previously examined the impact of the referral of bills to House and joint committees by the Selection Committee and is encouraged to see that the Selection Committee now provides reasons for the referral of bills.<sup>35</sup> The Committee is also pleased to note the Government's support for its previous recommendation to remove the provision that one member of the Selection Committee is sufficient to select a bill for referral. To implement this change an amendment to the standing orders would need to be passed by the House.
- 5.30 The Committee notes that committee Chairs and Deputy Chairs have made good use of the opportunity to update the House on committee inquiries and welcomes the increased prominence provided to committee work.

## Other issues

- 5.31 In its initial interim report, the Committee discussed issues raised by implementation of the changes, suggested some refinements and identified several areas for ongoing monitoring. The key areas of concern were:
- changes to weekly sitting hours;<sup>36</sup>
  - refinements to improve the efficiency of proceedings;<sup>37</sup> and

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34 Standing Committee on Procedure, *Building a modern committee system: an inquiry into the effectiveness of the House committee system*, June 2010, pp. 66–68.

35 Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: Referral of bills to committees by the House Selection Committee*, June 2011, p. 12.

36 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, pp. 45–53.

- renaming of the Main Committee.<sup>38</sup>

## Changes to weekly sitting hours

5.32 To accommodate the expanded opportunities for private Members, sitting hours have been increased. As this Committee has noted, the extra sitting hours have had significant consequences for Members, their staff and parliamentary staff.<sup>39</sup>

5.33 Tables 5.1 and 5.2 below compare meeting and adjournment times with those in the previous Parliament.

Table 5.1 Set meeting and adjournment times of the House, 43<sup>rd</sup> Parliament

	1	2	3	4
day	meeting commences	adjournment proposed	House adjourns	
Monday	10.00 am	9.30 pm	10.30 pm	
Tuesday	2.00 pm	9.30 pm	10.30 pm	
Wednesday	9.00 am	7.00 pm	8.00 pm	
Thursday	9.00 am	4.30 pm	5.00 pm	

Source *Standing order 29(b), 20 October 2010*

Table 5.2 Set meeting and adjournment times of the House, 42<sup>nd</sup> Parliament

	1	2	3	4
day	meeting commences	adjournment proposed	House adjourns	
Monday	12 noon	9.30 pm	10.00 pm	
Tuesday	2.00 pm	8.30 pm	9.00 pm	
Wednesday	9.00 am	7.30 pm	8.00 pm	
Thursday	9.00 am	4.30 pm	5.00 pm	

Source *Standing Order 29(b), 1 December 2008*

5.34 Despite the extended sitting hours, the hours in an average sitting day in the House do not appear to have increased very greatly, although the change is noticeable. In the 43<sup>rd</sup> Parliament during 2011 an average sitting day was 11 hours and 34 minutes in the House. During an equivalent

37 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, pp. 53–58.

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

39 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 45.

period in the 42<sup>nd</sup> Parliament an average sitting day was 10 hours and 2 minutes.<sup>40</sup>

- 5.35 However, the extended sitting hours have substantially affected the average daily sitting hours in the Federation Chamber, with the average hours increasing from 4 hours and 47 minutes in the 42<sup>nd</sup> Parliament to 6 hours and 59 minutes in the 43<sup>rd</sup> Parliament.<sup>41</sup>
- 5.36 As noted previously, the additional sitting hours in the House and Federation Chamber are a concern in their own right for Members: they ensure two long days each sitting week in each Chamber. Additionally the support provided by Members' staff and Parliamentary staff in preparing speeches, procedural scripts, Clerking, broadcasting and Hansard services, and so on, is considerable. There are also repercussions from changed travel patterns for Members who have electorate commitments and, like most members of the community, family and home commitments.
- 5.37 Anecdotal evidence suggests to the Committee that the concerns expressed by Dr Mal Washer MP, have been realised. In his submission Dr Washer noted:

These additional hours are having an adverse effect on the mental and physical health of Members, their staff and the staff of the Parliament.

The result is mental and physical fatigue leading to altered mood with higher levels of anxiety and depression, poor concentration and often abnormal sleep patterns. Physically there is a drop in fitness levels and reduced immunity which would affect resistance to infection and malignancy and exacerbate chronic disease. There is a greater tendency for the use of medication to assist with sleeping and with some increased alcohol consumption.

Many Members have time zone differences up to 3 hours during Eastern Daylight Saving further compounding the problem and are fatigued by up to 7 or more hours of travelling to Canberra. We all have a duty to care for ourselves and our staff.<sup>42</sup>

## Refinements to improve the efficiency of proceedings

- 5.38 In the Committee's initial interim report it noted a number of areas where fine-tuning of standing orders and changes in practice would contribute to
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40 These figures include suspensions of sittings. For the purpose of this average, 26 November 2009 has not been included as the House sat on that day for an unusually extended period.

