
The Parliament of the Commonwealth of Australia

Maintenance of the standing orders

House of Representatives
Standing Committee on Procedure

April 2016
Canberra

© Commonwealth of Australia 2016

ISBN 978-1-74366-479-7 (Printed version)

ISBN 978-1-74366-480-3 (HTML version)

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



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



Contents

Foreword	v
Membership of the Committee	vii
Terms of reference	ix
List of recommendations	xi

THE REPORT

1 Introduction	1
Conduct of the inquiry and structure of the report	2
2 Private Members' business and appointments of committee positions	3
Selecting and programming private Members' business	6
History of the Selection Committee	6
Enhancing the status of private Members' business	9
Committee positions.....	11
Committee members appointed to the Ministry	11
Chair and deputy chair appointments.....	12
3 Proposed standing order amendments	17
Statements by indulgence of the Chair	17
Return of items from the Federation Chamber	18
Successive divisions	19
Personal explanations.....	22
Library Committee.....	22
Minor technical amendments	23

Matters for future consideration 25
Deferred divisions 25
Debate management motions 26

APPENDICES

Appendix A – Proposed amendments to the standing orders29
Appendix B – General principles relating to the selection of private Members’
business.....37
Appendix C – Draft standing orders for consideration39



Foreword

During each Parliament, or more commonly towards the conclusion of each Parliament, the Procedure Committee takes time to review the operation of the practices and procedures of the House. Typically, attention will be focussed on those areas which have been subject to recent change but an inquiry can and does encompass other issues. In the last months of the 44th Parliament the Committee has taken the opportunity to review certain procedures as well as consider the potential cultural impact of procedural changes made in recent years.

The House has experienced some turbulence over the past six years. Changes of Speakers and Prime Ministers mid-term, a hung Parliament and a return to majority government have all affected the House and, to an extent, its practices and procedures have been influenced by these changing circumstances.

In a Parliament from which the members of the Executive Government are drawn, there is an inevitable tension between the desire of the Executive to pursue its legislative agenda and the Parliament's role as a scrutiny body, providing checks and balances on the Executive. This is particularly so for the House of Representatives.


In coming to the conclusions of this report, the Committee carefully considered the current balance of this tension and has quite deliberately recommended some measures which enhance the relative standing of the House. There is an understandable temptation on behalf of an Executive with majority control of the House to effect procedural change to ease its relationship with the legislature. However, this risks blurring the important distinction between the legislature and the Executive that is at the core of the Westminster tradition. Diminishing the effectiveness of the House in its scrutiny role is not in the long term interest of the House, the Government or the Australian people.

Some recommendations in this report are for changes to certain standing orders to better reflect current practice or to correct aspects of their operation to better reflect sound parliamentary practice. Other recommendations are more far reaching and seek to place control of matters which are not strictly government

business firmly in the hands of private Members. These recommendations are made with Westminster principles and the primacy of the Parliament in mind.

The Procedure Committee takes seriously its responsibility to uphold and enhance the capacity of the House and its Members to fulfil their functions on behalf of the Australian people. It is also important that all Members of the House understand, value and defend their rights as individual Members as it is only through a strong House that we can achieve sound governance for the electorates we represent in this place.

Dr Andrew Southcott MP
Chair



Membership of the Committee

Chair Andrew Southcott MP

Deputy Chair Michael Danby MP

Members Russell Broadbent MP

Scott Buchholz MP

Ian Goodenough MP

Jill Hall MP

Joanne Ryan MP

Committee Secretariat

Secretary	James Rees
Inquiry Secretary	Siobhán Leyne
Research Officer	Naomi Swann
Administrative Officer	Penny Branson



Terms of reference

To inquire into and report on the maintenance of the standing and sessional orders.



List of recommendations

1

Introduction

2

Private Members' business and appointments of committee positions

Recommendation 1

The Committee recommends that the House adopt the 'general principles relating to the selection of private Members' business' at Appendix B of this report by resolution with continuing effect.

Recommendation 2

The Committee recommends that SO 222 be revised as outlined in Appendix A.

Recommendation 3

The Committee recommends that standing order 229 be amended to insert new part (d) to read:

(d) any Member appointed as a minister immediately ceases to be a member of all committees.

Recommendation 4

The Committee recommends that standing order 232 be omitted and be replaced with standing order 232 outlined in Appendix A.

The Committee further recommends that standing order 137A as outlined in Appendix A be adopted to give effect to the provisions of standing order 232.

3

Proposed standing order amendments

Recommendation 5

The Committee recommends that standing order 1 be amended to omit the time limit for valedictory remarks.

Recommendation 6

The Committee recommends that Standing Order 197 be amended to omit 'a Minister' and insert 'any Member' in its place.

Recommendation 7

The Committee recommends that standing order 131(a) be amended to provide that if a division is called following a division and there is no intervening debate, the Speaker shall appoint tellers immediately and the bells shall be rung for one minute.

Recommendation 8

The Committee recommends that standing order 131(b) be amended to provide that, in a successive division, the tellers may record each Member's vote as being the same as it was in the previous division unless a Member reports to them.

Recommendation 9

The Committee recommends that Standing Order 217 be omitted.

Recommendation 10

The Committee recommends that standing orders 2, 34, 192, 198, and 247 be amended as outlined in Appendix A.

Appendix A – Proposed amendments to the standing orders

Appendix B – General principles relating to the selection of private Members' business

Appendix C – Draft standing orders for consideration

