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The Parliament of the Commonwealth of Australia

# **A history of the Procedure Committee on its 20th anniversary**

**Procedural reform in the House of Representatives: 1985–2005**

House of Representatives  
Standing Committee on Procedure

October 2005  
CANBERRA

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## Foreword

*Although the Standing Orders Committees of the House of Representatives and Senate have, from time to time, recommended valuable reforms to the procedures of the Houses there has not been any effective ongoing consideration of procedure and practice. ... There have been few notable achievements made by either Standing Orders Committee.*

JCPCS (1976), 72

The above quotation was the judgment on the effectiveness of the standing orders committees which the Joint Committee on the Parliamentary Committee System delivered in its report of May 1976. In surveying all existing parliamentary committees, the joint committee examined the record of the standing orders committees in the Senate and the House of Representatives and noted systemic impediments to procedural reform in both Houses.

As if to confirm a suggestion of institutional inertia, the Houses were slow to respond. Almost nine years were to pass before the House, in 1985, appointed its first Standing Committee on Procedure. The Senate appointed its Procedure Committee in 1987.

The House did not follow the joint committee's proposal that a newly established procedure committee coexist with the Standing Orders Committee, each having a distinct but complementary role. Rather, exercising its habitual caution in approaching procedural reform, the House appointed its Procedure Committee in lieu of the Standing Orders Committee. Nonetheless, explicit standing terms of reference and a less exclusive membership prevented any suggestion that a change of name was change enough.

The committee was first appointed early in the 34th Parliament by resolution of the House on 27 February 1985. It was reappointed by sessional order at the beginning of the 35th and 36th Parliaments (1987 and 1990). It became a lasting feature of the parliamentary landscape when, on 15 October 1992, its appointment

at the start of each subsequent Parliament became entrenched in the standing orders.

This report celebrates the 20th anniversary of the appointment of the first House of Representatives Standing Committee on Procedure.<sup>1</sup> The committee, now in its 8th formation, has taken this opportunity to look broadly at procedural reform in the House of Representatives since 1985 and to allow the committee's role in the process to emerge from that wider canvas.

The House did not devise the rules and orders which governed the conduct of its business when it commenced proceedings in 1901. It started with a set of provisional standing orders drafted by a former clerk of a colonial legislature which mixed colonial experience with a Westminster inheritance. This makeshift set of rules, shaped more by the past than by new circumstances, was to serve the House for fifty years.

Generally speaking, when the House's rules and operating procedures were amended during the first eight decades of the Commonwealth Parliament, the emphasis was on allowing the Government to govern. But while passing laws may be paramount, a House of Parliament should be much more than a processor of legislation. It has other functions, not least scrutiny of government and representation of constituents. At the time the Procedure Committee was established, there were many Members who believed that the existing practices and procedures of the House did not allow them to perform those functions properly.

At its inception, the Procedure Committee was expected to make the conduct of business more efficient by renovating the House's practices and procedures after decades of neglect; to enable backbenchers to participate more fully in the House's proceedings; and to assist the Speaker in resolving ambiguities and inconsistencies in the standing orders.

Twenty years later, it can be claimed that the committee has met each of these expectations. Five major accomplishments, in particular, bear witness to this assertion:

- the adoption in 1987 of a comprehensive regime for arranging private Members' business and the presentation and consideration of committee and delegation reports;
- the establishment in 1994 of the Main Committee as a parallel chamber for debate which over time has absorbed a significant portion of the House's workload and allowed private Members further opportunities;

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<sup>1</sup> The report covers activities to the end of March 2005—while the committee was formally established on 27 February 1985, it did not meet for the first time until 20 March 1985.



- the acceptance from 2000 of a number of measures to foster community involvement in the activities of the House and its committees;
- the restructuring of sitting hours in 2003 to minimise late sittings; and
- the complete redrafting and reorganisation of the standing orders adopted by the House in 2004.

These are the more obvious achievements. However, its continuing responsiveness to emerging problems and its ability to recommend practicable solutions should also be noted. There are many examples.

A detailed examination of the committee's activities over twenty years reveals a development based on growing confidence and effectiveness. The committee has extended and refined its own operating procedures and has increasingly cultivated working relationships with the major players in the conduct of House business.