41 Chamber Research Office statistics, 2012.

42 Dr Mal Washer MP, Member for Moore, *Submission 2*, p 1.

the overall efficiency of the proceedings of the House and Federation Chamber.<sup>43</sup> The issues raised included:

- the form of stating the question on amendments;
- scheduling of private Members' items in the Federation Chamber and return of items from the Federation Chamber;
- speaking time limits for debates not otherwise provided for and items of private Members' business;
- listing in the Notice Paper of private Members' business items to be voted on;
- the Speaker as Chair of the Selection Committee; and
- appointment of supplementary members to House committees.<sup>44</sup>

### Stating the question on amendments

5.39 In this Committee's initial report, it discussed a proposal by the Clerk of the House of Representatives to change the way questions on amendments are stated and put to the House.<sup>45</sup> It was suggested that a shortened form of the question (already provided for in the standing orders) be used to simplify the process and avoid confusion.

5.40 The long-standing practice had been for questions on amendments to motions to be stated in the form: 'that the words proposed to be omitted stand part of the question', as provided by standing order 122(a)(ii):

**Standing order 122(a)(ii):**

If the purpose is to omit certain words in order to insert or add other words, the question shall be –

*That the words proposed to be omitted stand part of the question.*

If this question is resolved in the affirmative, the amendment is disposed of: if negatived, the Speaker shall put a further question –

*That the words proposed be [inserted, or added].*

5.41 The Clerk noted that stating the question in this form can be 'counter-intuitive and puzzling to members and observers' because Members in favour of an amendment must vote 'no' on the initial question.

43 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, p. 53.

44 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, pp. 54–58.

45 Standing Committee on Procedure, *Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*, April 2011, pp. 56–57.

Furthermore, where an amendment is supported by a majority but contested, two divisions are required for the amendment to be made.<sup>46</sup>

- 5.42 Standing order 122(b) already included provision for the shortened form 'that the amendment be agreed to', provided that no Member objects. The wording in this provision is such that if any Member objected, the Chair would have no discretion and the longer form of the question would need to be put.<sup>47</sup> The simpler form was currently used for detailed stage amendments and sometimes for amendments to motions, such as those moved by Ministers to non-government Members' motions.
- 5.43 The Clerk identified a number of advantages of the question on amendments always being stated in the alternative simpler form:
- it is much more straight forward than the "words stand" form and will always be clear to members and those following proceedings. Members in favour of the amendment vote "aye" and those against it vote "no" ...;
  - it allows amendments to be moved to the amendment itself;
  - if an amendment is defeated other amendments can be moved to the main question, as well as amendments to the question 'that the motion, as amended, be agreed to'; and
  - in the case of amendments going to a vote, one division only is required to make a decision on the amendment.<sup>48</sup>
- 5.44 This Committee agreed that a trial of the change would be useful and in June 2011 the then Speaker, Mr Harry Jenkins, introduced a trial of the new arrangement.<sup>49</sup> As the Speaker indicated then, any Member could object to the arrangement and 'require the traditional form to be used in a particular case'.<sup>50</sup> The Committee is unaware, at 30 June 2012, of any Member objecting to the use of the new arrangements.
- 5.45 The resulting opportunity to use the new arrangement to allow an amendment to be moved to an amendment was exercised by a Member in August 2012. During the second reading debate on the Migration Legislation Amendment (Offshore Processing and Other Measures) Bill 2011, the Member for Cook moved an amendment to a previous amendment moved by the Member for Melbourne.<sup>51</sup>

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46 Mr Wright, Clerk of the House of Representatives, *Exhibit 1*, p. 14

47 Mr Wright, Clerk of the House of Representatives, *Exhibit 1*, p. 12.

48 Mr Wright, Clerk of the House of Representatives, *Exhibit 1*, p. 15.

49 HR Deb, 2 June 2011, 5790-5791.

50 HR Deb, 2 June 2011, 5790.

51 Votes and Proceedings No. 122, 15 August 2012, 1680-1681.



- 5.46 The Committee considers worthwhile any arrangement that makes House procedure more straightforward and less confusing for Members and observers – without sacrifice to the integrity of the process.

### Private Members' items in the Federation Chamber

- 5.47 In his submission, the Clerk of the House suggested two modifications to the scheduling of private Members' business items for the Federation Chamber and the return of items of private Members' business from there.

