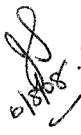


Ms Susan Harris Rimmer

Wednesday, 6 August 2008

The Secretary  
House Standing Committee on Procedure  
House of Representatives  
Parliament House  
Canberra ACT 2600  
By email: Procedure.Committee.Reps@aph.gov.au

Dear Secretary

**Inquiry into the conduct of the business of the House**

I would like to make a submission as an individual to the inquiry on reforms to the conduct of business in the House of Representatives. I was a participant in the Parliamentary Reform stream of the wider Future of Australian Governance group at the 2020 Summit earlier this year. This submission is based on ideas from many of the participants which can be found in the official report, and was especially influenced by Robin Banks, Marian Sawer and Harry Evans.

I note that the inquiry will focus on, but is not limited to:

- Options for sitting hour reform;
- Speaking times for legislation and other debates;
- Length of time allocated to items of business; and
- Options for managing the competing demands on Members' time posed by Chamber duties, party meetings and parliamentary committee meetings.

I recommend that the Committee consider the following four priorities in any reform of the conduct of the business of the House of Representatives.

- Priority 1: Enhance the accountability of the executive government to Parliament, especially financial and procedural accountability
- Priority 2: Improve the quality of the legislative process
- Priority 3: Improve the protection of the rights and responsibilities of Australian citizens through Parliamentary processes, and
- Priority 4: Improve the engagement of citizens with the Parliament.

**Priority 1: Enhance the accountability of the executive government to Parliament, especially financial and procedural accountability**

To be achieved by the following strategies:

*Procedural*

- (1) Independent arbitration of public interest immunity claims by ministers in respect of information required by a House or a committee
- (2) adherence to existing rules about question time. For example, need to review the use of Dorothy Dixers in Question Time (see also reduce number of Govt questions in Question Time)
- (3) parliamentary code of conduct and ethics advisory mechanism (including lobbyists, staffers, Ministers, Press Gallery, MPs and Senators)
- (4) increase in sitting days to at least 80 per year
- (5) review of how to utilise 'free votes' (conscience votes) more effectively
- (6) review role of minor parties and independents in improving democratic and legislative process, and executive to consider how to enhance opportunities for minor parties and independents to participate in both Chambers

*Legislative Program*

- (7) minimum time and process standards for passage of legislation, including committee scrutiny
- (8) negotiation on time limits for urgent bills before any majority-imposed limits
- (9) full ministerial response to any amendments proposed by committees or individual members to government bills
- (10) minimum standards for explanatory documentation for government bills
- (11) better education of new MPs of their role and duty in making legislation better
- (12) scrutiny of the process for referring uncontroversial bills to the Main Committee – for example, some aspects of the citizenship bills were contested but debated in the Main Committee.

*Financial transparency*

- (13) reframing of appropriation bills to specify projects and programs
- (14) full accounting of all government expenditure from all sources
- (15) confirmation of 1999 Senate resolution concerning scope of questioning at estimates hearings

- (16) government contracts and advertising projects to be listed on the Internet, in accordance with Senate resolutions
- (17) impartial determination of government grants and full accounting of grants

*Appointments*

- (18) published selection criteria and merit-based selection processes for government appointments, including judicial appointments, with statements of compliance tabled in each House
- (19) Appointment to executive processes such as reviews etc to be permitted to gain the benefit of consultation of the sector they represent (as opposed to Chatham House Rules)

*Role of Committees*

- (20) minimum time and process standards for committee inquiries
- (21) sharing amongst parties and groups of chairs of committees
- (22) allowing committees to choose subjects of inquiry, subject to direction by relevant House
- (23) Senator Brandis recommended the establishment of an Estimates Committee in the Reps during the 2020 Summit.

*Executive organs*

- (24) ministerial advisers to appear in parliamentary forums to explain their executive actions
- (25) general instruction by government to departments and agencies concerning their duty to co-operate with all parliamentary inquiries
- (26) general instruction by government to departments and agencies concerning their duty to co-operate with FOI requests in the spirit of the FOI Act
- (27) general instruction by government to departments and agencies concerning their duty to design the information in Annual Reports to be of service to Parliamentary scrutiny

*External Affairs Power*

- (28) parliamentary approval motions before treaties are ratified and before war-like overseas commitments of Defence Force personnel, subject to genuinely urgent cases (eg UK reforms)

*Federalism*

- (29) Removal of the federal government's disallowance power from the NT and ACT self-government acts.

*Incumbency entrenchment*

- (30) Need to review use of resources, consultants, government advertising, print and postal allowances, media advisers, MP staff etc.

