
The Parliament of the Commonwealth of Australia

Maintenance of the standing and sessional orders

House of Representatives
Standing Committee on Procedure

June 2013
Canberra

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Foreword


On 28 October 2010 the Procedure Committee adopted the wide-ranging reference, 'The maintenance of the standing and sessional orders'. Over the years, previous Procedure Committees have adopted the same reference and used it, as has the current Committee, to identify and examine minor irregularities and problems in the sessional and standing orders which arise from time to time, and to propose possible improvements.

In this report we revisit a number of procedural changes that we recommended in previous reports on the reforms of the 43rd Parliament. The Committee considers these proposals would enhance efficiency and we hope they will be taken up. We also took the opportunity to acknowledge some minor, technical irregularities in the standing orders that have been brought to our attention. Sometimes these issues cause confusion and we hope that our suggestions, if implemented, will assist Members in their use and understanding of the standing orders and assist the understanding of people who are interested in the operations of the House.

During the inquiry the Committee also received several suggestions that are substantial: they are more than technical matters. They have been included in this report, along with the Committee's preliminary views, so that Members are aware of them and can consider the possibilities they present.

Overall, the amendments to the standing orders proposed by the Committee in this report are intended to correct anomalies or inconsistencies within the standing orders, to improve the efficiency of proceedings, and to better align the standing orders with House practice. At this late stage in the 43rd Parliament, the Committee is pleased to provide what it hopes is a useful collection of comments and practical suggestions, for the preliminary consideration of the House now and, hopefully, in more detail in the next Parliament.

Geoff Lyons MP
Chair



Membership of the Committee

Chair Mr Geoff Lyons MP

Deputy Chair Mr Russell Broadbent MP

Members Hon Joel Fitzgibbon MP (*to 14.05.13*) Mr Steve Irons MP
 Ms Jill Hall MP Mr Ewen Jones MP
 Mr Chris Hayes MP (*from 14.05.13*) Ms Julie Owens MP

Committee Secretariat

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	Mr Peter Fowler
	Ms Penny Branson



Terms of reference

Terms of reference of the Committee

To inquire into and report on the practices and procedures of the House and its committees.

Terms of reference for the inquiry

Maintenance of the standing and sessional orders.



List of recommendations

1

Introduction

2

Refinements to improve the efficiency of proceedings

Recommendation 1

The Committee recommends that:

- a) standing order 183 be amended to provide for private Members' business and committee and delegation business to be referred directly to the Federation Chamber by the Selection Committee report mechanism;
- b) standing order 222 be amended to clarify that the Selection Committee may initiate referral of certain matters to the Federation Chamber and that such referrals are deemed referrals of the House;
- c) standing order 39 be amended to allow committee and delegation reports selected by the Selection Committee to be presented in the Federation Chamber and remove the need for the Speaker's involvement in the formal referral;
- d) standing order 41 be amended to remove the need for the Speaker's involvement in the referral of private Members' bills and motions scheduled by the Selection Committee for consideration in the Federation Chamber; and
- e) standing order 140 be amended to maintain consistency with the amendment to standing order 41 and remove the involvement of the

Speaker in the referral of private Members' bills to the Federation Chamber.

(See Appendix A, pages 31-32, 34, and 36-39, for detailed proposed amendments.)

Recommendation 2

The Committee recommends that standing order 197(a) be relied on to return private Members' business items from the Federation Chamber to the House.

Recommendation 3

The Committee recommends that provisions for the presentation and debate of private Members' bills be amended, specifically:

- a) standing order 41 be amended to provide for private Members to speak to the second reading instead of making a presentation statement;
- b) standing order 1 be amended to provide for private Members to make a second reading speech for up to 10 minutes in place of a statement on presentation of a private Members' bill and, if required, speak in continuation for a further 5 minutes when debate resumes;
- c) standing order 1 also be amended to provide for all Members (except the mover) who speak on the second reading of private Members' bills to speak for 15 minutes or lesser time as determined by the Selection Committee;
- d) standing order 141 be amended to provide consistency by removing reference to the statement on presentation of a private Member's bill; and
- e) standing order 142 be amended to remove the requirement that after a private Member's bill is presented, the motion for the second reading of a private Member's bill be placed on the Notice Paper for a later date.

(See Appendix A, pages 28, 32 and 34, for detailed proposed amendments.)

Recommendation 4

The Committee recommends that standing order 1 be amended to reduce the maximum time limits for speeches in debates 'not otherwise provided for' to 15 minutes for the mover and to 10 minutes for other Members.

(See Appendix A, page 29, for detailed proposed amendments.)

Recommendation 5

The Committee recommends that standing orders 215(d) and 229(c) be amended to indicate clearly that supplementary Members of House Committees are appointed by a resolution of the House.

(See Appendix A, pages 38 and 40, for detailed proposed amendments.)

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Technical amendments

Recommendation 6

The Committee recommends that:

- a) standing order 183 be amended to provide for the referral of statements by indulgence to the Federation Chamber; and
- b) standing order 1 be amended to provide for a time limit of 10 minutes for further statements by indulgence referred to the Federation Chamber.

(See Appendix A, pages 29 and 36, for detailed proposed amendments.)

Recommendation 7

The Committee recommends that:

- a) standing order 39(d) be amended to provide for the resumption of debate on committee and delegation reports to be referred to the Federation Chamber; and
- b) standing order 39(e) be amended to clarify that committee reports (not delegation reports) shall be made Parliamentary Papers on presentation.

(See Appendix A, page 31, for detailed proposed amendments.)

Recommendation 8

The Committee recommends that standing order 143 be amended to:

- a) restore there the provision for the referral of bills to committees by a motion moved in the House; and
- b) provide for statements discharging the requirement to provide an advisory report when a committee finds no issue to report on and to require that the relevant minutes of proceedings be presented with the discharge statement.

(See appendix A, page 34, for detailed proposed amendments.)

Recommendation 9

The Committee recommends that standing order 227 be deleted.

(See Appendix A, page 40, for detailed proposed amendment.)

Recommendation 10

The Committee recommends that standing order 235 be amended to remove the need for a committee to resolve to use audio visual links.

(See Appendix A, page 40, for detailed proposed amendments.)

Recommendation 11

The Committee recommends that standing orders 146 and 155 be amended to remove the unnecessary wording and state clearly that 'the bill be not read a second/third time'.

(See Appendix A, page 35, for detailed proposed amendments.)

Recommendation 12

The Committee recommends that standing order 257(c) be amended to state that Senators must observe the Speaker's instructions regarding good order wherever they are in the Chamber or galleries.

(See Appendix A, page 40, for detailed proposed amendments.)

Recommendation 13

The Committee recommends that the presentation of Figure 4 in standing order 192 be amended to clarify the indicative nature of the order of business for the Federation Chamber.

(See Appendix A, page 37, for detailed proposed amendments.)

Recommendation 14

The Committee recommends that standing order 1 be amended to remove the inconsistency in wording with standing order 39.

(See Appendix A, page 29, for detailed proposed amendment.)

Recommendation 15

The Committee recommends that the heading of standing order 198 be amended to read 'Report to the House'.

(See Appendix A, page 38, for detailed proposed amendment.)

4

Other issues

Recommendation 16

The Committee recommends that standing orders be amended to provide for at least one of the positions of Speaker, Deputy Speaker and Second Deputy Speaker to be filled by a non-government Member.

Appendix A