- 5.48 Currently copies of items of private Members' business scheduled for the Federation Chamber by the Selection Committee are presented by the Speaker to the House and further debate is automatically referred to the Federation Chamber.<sup>52</sup> The Clerk's first proposal suggested that standing orders be refined to allow items scheduled by the Selection Committee for the Federation Chamber to be deemed to have been referred by the House:

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 Main Committee. It would also allow the Member responsible for a notice to initiate a matter in the Main Committee by presenting a bill or moving a motion.<sup>53</sup>

- 5.49 The second proposal concerned the return of items of private Members' business from the Federation Chamber. Currently the Speaker reports formally to the House when items are returned.<sup>54</sup> The Clerk suggested that a Member could move in the Federation Chamber, under standing order 197(a), that further proceedings on particular items be conducted in the House.<sup>55</sup> These returned items could then be listed on the Notice Paper as orders of the day under private Members' business in the House and be called on to be voted on during government business time if standing orders were suspended.<sup>56</sup>
- 5.50 To date, these suggestions have not been taken up.

### Speaking time limits

- 5.51 The Clerk noted three issues with the allocation of speaking times in the House and suggested some changes to address anomalies and improve efficiency.

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52 See standing orders 41(d) and 41(g), 20 October 2010.

53 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p 2.

54 See standing order 198, 20 October 2010.

55 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 2.

56 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 2.

- 5.52 The first suggestion proposed that consideration be given to reducing time limits for debates not otherwise provided for from 20 minutes to 15 minutes for the mover and from 15 minutes to 10 minutes for other speakers. This 'default' provision currently applies for motions to take note of papers and motions to suspend standing orders by leave.<sup>57</sup>
- 5.53 The second suggestion was designed to correct the anomaly that exists when items of private Members' business are called on during government business time. The Selection Committee regularly sets time limits for each Member speaking on items of private Members' business and these time limits apply when such an item is considered during private Members' business time. However, when these items are called on during government business time, Members are subject to the standard time limits which are longer than those usually determined by the Selection Committee.<sup>58</sup>
- 5.54 Finally, the Clerk referred to an issue raised by the Selection Committee in its report to the House on 21 October 2010.<sup>59</sup> The Selection Committee noted that, although it could under standing order 222(c) determine the time limits for second reading debates for private Members' bills, it was constrained by standing order 1 from allocating shorter speaking times.<sup>60</sup>
- 5.55 To date, these issues regarding speaking time limits have not been addressed.

### **Listing of private Members' business items to be voted on in the Notice Paper**

- 5.56 Currently items of private Members' business recommended by the Selection Committee to be voted on are published in the Selection Committee's reports. The Clerk has suggested that listing these items on the Notice Paper would be useful for Members.<sup>61</sup>
- 5.57 To date, this has not occurred.

### **Speaker as Chair of the Selection Committee**

- 5.58 As noted earlier in this report, the reconstituted Selection Committee in the 43<sup>rd</sup> Parliament has a broader role than in previous Parliaments. Under the current standing orders the Speaker chairs the Committee which is responsible for:

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57 Mr Wright, Clerk of the House Representatives, *Submission 1*, p. 3; standing order 1, 20 October 2010.

58 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 3.

59 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 3.

60 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 3. See also Selection Committee, *Report No. 3*, 21 October 2010, p. 4.

61 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 3.

- scheduling committee and delegation business and private Members' business for each sitting Monday;
  - recommending items of private Members' business to be voted on;
  - referring bills to relevant standing and joint committees for further consideration; and
  - setting times for second reading debates.<sup>62</sup>
- 5.59 The Clerk suggested that it may be appropriate, given the Selection Committee's wider responsibilities, if the Speaker were one step removed from the significant decisions that the current Selection Committee is called on to make.<sup>63</sup>
- 5.60 The Committee notes that, to date, no steps have been taken to alter the situation and the Speaker continues to chair the Selection Committee.

### Appointment of supplementary members to House Committees

- 5.61 The provision for Members to be appointed as supplementary members to House Committees for particular inquiries was noted earlier. During its initial inquiry, the Committee heard that the current phrasing in standing orders 215(d) and 229(c) which state that a committee 'may supplement its membership', had been mistakenly interpreted to mean that committees had a role in appointing their supplementary members.<sup>64</sup> The Committee suggested that a minor amendment to the standing orders would serve to clarify that the appointment of supplementary members follows the normal procedure set down in standing order 229.<sup>65</sup>
- 5.62 The House has not considered this change to date.

### Renaming of the Main Committee

- 5.63 The Committee noted in its initial interim report that it had received a submission from the then Deputy Speaker, the Hon Peter Slipper, regarding the renaming of the Main Committee.<sup>66</sup> This Committee had long advocated such a change in order to remove confusion over the

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62 Standing order 222(a), 20 October 2010.

63 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 4.

