

The Main Committee: 1994-2000

Introduction

- 1.1 This chapter outlines the history of the Main Committee and concentrates on key stages in its formation and development. The next chapter discusses in more detail the motivation for its establishment and the expectations which were held of it. The third chapter assesses the extent to which it has met those expectations.

Birth

- 1.2 When the House of Representatives adjourned at 4.40 p.m. on 9 May 1901 it had concluded its first day of sitting with a dispute over rules of procedure and the first attempt at dissent from a Speaker's ruling. Indeed the House had met without its own standing orders and continued to operate for some time with what Edmund Barton described as a 'compilation which endeavoured to interweave what were thought to be the best of those of the various Parliaments'.¹ There were no similar problems when the Main Committee met for the first time on 8 June 1994.
- 1.3 Proceedings started with a statement from the Chair:

Before the Clerk of the Committee calls on the first item of business for consideration, it might be appropriate if I outline some matters of practice and procedure relating to the Main

1 H. R. Deb. (9.5.1901) 25. The Prime Minister may have exaggerated the inclusiveness of the compilation; see *Reid and Forrest*, p 134 ff

Committee deliberations. The proceedings of the Main Committee are very much proceedings of the parliament and, as such, warrant the same respect as those conducted in the House of Representatives chamber. As a general rule, the practice and procedure observed in the chamber will apply in the Main Committee unless the standing orders specifically provide otherwise. ...²

- 1.4 Deputy Speaker Jenkins went on to outline the more important features of the Main Committee in action—rules of behaviour, seating, quorum, suspension for divisions in the House, decision of questions, official records and facilities—and concluded by remarking:

I am sure that, with the cooperation of all members, the Main Committee will make the positive contribution to the workings of the House of Representatives envisaged by the Standing Committee on Procedure.³

- 1.5 The then Leader of the House and Minister for Finance, Mr Beazley, moved that the first piece of legislation to be considered by the Main Committee—the Superannuation Legislation Amendment Bill 1994—be read a second time. The then Manager of Opposition Business, Mr Howard, spoke by indulgence in support of the Main Committee. And the then, and current, Member for Banks made the first interjection.
- 1.6 The first three hours of the Main Committee passed without controversy. That they did so reflected both its modest ambitions and the careful attention paid to its design.

Conception

- 1.7 The Standing Committee on Procedure met on 13 May 1993 for the first time in the newly opened 37th Parliament. It resolved to review a wide range of issues which it believed were causing concern, not least in the general community. By the end of the review those issues had crystallised into three main areas for action: handling legislation, the structure and conduct of question time and the fortnightly sitting program.
- 1.8 The committee delivered a majority report to the House on 28 October 1993. Among the recommendations of *About time*, also known as the ‘Blewett report’, was its key proposal to improve the handling of
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2 H. R. Deb. (8.6.1994) 1725

3 id.

legislation: the establishment of the Main Committee. The Procedure Committee envisaged a standing committee of the whole which would deal with the second reading and consideration in detail stages of selected bills and would 'thus constitute a second legislative stream'.⁴ This parallel stream would divert some of the flow which at times stretched the capacity of the House itself. A dissenting report by 2 of the 8 members of the committee opposed the establishment of the Main Committee and suggested that an extended range of alternative means of increasing the amount of House debating time should be investigated.

- 1.9 The Procedure Committee was at pains to stress that its recommendations were not 'radical', 'original' or 'overly ambitious'. Rather it recognised that 'institutional change must be evolutionary'.⁵ Nevertheless there was an element of understatement in its advocacy which was recognised both in the dissenting report and also in debate a little over three months later when the motion to implement the recommendations came before the House.
- 1.10 The Government's response to the committee's recommendations was foreshadowed in a ministerial statement to the House by Prime Minister Keating on 8 February 1994. He indicated that the Government intended 'to accept, in whole or in part, the great majority of the committee's recommendations'.⁶ The size of that majority was later questioned by some and the Government's motives were appraised in a discussion of a matter of public importance the next day.⁷
- 1.11 The Government presented its formal response to *About time* on 10 February 1994⁸ and later that day the House adopted new and amended standing orders essentially giving effect to the committee's proposals. Though some Members disputed this point, the changes to the standing orders reflected a broad acceptance of the package contained in *About time*, a consummation which the committee had desired.⁹
- 1.12 More disquiet centred on the Government's implementation of the rostering of Ministers at question time, a separate issue from the handling of legislation.¹⁰ On the Main Committee itself, the Opposition indicated a

4 *About time*, p 8

5 *ibid.*, p 2

6 H. R. Deb. (8.2.1994) 537

7 H. R. Deb. (9.2.1994) 626

8 VP 1993-94-95-96/752

9 *About time*, p 3

10 The committee itself later expressed its dissatisfaction on this score. See *Time for review*, pp 20-1

willingness to 'give it a go'.¹¹ However some aspects of the formation of the Main Committee attracted unfavourable comment, including its venue, status and the size of its quorum. Nonetheless the three motions which implemented the broad package were each agreed to without division.