The following pages will allow readers to form their own opinions on whether procedural reform continues to occur to facilitate the passage of government business. The committee believes the evidence reveals an agent for change unmatched by its predecessors and a contribution which the House has ample reason to celebrate.

**Margaret May MP**  
**Chair**  
31 October 2005





## **Membership of the Committee**

**Chair** Mrs M A May MP

**Deputy Chair** Mr D Melham MP

**Members** Hon B K Bishop MP

Mrs P Draper MP

Mr L Hartsuyker MP *(from 31 May 2005)*

Ms K J Hoare MP

Mr P C Neville MP *(to 31 May 2005)*

Hon L R S Price MP

## **Committee Secretariat**

**Secretary** Ms Judy Middlebrook;  
Ms Robyn McClelland *(from 24 August 2005)*

**Research Officers** John Craig, Samantha Mannette

**Administrative Officer** Penelope Branson

House of Representatives  
Parliament House  
Canberra ACT 2600  
Telephone: (02) 6277 4685  
Email: [Procedure.Committee.Reps@aph.gov.au](mailto:Procedure.Committee.Reps@aph.gov.au)  
URL: [www.aph.gov.au/house/committee/proc/](http://www.aph.gov.au/house/committee/proc/)





## **Standing terms of reference**

### **2004–**

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

*[Standing order 221]*

### **1985–2004**

To inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

*[Standing order 330: 1998–2004]*  
*[Sessional order 28C: 1987–1998]*  
*[Resolution of appointment—1985–1987]*





# Terminology

## Parliamentary time

This report uses parliamentary terms in the same sense as they are used in *House of Representatives Practice*. Some terms relating to the parliamentary calendar are used frequently in the following pages and, because they are often used elsewhere informally, their formal definitions<sup>2</sup> are reproduced here.

### **Parliament**

A Parliament commences upon the first sitting day following a general election and concludes either at dissolution or at the expiration of three years from the first meeting of the House—whichever occurs first.

### **Session**

A session commences upon the first sitting day following a general election or prorogation and concludes either by prorogation (the formal ending of a session), dissolution or at the expiration of three years from the first meeting of the House.

### **Sitting period**

Sitting periods occur within a session. Sittings of the House in each calendar year are usually divided into distinct periods—the Autumn, Budget and Spring sittings.

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<sup>2</sup> *House of Representatives Practice*, 5th edn, 212—see the **Reference guide** below for a fuller bibliographic description of this publication.

**Sitting**

A sitting commences pursuant to the standing or sessional orders, or in accordance with a resolution of the House at a previous sitting, and concludes with the adjournment of the same sitting. The same sitting may extend over more than one day.

**Recess**

A recess is a period between sessions of the Parliament or the period between the close of a session by prorogation and the dissolution or expiry of the House.

**Adjournment**

An adjournment is said to occur when the House stands adjourned, by its own resolution or in accordance with the standing orders, for any period of time. Thus the term covers the period between the end of one sitting day and the commencement of the next, the gap (usually of two weeks) between sitting weeks within a sitting period, and also the periods of time between the main sitting periods each year, which are technically not recesses, although they are often colloquially referred to as such.

**Suspension of sitting**

Sittings are suspended, that is, temporarily interrupted, with the Speaker or Member presiding leaving the Chair, for a variety of reasons.

**Parliaments**

For chronological ease, the text makes frequent reference to specific Parliaments. Parliaments, as defined above, are numbered sequentially from the first, which commenced in 1901, to the 41st which commenced on 16 November 2004. The table on the facing page, adapted from the fifth edition of *House of Representatives Practice*, sets out the Parliaments during which most of the events in this report occurred.