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

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

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

location of the second chamber of the House of Representatives and to improve the perceived standing of the Main Committee.<sup>67</sup>

- 5.64 In February 2012 standing orders were amended to rename the Main Committee as the Federation Chamber of the House of Representatives.<sup>68</sup> On introducing the amendments, the Leader of the House commented on both the issue of confusion and the status of the chamber:

It is pretty clear that there is some confusion, even among members of parliament occasionally, arising from the fact that the Main Committee does not meet in the room that is known as the main committee room. There is also confusion from time to time about the status of the Main Committee. It has been suggested to me, for example, when debating the referral of a bill to the Main Committee, that such a referral somehow gives the bill less status because the Main Committee is not seen as the equal chamber that it is. It is simply this chamber meeting in another place at the same time so as to improve the efficiency of the parliament.<sup>69</sup>

## Committee comment

- 5.65 The Committee reiterates its concerns that the extended sitting hours are proving detrimental to the health and well-being of Members, their staff and parliamentary staff. As the Committee argued in its initial interim report, there are a number of ways to reduce the length of sitting days to allow more convenient patterns of travel while retaining the time required to satisfactorily meet Members' parliamentary obligations. The Government noted the original recommendation in its response on 1 November 2012 to the Committee's initial report. However, in light of the ongoing evidence presented to the Committee, it repeats its recommendation from the initial report with the following modifications:
- that divisions and quorums called for after 6.30pm, rather than 8.30pm, on Mondays and Tuesdays be deferred until the following day; and
  - that the time allocated for the adjournment debate be reduced by rising half an hour earlier on Mondays, Tuesdays and Wednesdays, rather than rising half an hour earlier on one evening.

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67 See Standing Committee on Procedure, *The second chamber: enhancing the Main Committee*, 14 August 2000; and Standing Committee on Procedure, *Renaming the Main Committee*, 3 June 2004.

68 Votes and Proceedings No. 85, 8 February 2012, 1179.

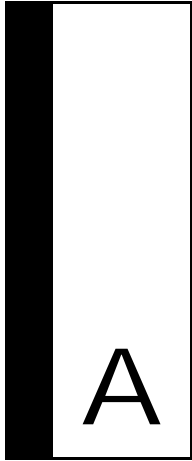
69 HR Deb, 8 February 2012, 211.

**Recommendation 2**

- 5.66 **The Committee recommends that the House consider measures to manage the workload of Members during sitting weeks, having regard to the health and wellbeing of Members, their staff and parliamentary staff, including but not limited to:**
- a) **commencing at 12.00 noon on Mondays in the House and 12.30pm in the Federation Chamber;**
  - b) **commencing at 12.00 noon on Tuesdays in the House;**
  - c) **offsetting the reduction in sitting hours resulting from a) and b) by reducing the time allocated to private Members' business each week by three hours;**
  - d) **providing that divisions and quorums called for after 6.30pm on Mondays and Tuesdays be deferred until the following day; and**
  - e) **rising half an hour earlier on Mondays, Tuesdays and Wednesdays, by reducing the time allocated for adjournment debate.**
- 5.67 In principle the Committee agrees to the need for ongoing refinement of the standing orders and changes to practice that will improve the efficiency of operations of the House. Finally, it encourages the House to take note of the suggestions provided in its initial interim report and reiterated in this report to enhance and update the standing orders accordingly.

**GEOFF LYONS MP**  
**Chair**  
**26 November 2012**





## Appendix A – List of submissions and exhibits

### **Submissions**

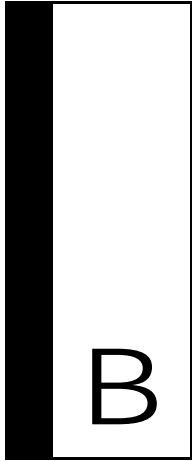
1. Mr Bernard Wright, Clerk of the House of Representatives
2. Dr Mal Washer MP, Member for Moore
3. Hon Peter Slipper MP, Deputy Speaker of the House of Representatives
- 3.1 Hon Peter Slipper MP (Supplementary)
4. Hon Christopher Pyne MP, Manager of Opposition Business

### **Exhibits**

1. Discussion paper from Mr Bernard Wright, Clerk of the House of Representatives: *Stating the Question on Amendments*.







## Appendix B – Agreement for a Better Parliament: Parliamentary Reform

# AGREEMENT FOR A BETTER PARLIAMENT

## PARLIAMENTARY REFORM

### Preamble

There are 150 local MP's that have recently been elected by the communities of Australia to the House of Representatives. This document is a combined effort to increase the authority and opportunities for participation for all MP's, regardless of their political party or their status of office.

The principles behind this document are twofold; to confirm 150 local MP's (and by extension their communities) as the foundation blocks of our Australian system of democracy, and increasing the authority of the Parliament in its relationship with the Executive.

For these improvements to work, it will take a commitment by all MP's to respect the cultural change that these changes bring. While the community demands a 'fiesty' and 'testing' parliamentary floor, there will be a need for recognition by all to allow more MP's to be involved in various roles and debates, to allow more community issues to be tested through private members voting, and to allow a Speaker (in particular) to rule with a firm hand as debate tests the boundaries of the Standing Orders on the floor.

The Executive will also need to show a commitment to the cultural change that this moment brings, and will need to be more flexible, more consultative, and more engaged with all MP's if these new arrangements are to work.