Matters of practice and procedure

- 1.13 It was recognised at the outset that proceedings in the Main Committee would be less formal. This was a reflection both of experience gained during experiments with legislation committees between 1978 and 1980 and the spirit of cooperation which would need to be fostered were it to operate successfully. The committee decided not to recommend the resurrection of legislation committees principally because their use in the period 1978-80 did not seem to have saved time for the House. However it wished to retain the more bipartisan atmosphere which had prevailed.
- 1.14 The changes to the standing orders which ultimately gave birth to the Main Committee were crafted on a foundation of indivisible cooperation and due deference to the priority of the House. When the Procedure Committee reviewed the changes wrought from *About time* it saw no need to alter that foundation.¹²
- 1.15 As with any of the House's committees, it was a creature of the House and must remain subordinate to it. Thus it could only consider matters which had been referred to it. It could meet only while the House was sitting. It could not resolve to suspend standing and sessional orders. Any decision it made on the business referred to it must later be confirmed by a decision of the House.
- 1.16 While it was a general rule that the practice and procedure of the chamber applied in the Main Committee, other important exceptions included seats not being allocated to specific members; a quorum comprising the Chair, a government Member and a non-government Member; suspension of proceedings for a division in the House; the ability to continue proceedings if an unresolved question did not prevent them; and the ability of a single Member to bring proceedings to a halt.
- 1.17 The final exception was the keystone. No decisions which were not unanimous could be taken in the Main Committee. In the absence of
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11 H. R. Deb. (10.2.1994) 815

12 *Time for review*, p 17

unanimity, a question would remain unresolved and would be referred back to the House.

Controversy and contention

- 1.18 The first unresolved question in the Main Committee occurred at its second meeting on 9 June 1994. An Opposition Member moved an amendment to the Corporations Legislation Amendment Bill 1994. The Minister present indicated that the Government could not agree and after some initial confusion a modus operandi was established and in accordance with standing order 276 consideration in detail continued notwithstanding the unresolved question. The bill was subsequently returned to the House with amendments and an unresolved question. The question was negatived by the House on the voices.¹³
- 1.19 Thus from the outset it was evident that not every bill referred to the Main Committee went there with pre-existing bipartisan support. In some cases that support may have been general but not all-encompassing; the principles of a bill might be supported but not every detail. Of course not every bill that encountered hurdles was necessarily contentious.
- 1.20 Bills have been referred to the Main Committee and have been returned without being considered at all. The first occasion involved the Aboriginal and Torres Strait Islander Commission Amendment Bill 1994. It had been among the first set of bills referred to the Main Committee but when it was called on at the second meeting on 9 June 1994, a motion was immediately agreed to that further proceedings be conducted in the House. It was explained that the time required to consider two other bills would not allow sufficient time for this bill to be debated and that if it were to be passed according to the Government's timetable, it would need to be returned to the House to allow debate to proceed.¹⁴ Particularly in the early days, while managers of business were still improvising the rhythm and tempo of the Main Committee, it was not unusual for bills to be returned and subsequently referred again.
- 1.21 On 17 June 1997 the Main Committee returned the Appropriation Bill (No. 1) 1997-98 with an unresolved question on a second reading amendment. The amendment was negatived on division in the House, the second reading was agreed to and the bill was immediately re-referred to

13 H. R. Deb. (9.6.1994) 1890-4, 1867-8

14 H. R. Deb. (9.6.1994) 1875

the Main Committee for the consideration in detail stage.¹⁵ A similar procedure was followed a year later and continuation of the Budget debate in the Main Committee became an established practice.¹⁶

- 1.22 Over time a more sophisticated approach to referring legislation developed: rather than restricting bills to those upon which there was no disagreement, bills could be referred even if they were controversial but so long as it was agreed that it was appropriate to consider them in the Main Committee.
- 1.23 The first, and to date only, item of private Members' business referred to the Main Committee was the Euthanasia Laws Bill 1996. The reference of this bill was unusual in a number of respects.
- 1.24 First was the fact that it was private Members' business. The ordering of private Members' business is usually the responsibility of the Selection Committee.¹⁷ However the standing orders did not, and do not, prohibit the reference of private Members' bills to the Main Committee inasmuch as standing order 270 does not distinguish them from Government bills.
- 1.25 Another unusual aspect of the reference was the fact that the bill was undoubtedly controversial. Of course, as noted above, the original assumption that only non-controversial legislation would be referred had given way to a more sophisticated approach: relatively controversial legislation would be considered in the Main Committee as long as there was consensus that it was appropriate to consider it there. The reference of the Euthanasia Laws Bill went beyond this.
- 1.26 The third unusual aspect was the machinery employed to refer the bill. On 8 October 1996, the Leader of the House moved, pursuant to notice, the suspension of standing and sessional orders to enable the bill to be called on for debate in the House for a specified period before being referred to the Main Committee. Further, debate in the Main Committee would terminate before any questions were put, Members speaking in the Main Committee would be limited to 10 minutes each, a quorum of the Main Committee would comprise the chair and two other Members (rather than specifically one government Member and one non-government Member¹⁸) and debate would continue regardless of unresolved questions.