## Chronology of recent Parliaments

<i>Parliament</i>	<i>General elections</i>	<i>Opening</i>	<i>House's last sitting day</i>	<i>Prorogation</i>	<i>Dissolution</i>
<b>29th Parliament</b>	18.5.1974				
First Session		9.7.1974	11.11.1975		11.11.1975
<b>30th Parliament</b>	13.12.1975				
First Session		17.2.1976	24.2.1977	28.2.1977	
Second Session		8.3.1977	8.11.1977		10.11.1977
<b>31st Parliament</b>	10.12.1977				
First Session		21.2.1978	18.9.1980		19.9.1980
<b>32nd Parliament</b>	18.10.1980				
First Session		25.11.1980	14-15.12.1982		4.2.1983
<b>33rd Parliament</b>	5.3.1983				
First Session		21.4.1983	11.10.1984		26.10.1984
<b>34th Parliament</b>	1.12.1984				
First Session		21.2.1985	4.6.1987		5.6.1987
<b>35th Parliament</b>	11.7.1987				
First Session		14.9.1987	22.12.1989		19.2.1990
<b>36th Parliament</b>	24.3.1990				
First Session		8.5.1990	17-18.12.1992	8.2.1993	8.2.1993
<b>37th Parliament</b>	13.3.1993				
First Session		4.5.1993	30.11-1.12.1995	29.1.1996	29.1.1996
<b>38th Parliament</b>	2.3.1996				
First Session		30.4.1996	15.7.1998	31.8.1998	31.8.1998
<b>39th Parliament</b>	3.10.1998				
First Session		10.11.1998	27.9.2001	8.10.2001	8.10.2001
<b>40th Parliament</b>	10.11.2001				
First Session		12.2.2002	12-13.8.2004	31.8.2004	31.8.2004
<b>41st Parliament</b>	9.10.2004				
First Session		16.11.2004			



# Reference guide

## General

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- Bach** Bach, Stanley, *Platypus and parliament: The Australian Senate in theory and practice*, Canberra: Department of the Senate, 2003
- Boulton** Boulton, C. J., 'The Select Committee on Procedure, 1967' in *The Table*, The Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments, Vol XXXVI (1967), 58–62
- DHR** Department of the House of Representatives, Annual report
- Griffith & Ryle** Griffith, J. A. G. and Ryle, Michael, *Parliament: Functions, practice and procedures*, London: Sweet & Maxwell, 1989
- Hatsell** Hatsell, John, *Precedents of proceedings in the House of Commons*, Vols I-IV, Luke Hansard & Sons, 1818 reprinted Shannon, Ireland: Irish University Press, 1971
- HR Deb** House of Representatives Debates (*Hansard*). references are to date and page
- HR Practice (1st edn)** Pettifer, J. A. (ed), *House of Representatives Practice*, 1st edn, Canberra: Australian Government Publishing Service, 1981
- HR Practice (2nd edn)** Browning, A. R. (ed), *House of Representatives Practice*, 2nd edn, Canberra: Australian Government Publishing Service, 1989
- HR Practice (3rd edn)** Barlin, L. M. (ed), *House of Representatives Practice*, 3rd edn, Canberra: Australian Government Publishing Service, 1997
- HR Practice (4th edn)** Harris, I. C. (ed), *House of Representatives Practice*, 4th edn, Canberra: Department of the House of Representatives, 2001
- HR Practice (5th edn)** Harris, I. C. (ed), *House of Representatives Practice*, 5th edn, Canberra: Department of the House of Representatives, 2005
- Hughes** Hughes, W. M., 'The tribute of a contemporary' in Fitzhardinge, L. F., *Nation building in Australia*, Sydney: Angus & Robertson, 1941
- Ilbert** Ilbert, Sir Courtney, Preface to Redlich, Joseph, *The Procedure of the House of Commons: A study of its history and present form*, London: Constable, 1908, Volume I