This document has been produced through engagement with many people, including former Speakers and Clerks, MP's, party "elders", and members of the community. This broad engagement has been done in an endeavour to achieve improvements that are sustainable beyond the current three year-term, and improvements that work for all. All are thanked for their considered involvement.

## **1. ENHANCING THE PARTICIPATION OF ALL MEMBERS IN THE MANAGEMENT OF THE HOUSE OF REPRESENTATIVES**

An expanded Selection Committee will be established, including aligned and non-aligned Members.

The Committee will be Chaired by the Speaker.

All Members will receive the same rights for the purposes of facilitating their full participation in all processes of the House. For the purposes of Standing Order 41A, Question Time and participation in all other debates, all Members interests would be guaranteed by the Selection Committee.

## **2. INDEPENDENT SPEAKER**

### **2.1 Independence**

The role of the Speaker will be independent of Government.

If the Speaker is drawn from a political party then the Deputy Speaker will be drawn from an alternate political party and both the Speaker and Deputy Speaker will:

- abstain from attending their respective party rooms; and
- when in the Chair, be paired for all divisions.

If the Speaker is non-aligned, then the same pairing arrangements will apply.

The Speaker and Deputy Speaker can participate in Private Members' Business but cannot vote.

Members of the Speakers Panel will be temporarily paired when occupying the chair during votes.

### **2.2 Power of the Speaker**

The Speaker will rigorously enforce the Standing Orders of his or her own motion.

## **3. ACKNOWLEDGEMENT OF COUNTRY**

At the beginning of each sitting day, prior to prayers, the Speaker will make an acknowledgement of country.

## **4. QUESTION TIME**

### **4.1 Time Limits for Questions and Answers**

Questions during Question Time be limited to forty five seconds and answers to four minutes.

It is noted that a Member may ask leave of the House for an extension of time.

#### **4.2 Supplementary Question**

The Leader of the Opposition or their delegate has the option of asking one supplementary question during each Question Time.

#### **4.3 Duration of Question**

Question Time will conclude no later than 3.30pm, enabling 20 questions each day in the normal course of events.

#### **4.4 Questions**

The Speaker shall give due regard to Standing Order 100 dealing with the material that questions may contain but not in such a way that would inhibit the ability of the Opposition to hold the Government to account.

#### **4.5 "Relevance" Standing Order**

The Standing Orders be amended so that answers must be "directly relevant to the question", with the Speaker to lead on enforcement of the relevance test.

The Government and Opposition will support the Speaker in taking a strong stance on this issue.

#### **4.6 Proportionate Share**

A proportionate share of the Questions be allocated to non-aligned members, including the order in which those questions are asked during Question Time.

#### **4.7 Points of Order**

The Standing Orders be principally raised and enforced by the Speaker.

The point of order on relevance can only be once per question.

#### **4.8 Notes**

It is the preference in Question-Time for both questioners and Ministers to use best endeavours not to use notes. It is understood there are times when notes should be used to assist in providing the House with the best possible information in the most accurate and timely way possible. However, at all other times, the preference is no notes.

This will be reviewed at the end of the first session to see if further restrictions on use of notes in Question Time can and should be applied.

### **5. MATTERS OF PUBLIC IMPORTANCE**

#### **5.1 Length**

The maximum length of discussion on Matters of Public Importance be extended to 1 hour and thirty minutes. That the proposer and the next speaker be allowed to speak for up to 15 minutes and that other speakers be allowed to speak for up to 10 minutes.

#### **5.2 Greater Prominence**

The Matter of Public Importance debate will immediately follow Question Time.

### **5.3 Proportionate Share**

A proportionate share of Matters of Public Importance be allocated to all non-Government Members.

## **6. PRIVATE MEMBERS BUSINESS AND PRIVATE MEMBERS BILLS**

### **6.1 Voting on Private Members' Bills**

The Speaker, the Leader of the House, and the Selection committee, will ensure time is allocated for votes on Private Members' Bills during Government Business time in the Main Chamber.

### **6.2 Priority given for Private Members Business on Mondays**

The Standing Orders will be amended to provide for:

- a period of committee and delegation business and private Members' business to be given priority in the Chamber on Mondays from 12 noon – 1.45pm, beginning with Petitions Committee report and statement(s) for 10 minutes;
- quorums and divisions called during the period of committee and delegation business and private Members' business being deferred until 5pm on Monday;
- the Main Committee to regularly meet on Mondays from 10.30 a.m. to 1.30 p.m, commencing with a 30 minute period of three minute constituency statements as provided by standing order 193, followed by committee and delegation reports and private Members' business being given priority;
- 90 second statements to take place from 1.45 p.m. each day, prior to Question Time, in the Main Chamber;
- a period of committee and delegation business and private Members' business to be given priority in the Chamber from 7:30pm to 9:30pm; and
- the adjournment to be proposed at 9.30 p.m. on Mondays, and the House adjourning at 10 p.m.