**Priority 2: Improve the quality of the legislative process**

- (1) minimum time and process standards for passage of legislation, including committee scrutiny for both Chambers
- (2) negotiation on time limits for urgent bills before any majority-imposed limits
- (3) full ministerial response to any amendments proposed by committees or individual members to government bills
- (4) minimum standards for explanatory documentation for government bills
- (5) more resources and formalisation of the role of the Bills Digest service in the Parliamentary Library, effort to attract and retain expertise in the Library, in light of cuts to adviser numbers
- (6) coordinate and better resource the scrutiny of Bills process in the Australian Public Service, especially the role of the Attorney-General's Department and PM&C to better align with the Parliamentary scrutiny of Bills processes

**Priority 3: Improve the protection of the rights and responsibilities of Australian citizens through Parliamentary processes**

- (1) Establish a Parliamentary Charter of Rights, to be accompanied by Human Rights Impact Statements for all new Bills.
- (2) Create a new Joint Standing Committee on Human Rights, modelled on the UK.
- (3) Create an Indigenous Audit Committee with about half a dozen Indigenous Australians to examine relevant portfolio estimates from the point of view of impact on Indigenous people. To be combined with inclusion of a requirement to consider Indigenous impact in Cabinet Submission process?
- (4) Create a Women's Audit Committee, or establish a Standing Committee on Women's Affairs. Australia lacks the kind of parliamentary committees that have responsibility for gender equality matters in European and many other parliaments. In 2008 the Inter-Parliamentary Union (IPU) reported on 80 countries with 93 such parliamentary committees.<sup>1</sup>

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<sup>1</sup> IPU, *Equality in Politics: A Survey of Women and Men in Parliaments*, Geneva, IPU, 2008, p 65; IPU, *The Role of Parliamentary Committees in Mainstreaming Gender and Promoting the Status of Women*, Geneva, IPU, 2007.

- (5) Create a Disability Audit Committee.
- (6) Delegated legislation has a significant impact on people's lives, and yet is insufficiently scrutinised. The Senate Committee on Regulations and Ordinances should be acknowledged as a powerful accountability mechanism and its resources significantly increased.
- (7) Improve the role of JSCOT in relation to human rights actions by changing the terms of reference for DFAT National Interest Analysis and JSCOT's terms of reference. In the alternate, Australia could bypass JSCOT and adopt the automatic incorporation of international instruments – once a human rights treaty is ratified by the executive it automatically becomes justiciable domestically. (This could be done by a blanket provision similar to ss.2 and 3 of the *European Communities Act 1972* (UK) which incorporates and gives priority to directly effective community law.)
- (8) The Commonwealth Parliament could automatically recognise UN treaty body decisions in relation to human rights.

#### **Priority 4: Improve the engagement of citizens with the Parliament**

- (1) Hold a workshop with civil society participants in Senate and Reps Committee processes to evaluate how effective the current mechanisms are in terms of engaging the expertise of the civil society sector in order to enhance public policy development and legislation.
- (2) Improved political finance regulation, including allocation of broadcasting time, to cut back the spiralling cost of election campaigns and restore confidence in the integrity of the political process (for example, linking public funding to expenditure instead of votes won).
- (3) Use of new media to enable more engagement of general public – for example, show interesting evidence from Committee hearings on YouTube.
- (4) Automatic enrolment of voters to enable young people to have adequate voice in elections.
- (5) extending citizen/public access to parliament/politics (see also suggestions about on-line monitoring of responses to petitions, more time being set out aside for public hearings of committee inquiries, public participation in pre-legislative scrutiny by committees).
- (6) voting - online enrolment, able to register to vote on polling day, no need in modern era for close of rolls, automatic re-enrolment after change of address etc
- (7) Youth Summit proposal to lower voting age to 16yrs.
- (8) Acknowledge link to priority 1 - improving the quality of debate, especially Question Time will improve community engagement

- (9) Acknowledgement that the role of the Parliamentary Education Office and tour guides is crucial to public perceptions of Australian democracy, and should be properly resourced
- (10) Need for review of role of media- free time for political advertising, public interest obligations on broadcasters, a fourth free-to-air TV station, media reporting of politics.

**Recommendations**

That the Committee accept the four priority themes for reform, and actively seek evidence in regard to the ideas set out above.

I wish the Committee well in their deliberations on this important matter.

Kind regards

A handwritten signature in cursive script, appearing to read "Susan Harris Rimmer". The signature is written in dark ink and is positioned above the printed name.

**Susan Harris Rimmer**