



The Hon Tony Burke MP

Shadow Minister for Finance
Manager of Opposition Business
Member for Watson

Mr Michael Danby MP
Deputy Chair
Standing Committee on Procedure
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Mr Danby

INQUIRY INTO CONSIDERATION IN DETAIL OF MAIN APPROPRIATION BILL

Thank you for the opportunity to contribute to the Committee's inquiry into the consideration in detail of the main Appropriation Bill (**CID**).

My response to the Committee's terms of reference is as follows:

- The call during CID should continue to be allocated by the Chair on the basis of longstanding convention outlined at page 488 of *Practice*, which states (own emphasis added): *“Although the allocation of the call is a matter for the discretion of the Chair, it is usual, as a principle, to call Members from each side of the House, government and nongovernment, alternately. Within this principle minor parties and any independents are given reasonable opportunities to express their views.”*
- As such, where both a non-government Member and a government Member seek the call immediately after a Minister has spoken, the call should alternate to the non-government Member. This is to avoid a situation where the call is allocated to government Members three times in a row, meaning that government Members may speak for 15 minutes before a non-government Member is able to speak for 5 minutes. This would ensure that debate during CID is fairly weighted between both government and non-government Members.
- Ministers should continue to exercise their own discretion as to when to speak during CID, as outlined at page 432 of *Practice*, which states: *“Members seek the call to question the Minister, often not taking their full five minutes. Ministers may respond to questions individually, may wait until several Members have spoken before responding, or may respond to all questions in their closing remarks.”*

- Ministers should continue to receive priority over other government Members in accordance with page 488 of *Practice*, which states: “A Minister (or Parliamentary Secretary) in charge of business during the consideration in detail of a bill [...] (when any Member may speak as many times as he or she wishes) would usually receive priority over other government Members whenever wishing to speak.”
- During recent CID, a mistaken understanding has arisen that the call should be allocated between three groups: Ministers, government backbenchers and non-Government Members. That is an incorrect reading of convention and *Practice*. *Practice* and convention clearly envisage that the call should be allocated in two equal proportions between government Members (**including both Ministers and backbenchers**) and non-government Members, and not instead allocated in three proportions between Ministers, government backbenchers and non-government Members. Ministers are allocated the call from the proportion afforded to all government Members and do not enjoy a separate proportion. Any other reading would allow debate to be completely dominated by government Members at the expense of both non-government members and proper parliamentary scrutiny.
- Recent disagreements over the conduct of CID have resulted from a lack of understanding of convention and *Practice*, not because the convention applying to the conduct of debate requires change.
- It is for this reason that changes to CID proposed by the Committee in the 43rd Parliament and referred to in clause 3.32 of its recent report on the *Role of the Federation Chamber* should be rejected. Similarly, amendments to Standing Orders should be rejected in favour of a return to longstanding convention outlined in *Practice*.
- The points outlined above largely deal with the current accepted practice for CID, that is, a day and time being allocated for each portfolio (usually 30-90 minutes) to be considered as part of the overall debate for CID which usually runs across one or two weeks, with a mixture of direct statements in debate with questions and answers. This contrasts against the usual form of consideration in detail for bills other than the main Appropriation Bill. The Committee may wish to consider at some point in the future whether the particular practice which has evolved for CID is meeting its intended objectives.

I look forward to the outcome of the Committee’s inquiry.

Yours sincerely



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