## **7. ADJOURNMENT**

The Adjournment Debate shall be one hour on Monday and Tuesdays, and 30 minutes on Wednesdays and Thursdays.

## **8. 90 SECOND STATEMENTS**

15 minutes will be allocated prior to Question time for Members to make 90 Second Statements on constituency issues.

## **9. MINISTERIAL STATEMENTS**

### **9.1 Time Limits**

Ministerial statements and response be limited to 10 minutes, except in circumstances agreed to by the Speaker or for Prime Ministerial statements.

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The Speaker will ensure that opportunities to respond are provided to non-Government Members.

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### **10.1 Numbers of Committees**

The number of general purpose standing committees be reduced to nine, comprising standing committees on:

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- Education and Employment;
- Climate Change, Environment and the Arts;
- Health and Ageing;
- Infrastructure and communications;
- Social Policy and Legal Affairs;
- Agriculture, Resources, Fisheries and Forestry; and
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### **10.2 Committee Membership**

Membership of committees will ideally be seven. Committee membership will fully reflect membership of the House, including the crossbench.

The maximum number of supplementary members for each general purpose standing committee inquiry be increased to four; with supplementary members having full participatory rights, other than voting rights.

### **10.3 Powers of Committees**

The powers of Committees be referred immediately to the Committee of Chairs as soon as established to ensure the most authority possible for Committees within allocated resources.

### **10.4 Chair of the Joint Parliamentary Committee on Public Accounts and Audit**

The Chairman of the Joint Parliamentary Committee on Public Accounts and Audit be drawn from a member of a non-Government party or a non-aligned Member.

## **10.5 Pre-Legislative Scrutiny of Bills**

All Bills to be introduced into the House be referred immediately to the Selection Committee.

All Bills regarded as controversial or requiring further consultation or debate be immediately referred to the relevant Standing or Joint Committee to allow a period of discussion and public consultation on introduction. One member objecting in the Selection Committee will be sufficient to declare a Bill controversial.

Non-controversial Bills will be authorised for immediate introduction into the House.

This mechanism will be reviewed to ensure it does not cause unnecessary delays to the House legislative processes, and is indeed a mechanism to speed up the legislative agenda.

## **10.6 Responses to Committee Reports**

Within six months of a House or Joint committee report being presented in the House, a government response will be tabled in the House. If no such response has been received within six months of such a report being presented in the House, a statement signed by the relevant Minister (or Minister representing the Minister) must be tabled stating the reasons why the response could not be prepared in time.

The Minister (or Minister representing the Minister) must also make themselves available to appear before the relevant Committee at the next reasonably available opportunity to answer questions on that statement.

Following this, issues of dispute between a Parliamentary Committee and an Executive will be referred to the Auditor-General for further follow-up, clarification, and attempted resolution.

A timely response to Committee Reports will be included as a Key Performance Indicator in the employment arrangements of Agency Heads.

The Clerks will ensure a report on the status of responses to Committee Reports is included in the Notice Paper on a monthly basis online.

## **10.7 Statements during Private Members Business by Committee Chairs**

Standing orders will be amended to provide for committee Chairs to make short statements during private Members' business time, informing the House of new inquiries being undertaken by the committee.

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The time limit allocated for all Members speaking on Bills will be reduced from 20 to 15 minutes.

The Selection Committee is able to determine, where a Bill is not controversial, that time limits for speaking on that Bill be reduced to 5 or 10 minutes.

Where a large number of Members wish to speak on a particular Bill, the Selection Committee can, by agreement, place limits on speaking times to facilitate as many Members as possible speaking on the Bill.

The Speaker, with the Selection Committee, is to consider and potentially trial 5 minutes of questions (30 second question with two minute answers) at the end of all MP's speeches, so as to encourage "smarter debate".

### **11.2 Consideration in Detail**

The Leader of the House in consultation with the Selection Committee will ensure that;

- during Government Business time in the Main Chamber additional time will be allocated for the summing up of Appropriations and related Budget Bills by the Minister for Finance; and
- additional time is allocated for the Consideration in Detail process in the Main Committee.

## **12. RECOMMITAL OF VOTES**

The Standing Orders be amended so that there may be a recommital of a vote on the same sitting day when a Member is inadvertently absent following a successful suspension of standing orders after debate.

## **13. APPROPRIATION BILLS**

The Senate resolution on appropriation bills which contain matters which should have been the subject of separate legislation is noted. To prevent this occurring, the parties and non-aligned Members agree to developing a mechanism to resolve this issue prior to the next appropriation bills being introduced.

## **14. ASSENT TO LEGISLATION**

A mechanism be established to ensure a commencement date be included in all legislation.