- JCPCS (1975)** Joint Committee on the Parliamentary Committee System, *A proposed system of committees for the Australian Parliament*, Interim report, 15 October 1975, PP 275 (1975)
- JCPCS (1976)** Joint Committee on the Parliamentary Committee System, *A new parliamentary committee system*, 26 May 1976, PP 128 (1976)
- May** McKay, Sir William (ed), *Erskine May's Treatise on the law, privileges proceedings and usage of Parliament*, 23rd edn, London: LexisNexis UK, 2004
- Norton** Norton, Philip, 'Playing by the rules: The constraining hand of parliamentary procedure' in *Journal of Legislative Studies*, Vol. 7, No. 3, Autumn 2001, 13–33
- NP** House of Representatives Notice Paper
- Quick & Garran** Quick, J. and Garran, R. R., *The Annotated Constitution of the Australian Commonwealth*, Sydney: Angus & Robertson, 1901
- Reid** Reid, G., *The politics of financial control: The role of the House of Commons*, London.: Hutchison University Library, 1966
- Reid & Forrest** Reid, G. S. and Forrest, Martyn, *Australia's Commonwealth Parliament 1901–1988: Ten perspectives*, Carlton, Vic.: Melbourne University Press, 1989
- Scholes (1981)** Speech by the Hon. G. G. D. Scholes, HR Deb (19.8.1981) 420–2
- SJ** Journals of the Senate
- SOC (1949)** House of Representatives Standing Orders Committee, *Report and proposed standing orders*, 7 October 1949
- SOC (1950)** House of Representatives Standing Orders Committee, *Report and proposed standing orders*, 16 March 1950
- SOC (1962)** House of Representatives Standing Orders Committee, *Report together with proposed revised standing orders of the House of Representatives*, 28 August 1962, H of R 1 [Group I]
- Souter** Souter, Gavin, *Acts of Parliament: a narrative history of the Senate and House of Representatives*, Carlton, Vic.: Melbourne University Press, 1988
- Table** Society of Clerks-at-the-Table, *Table*, London: Butterworth (published annually)
- VP** Votes and Proceedings of the House of Representatives
- Weller** Weller, P., 'Parliamentary democracy in Australia' in *Parliamentary Affairs*, Vol. 57 No. 3, 630–45

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## Reports of the Standing Committee on Procedure (*to March 2005*)

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<b>About time</b>	<i>About time: Bills, questions and working hours—Report of the inquiry into reform of the House of Representatives</i> , October 1993, PP 194 (1993)
<b>Additional tellers</b>	<i>Trial of additional tellers</i> , December 2003, PP 408 (2003)
<b>Alternative opportunities</b>	<i>Alternative opportunities for Members to concisely address the House</i> , 13 May 1985, PP 207 (1985)
<b>Anticipation rule</b>	<i>The anticipation rule: Aspects of the application of the rule</i> , March 2005, PP 82 (2005)
<b>Application of technology to committees</b>	<i>Application of modern technology to committee proceedings</i> , November 1994, PP 364 (1994)
<b>Balancing tradition and progress</b>	<i>Balancing tradition and progress: Procedures for the opening of Parliament</i> , August 2001, PP 165 (2001)
<b>Conduct of business and opening of Parliament</b>	<i>The standing orders governing: General rule for the conduct of business; Procedures for the opening of Parliament</i> , June 1991, PP 167 (1991)
<b>Conduct of committees</b>	<i>The standing orders governing the conduct of committees of the House</i> , November 1989, PP 458 (1989)
<b>Conduct of divisions</b>	<i>Conduct of divisions</i> , November 1996, PP 290 (1996)
<b>Conduct of Question Time</b>	<i>The standing orders and practices which govern the conduct of Question Time</i> , November 1986, PP 354 (1986)
<b>Days and hours</b>	<i>Days and hours of sitting and the effective use of the time of the House</i> , May 1986, PP 108 (1986)
<b>Dealing with witnesses</b>	<i>Committee procedures for dealing with witnesses</i> , April 1989, PP 100 (1989)
<b>Debate on reports</b>	<i>Greater opportunities for debate on reports from parliamentary committees</i> , September 1990, PP 176 (1990)
<b>Disclosure of in camera evidence</b>	<i>Disclosure of in camera evidence</i> , November 1991, PP 295 (1991)
<b>Disorder and strangers</b>	<i>The standing orders governing disorder and strangers</i> , October 1992, PP 243 (1992)
<b>Election of Speaker</b>	<i>The election of Speaker</i> , May 1989, PP 146 (1989)
<b>e-motions</b>	<i>e-motions: The electronic transaction of questions, answers and notices of motion and related matters</i> , April 2000, PP 76 (2000)
<b>House estimates</b>	<i>House estimates: Consideration of the annual estimates by the House of Representatives</i> , October 2003, PP 211 (2003)
<b>Improved opportunities</b>	<i>Improved opportunities for private Members: proposed sessional orders</i> , November 1987, PP 219 (1987)
<b>It's your House</b>	<i>It's your House: Community involvement in the procedures and practices of the House of Representatives and its committees</i> , October 1999, PP 363 (1999)