15 VP 1996-97-98/1667

16 VP 1996-97-98/3081

17 SO 331

18 SO 272

Character development

- 1.27 At its conception, the Main Committee was envisaged as a parallel legislative stream. By the time it was delivered, it had taken on an additional character as a forum to debate motions on government papers and committee and delegation reports. The Main Committee exercised to some extent, then, the House's legislative and accountability functions.¹⁹ However, to this point it was still constrained totally by the dictates of the House.
- 1.28 In early 1997 the Procedure Committee examined ways to increase the opportunities for Members to raise matters of concern to them and their constituents. It recommended in its subsequent report that provision be made for Members' 90-second statements and adjournment debate in the Main Committee.²⁰ For once, the Procedure Committee received more than it had asked for and on 4 December 1997 the House adopted sessional orders to enable a trial during the sittings in early 1998 of Members' 3-minute statements for approximately 20 minutes at the start of, and a 30-minute adjournment debate at the end of, each Thursday meeting of the Main Committee.²¹
- 1.29 The Main Committee thereby took on a third function of the House, ventilation of grievances and matters of interest or concern. Further, for the first time proceedings in the Main Committee ranged beyond the confines of business referred to it by the House. The Procedure Committee had noted that 'such an extension would result in some change in the Main Committee's nature'²² but the trial period passed 'without compromising the functions of the Main Committee' and on 30 June 1998 the House formalised the arrangement by adopting the changes into the standing orders.²³ The Main Committee had ceased to be merely a parallel legislative stream and had made the first tentative steps to becoming a parallel Chamber for the full range of proceedings.

19 See *H. R. Practice*, pp 38-42 for a detailed description of the functions of the House

20 *Short speeches*, pp 5-7

21 VP 1996-97-98/2641ff

22 *Short speeches*, p 1

23 VP 1996-97-98/3170-1

Coming of age

- 1.30 Having existed for five years and having met on over 200 occasions, the Main Committee can be said to have outlived its infancy. Its progenitor, the House of Representatives, is about to enter its second century. It is timely to evaluate the extent to which the Main Committee has met the expectations of it and to consider whether it should be allowed additional responsibilities in the day-to-day life of the Parliament.
- 1.31 Significant events in the formulation and development of the Main Committee are listed in Table 1.1.

Table 1.1: Main Committee milestones

28 October 1993	Procedure Committee presented <i>About time</i> report which recommended establishment of the Main Committee
8 February 1994	Prime Minister made a ministerial statement foreshadowing the Government's response to <i>About time</i>
10 February 1994	Government presented its response to <i>About time</i> House adopted new standing orders to establish the Main Committee
12 May 1994	House amended standing orders to enable motions to take note of papers to be considered in the Main Committee [in addition to bills and motions to take note of committee and delegation reports]
8 June 1994	Main Committee met for the first time
9 November 1994	House amended standing orders to fine tune operation of the Main Committee
1 June 1995	House referred Appropriation Bill (No. 1) 1995-96 to the Main Committee
19 June 1995	Procedure Committee presented <i>Time for review</i> report which reviewed the outcome of <i>About time</i> , including the establishment of the Main Committee
8 October 1996	House referred Euthanasia Laws Bill 1996 to the Main Committee
20 October 1997	Procedure Committee presented <i>Short speeches</i> report which recommended that Thursday meetings of the Main Committee start with a 15-minute period of 90-second statements and conclude with a 30-minute adjournment debate
4 December 1997	House adopted sessional orders for 1998 autumn and winter sittings to allow: <ul style="list-style-type: none"> • Members' 3-minute statements at the start, and • an adjournment debate at the conclusion— of Thursday meetings of the Main Committee
30 June 1998	House adopted as standing orders, sessional orders allowing Members' 3-minute statements and adjournment debate on Thursdays
31 March 1999	House amended standing orders to allow Parliamentary Secretaries to make 3-minute statements in the Main Committee and 3-minute statements to be made on each day the Main Committee met before 10 a.m., effectively Wednesday and Thursday