## **15. SITTING DAYS**

That more sitting weeks each year be considered depending on Government and Private Members Business.



## **16. RESOURCES OF THE PARLIAMENT**

### **16.1 Parliamentary Budget Office**

A Parliamentary Budget Office be established, based in the Parliamentary Library, to provide independent costings, fiscal analysis and research to all members of parliament, especially non-government members.

The structure, resourcing and protocols for such an Office be the subject of a decision by a special committee of the Parliament which is truly representative of the Parliament.

### **16.2 External review of staffing levels within the Department of the House of Representatives committee Office**

The Speaker will arrange for an external review of staffing levels within the Department of the House of Representatives Committee Office and the Parliamentary Library.

This will incorporate a work analysis to determine the nature and level of secretariat support necessary for the ongoing inquiry work of committees, to ensure that the House committee system is supported by an adequate number of appropriately qualified staff.

### **16.3 Establishment of a representative House Committee on Appropriations and Staffing**

A House Committee on Appropriations and Staffing be established, chaired by the Speaker, to make recommendations to the House on:

- estimates of the funding required for the operation of the Department of the House of Representatives; such estimates, once agreed by the House, are to be conveyed by the Speaker to the Minister for Finance and Deregulation for consideration and approval;
- proposals for changes to the administrative structure of, or service provision by, the Department of the House of Representatives;
- administration and funding of security measures affecting the House;
- any other matters of finance or services referred to it by the Speaker or the House; and
- the Liaison Committee of Chairs and Deputy Chairs have a more active role in monitoring the resources available to committees, with the Chair to report to the House Committee on Appropriations and Staffing on committee activities and resource levels.

### **16.4 Allocation of teleconferencing and videoconferencing facilities**

The Leader of the House, with the Speaker will investigate the adequacy of teleconferencing and videoconferencing facilities available to committees; and consideration of any upgrades or additional facilities required to meet current and anticipated future demand from committees.

## **17. PAIRING VOTES**

### **17.1 Pairing arrangements for all Members**

Additional mechanisms will be considered that responsibly deal with essential absences by Members from the House, including 'pairs'.

The Government and Opposition will guarantee a 'pair' to non-aligned Members providing there are reasonable grounds.

These arrangements may be similar to those that currently occur between the Whips in the Senate.

## **18. PARLIAMENTARY INTEGRITY COMMISSIONER**

This commissioner would be supervised by the privileges committee from both House and Senate to provide advice, administration and reporting on parliamentary entitlements, investigate and make recommendations to the Privileges Committees on individual investigations, provide advice to parliamentarians on ethical issues and uphold the Parliamentary Code of Conduct and control and maintain the Government's Lobbyists register.

## **19. ESTABLISH A FORMAL CODE OF CONDUCT FOR MEMBERS AND SENATORS**

A cross-party working group and inquiry process will be established to draft a code of conduct for members of the House and the Senate. Once established, this code will be overseen by the Privileges committee.

## **20. REGISTER OF LOBBYISTS**

Further enhancements to the Register of Lobbyists be examined, including to the online publication of the Register and to place the register under the supervision of the Parliamentary Integrity Commissioner.

## **21. REVIEW MECHANISM**

A mechanism will be established to review all standing order and other procedural changes in this agreement and will report following the first session of this Parliament.

## **22. OTHER "BETTER GOVERNMENT" IMPROVEMENTS;**

It is expected, through the life of this Parliament, and with Private Members Bills now having the ability to be voted on, that there will be further steps taken to improve Government in the following way;

- Open and Accountable Government improvements
- Further steps on improving democratic operation of the Parliament
- Electoral Funding Improvements
- Truth in Political Advertising improvements

# AGREEMENT FOR A BETTER PARLIAMENT

## PARLIAMENTARY REFORM

### Preamble

There are 150 local MP's that have recently been elected by the communities of Australia to the House of Representatives. This document is a combined effort to increase the authority and opportunities for participation for all MP's, regardless of their political party or their status of office.

The principles behind this document are twofold; to confirm 150 local MP's (and by extension their communities) as the foundation blocks of our Australian system of democracy, and increasing the authority of the Parliament in its relationship with the Executive.

For these improvements to work, it will take a commitment by all MP's to respect the cultural change that these changes bring. While the community demands a 'fiesty' and 'testing' parliamentary floor, there will be a need for recognition by all to allow more MP's to be involved in various roles and debates, to allow more community issues to be tested through private members voting, and to allow a Speaker (in particular) to rule with a firm hand as debate tests the boundaries of the Standing Orders on the floor.

The Executive will also need to show a commitment to the cultural change that this moment brings, and will need to be more flexible, more consultative, and more engaged with all MP's if these new arrangements are to work.

This document has been produced through engagement with many people, including former Speakers and Clerks, MP's, party "elders", and members of the community. This broad engagement has been done in an endeavour to achieve improvements that are sustainable beyond the current three year-term, and improvements that work for all. All are thanked for their considered involvement.