<b>Joint meetings</b>	<i>Arrangements for joint meetings with the Senate</i> , June 2004, PP 151 (2004)
<b>Media coverage</b>	<i>Media coverage of House proceedings: Including the Chamber, Main Committee and committees—Interim report</i> , June 2004
<b>Opening procedures</b>	<i>Procedures for the opening of Parliament</i> , September 1995, PP 195 (1995)
<b>Private Members' business</b>	<i>Private Members' business: Speech time limits for individual Members and priority to notices for private Members' bills</i> , March 1991, PP 51 (1991)
<b>Promoting community involvement</b>	<i>Promoting community involvement in the work of committees: Conference of committee chairs, deputy chairs and secretaries</i> , 6 March 2001, May 2001, PP 114 (2001)
<b>Publication of tabled papers</b>	<i>The publication of tabled papers</i> , November 1988, PP 262 (1988)
<b>Questions seeking information</b>	<i>The standing orders governing questions seeking information</i> , June 1992, PP 179 (1992)
<b>Renaming the Main Committee</b>	<i>Renaming the Main Committee—Celebrating the 10th Anniversary of the Main Committee</i> , June 2004, PP 118 (2004)
<b>Responses to petitions</b>	<i>Responses to petitions</i> , November 1990, PP 267 (1990)
<b>Review of conduct of divisions</b>	<i>Review of the conduct of divisions</i> , August 2003, PP 163 (2003)
<b>Review of reports</b>	<i>Review of reports of previous Procedure Committees which have not received a government response</i> , November 1996, PP 350 (1996)
<b>Revised standing orders</b>	<i>Revised standing orders: The standing orders of the House of Representatives as last amended on 6 February 2003, redrafted and reorganised</i> , November 2003, PP 394 (2003)
<b>Right of reply</b>	<i>A citizen's right of reply</i> , June 1991, PP 168 (1991)
<b>Ringling of bells</b>	<i>The ringing of bells and the chamber precincts in the New Parliament House—Certification of petitions not in the English language</i> , April 1988, PP 149 (1988)
<b>Second chamber</b>	<i>The second chamber: Enhancing the Main Committee</i> , July 2000, PP 158 (2001)
<b>Second reading speeches</b>	<i>Arrangements for second reading speeches</i> , December 2003, PP 407 (2003)
<b>Seconding notices</b>	<i>Seconding of private Members' notices of motions</i> , March 1992, PP 102 (1992)
<b>Short speeches in the Main Committee</b>	<i>Provision for Members to make short speeches in the Main Committee</i> , September 1997, PP 184 (1997)
<b>SO 143</b>	<i>The operation of standing order 143: Questions to Members other than Ministers</i> , September 1996, PP 115 (1996)
<b>SO 226</b>	<i>Bills—Consideration in detail: Review of the operation of standing order 226</i> , October 1996, PP 190 (1996)
<b>SO 344</b>	<i>Sessional order 344</i> , June 2003, PP 119 (2003)
<b>Speaker, Chairman etc.</b>	<i>The standing orders governing the Speaker, Chairman, Deputy Chairmen and officers</i> , March 1992, PP 101 (1992)

- Ten years on**            *Ten years on: A review of the House of Representatives committee system*, May 1998, PP 91 (1998)
- Time for review**        *Time for review: Bills, questions and working hours—Review of procedural changes operating since 21 February 1994*, June 1995, PP 108 (1995)

## Discussion papers

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- Proposed revised standing orders**    *Discussion paper: Proposed revised standing orders*, September 2002
- Question Time**            *Question time in the House of Representatives: A discussion paper*, June 1995

## Minutes of the Standing Committee on Procedure

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- Committee minutes**    Extracts from the minutes of committee meetings relating to a specific inquiry are tabled together with the report of that inquiry in accordance with standing order 247(a). Those extracts from the minutes are therefore public in accordance with standing order 203.
- However, the confidentiality of the minutes of private meetings not concerned with inquiries is subject to standing order 242.

