



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.

9.2 Proportionate Opportunities to Respond to Ministerial Statements

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

10. THE COMMITTEE SYSTEM

10.1 Numbers of Committees

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

- Aboriginal and Torres Strait Islander Affairs;
- Economics;
- 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
- Regional Australia.

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.

11. CONSIDERATION OF BILLS

11.1 Speaking Times

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
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