## **1. ENHANCING THE PARTICIPATION OF ALL MEMBERS IN THE MANAGEMENT OF THE HOUSE OF REPRESENTATIVES**

An expanded Selection Committee will be established, including aligned and non-aligned Members.

The Committee will be Chaired by the Speaker.

All Members will receive the same rights for the purposes of facilitating their full participation in all processes of the House. For the purposes of Standing Order 41A, Question Time and participation in all other debates, all Members interests would be guaranteed by the Selection Committee.

## **2. INDEPENDENT SPEAKER**

### **2.1 Independence**

The role of the Speaker will be independent of Government.

If the Speaker is drawn from a political party then the Deputy Speaker will be drawn from an alternate political party and both the Speaker and Deputy Speaker will:

- abstain from attending their respective party rooms; and
- when in the Chair, be paired for all divisions.

If the Speaker is non-aligned, then the same pairing arrangements will apply.

The Speaker and Deputy Speaker can participate in Private Members' Business but cannot vote.

Members of the Speakers Panel will be temporarily paired when occupying the chair during votes.

### **2.2 Power of the Speaker**

The Speaker will rigorously enforce the Standing Orders of his or her own motion.

## **3. ACKNOWLEDGEMENT OF COUNTRY**

At the beginning of each sitting day, prior to prayers, the Speaker will make an acknowledgement of country.

## **4. QUESTION TIME**

### **4.1 Time Limits for Questions and Answers**

Questions during Question Time be limited to forty five seconds and answers to four minutes.

It is noted that a Member may ask leave of the House for an extension of time.

#### **4.2 Supplementary Question**

The Leader of the Opposition or their delegate has the option of asking one supplementary question during each Question Time.

#### **4.3 Duration of Question**

Question Time will conclude no later than 3.30pm, enabling 20 questions each day in the normal course of events.

#### **4.4 Questions**

The Speaker shall give due regard to Standing Order 100 dealing with the material that questions may contain but not in such a way that would inhibit the ability of the Opposition to hold the Government to account.

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The Standing Orders be amended so that answers must be "directly relevant to the question", with the Speaker to lead on enforcement of the relevance test.

The Government and Opposition will support the Speaker in taking a strong stance on this issue.

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## Appendix C – Recommendations of previous interim reports

### **Interim Report: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament**

April 2011

NO	RECOMMENDATIONS
1	<p>The Committee recommends that the Selection Committee be encouraged to implement the 'General principles relating to the selection of private Members' business' and exercise the flexibility that is available to it pursuant to standing order 222 and the principles, particularly in relation to the length of debates and speaking times allocated.</p> <p><i>Government response: Noted</i></p>
2	<p>The Committee recommends that the House take up the Selection Committee's recommendation that it consider adopting the 'General principles relating to the selection of private Members' business' (contained in Report No. 3 of the Selection Committee of 21 October 2010).</p> <p><i>Government response: Noted</i></p>
3	<p>The Committee recommends that the House considers measures to manage the workload of Members during sitting weeks, having regard to the health and wellbeing of Members, their staff and parliamentary staff, including but not limited to:</p> <ul style="list-style-type: none"><li>a) commencing at 12.00 noon on Mondays in the House and 12.30pm in the Main Committee;</li><li>b) commencing at 12.00 noon on Tuesdays in the House;</li><li>c) offsetting the reduction in sitting hours resulting from a) and b) by reducing the time allocated to private Members' business each week by</li></ul>

	<p>three hours;</p> <p>d) providing that divisions called for after 8.30pm on Mondays and Tuesdays be deferred until the following day; and</p> <p>e) reducing the time allocated for adjournment debate by half an hour on one evening.</p> <p><i>Government response: Noted</i></p>
4	<p>The Committee recommends 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.</p> <p><i>Government response: Supported</i></p>

**Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: Referral of bills to committees by the House Selection Committee**

June 2011

NO	RECOMMENDATION
1	<p>The Committee recommends that standing order 222(a)(iii) be amended to remove the provision that one member of the Selection Committee is sufficient to select a bill for referral to a House or joint committee for advisory report – thereby requiring a majority decision – and to require that the Committee provide reasons for the referral of bills to committees.</p> <p><i>Government response: Supported</i></p>

**Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: The effectiveness of reforms to the House committee system**

February 2012

The Committee's third interim report looked specifically at reforms relating to the House committee system and sought to capture some of the features, opportunities and challenges associated with the first year of their implementation. While the report did not make any recommendations, the review

suggested that reforms to the operation of House and joint committees had generally been embraced enthusiastically by Members, though there were some aspects that the Committee highlighted as warranting further consideration. The Committee indicated that it would continue to seek feedback from Members and collect information about the impact of the reforms on Members' ability to perform their committee roles as effectively as they would wish.