

## Other issues

- 4.1 Four additional procedural policy matters have been proposed to the Committee: the format for consideration in detail of the Main Appropriation Bill; the party role of the Speaker, Deputy Speaker and Second Deputy Speaker; the current provision for questions to be asked of Members at the end of their speeches during the second reading debate of a Government bill; and changes to aspects of committee work.
- 4.2 This chapter examines each of these issues. The Committee acknowledges at the outset the issue of the party role of the Speaker is considerably more than a technical matter.

### Consideration in detail of the Main Appropriation Bill

- 4.3 Currently, consideration in detail of Appropriation Bill (No. 1) occurs in the Federation Chamber. Proposed expenditure is considered portfolio by portfolio and the format of debate has been flexible. Members may make an unlimited number of five minute contributions. *House of Representatives Practice* notes that in recent years, Chairs have encouraged a question and answer format, rather than general debate:

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.<sup>1</sup>

- 4.4 It has been suggested to the Committee that this accepted practice be recognised and that the standing orders be amended so that:

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1 *House of Representatives Practice*, 6<sup>th</sup> edn, p. 432.

- standing orders could specifically provide for Members to ask questions and Ministers to provide answers during consideration in detail of the Main Appropriation Bill;
  - Members could have an unlimited number of two minute periods to ask questions; and
  - Ministers could have an unlimited number of four minute periods to respond to questions.
- 4.5 The suggested change would allow Members to pursue specific constituency issues with Ministers and allow Ministers to provide information directly relevant to a Member's concerns. As well as encouraging more targeted questions (and answers), the tighter control of time allocations would make it possible for more questions to be dealt with in the time available.
- 4.6 The Committee acknowledges the merits of the suggestion but is convinced the current arrangements are sufficiently flexible and that there is no need for the proposed amendments at this stage.

## **Party alignment of the Speaker, Deputy Speaker and Second Deputy Speaker**

- 4.7 Since federation, the Speaker and Deputy Speaker have usually been Government Members. Standing orders are silent about the party alignment of the Speaker and Deputy Speaker and, from time to time, nominations have been received for non-government members to serve in these offices. The office of Second Deputy Speaker was created in 1994 and, until recently, was held by a non-government Member.<sup>2</sup>
- 4.8 At the beginning of the 43rd Parliament, the *Agreement for a Better Parliament: Parliamentary Reform* provided that if the Speaker were drawn from a political party, then the Deputy Speaker would be drawn from an alternative political party.<sup>3</sup> On 28 September 2010, Mr Jenkins was elected Speaker and Mr Slipper was elected Deputy Speaker.<sup>4</sup> Mr Scott was elected Second Deputy Speaker.<sup>5</sup> On 24 November 2011, following Mr Jenkin's resignation, Mr Slipper<sup>6</sup> was elected Speaker, Ms Burke<sup>7</sup> was elected Deputy Speaker and Mr Scott was elected Second Deputy Speaker.

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2 See standing order 13(c), 20 October 2010.

3 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 2.1, p. 2.

4 Mr Harry Jenkins, Member for Scullin, Australian Labor Party; the Hon Peter Slipper, Member for Fisher (at that time Liberal Party of Australia).

5 The Hon Bruce Scott, Member for Maranoa, The Nationals.

6 The Hon Peter Slipper, Member for Fisher, became non-aligned on appointment as Speaker.

7 Ms Anna Burke, Member for Chisholm, Australian Labor Party.

- 4.9 Mr Slipper, in turn, resigned on 9 October 2012, and Ms Burke was elected Speaker unopposed. Mr Scott was elected Deputy Speaker after receiving the majority of votes in a ballot with a Government Member. This meant that, contrary to past practice, the Deputy Speaker was a non-government Member.
- 4.10 The following day, the House agreed to amend standing orders to remove the requirement that the Second Deputy Speaker be a non-government member by omitting standing order 13(c), which had been in place since 2004.<sup>8</sup> Later that day Mr Georganas (a Government Member) was elected Second Deputy Speaker in a ballot with a non-government Member.<sup>9</sup>
- 4.11 While the current arrangements have been facilitated by the exigencies of the minority government, in a future parliament with a likely majority government, a Government could determine the holder of each position. It has been suggested to the Committee that the standing orders could be amended to specify the party alignment of the Speaker, Deputy Speaker and Second Deputy Speaker. While the Speaker would be drawn from the party in Government, the Deputy Speaker would be drawn from the non-government parties. This, it was suggested, would provide a better reflection of the make-up of the House itself.
- 4.12 While the Committee recognises the benefits provided by the current arrangements it is reluctant to support too rigid an approach to the issue and recognises equally that this is a matter for the House. The Committee does not propose to recommend any particular arrangement but wishes to record its view that it is in the best interests of the House to have at least one of the Speaker, Deputy Speaker and Second Deputy Speaker positions filled by a non-government Member.

### **Recommendation 16**

- 4.13 **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.**

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8 Votes and Proceedings No. 137, 10 October 2012, 1853-1854.

9 Mr Steve Georganas, Member for Hindmarsh, Australian Labor Party.

## Questions during second reading debate

- 4.14 The *Agreement for a Better Parliament: Parliamentary Reform* provided for the Speaker and the Selection Committee to consider and trial a provision for Members to ask questions at the end of Members' speeches on bills.<sup>10</sup> The option for questions during second reading debate was recommended by the Procedure Committee in its 2006 report *Encouraging an interactive Chamber*.<sup>11</sup> The Committee observed that the introduction of standing order 66A which provides for questions during debate of any order of the day in the Federation Chamber had been successful and recommended that the practice be extended to the Chamber.<sup>12</sup>
- 4.15 On 29 September 2010, sessional order 142A which allows questions and answers after second reading speeches in the Chamber on government bills was adopted (for the remainder of the session). It provides that at the end of a Member's second reading speech, the Member may agree to be questioned on his or her speech:

### 142A Questions during second reading debate

- (a) At the end of each Member's speech during the second reading debate of a government bill, the Member may be questioned by other Members in relation to his or her speech.
  - (b) The Member is not obliged to take questions, and may indicate this during his or her speech.
  - (c) After each speech, questions and answers may continue for up to five minutes. Each question may take up to 30 seconds and each reply may take up to 2 minutes.
  - (d) This standing order shall not apply to the Minister's second reading speech and a Minister's speech closing the debate or to the speech of the main opposition speaker.
- 4.16 The sessional order has not been used to date and the Committee wishes its potential to be tested in the Chamber. It reiterates the benefits that could be gained by Members availing themselves of the opportunity provided by this sessional order and encourages Members to seek to take it up.

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10 *Agreement for a Better Parliament: Parliamentary Reform*, Clause 11.1, p. 7. The role of the Selection Committee was to set limits on speaking times to allow as many Members as possible to speak. It was suggested that the trial allow 5 minutes of questions (30 second question with two minute answers).

11 Standing Committee on Procedure, *Encouraging an interactive Chamber*, December 2006, pp. 13, 15-16.

12 Standing Committee on Procedure, *Encouraging an interactive Chamber*, p. 13.

## Work of committees

- 4.17 During the 43<sup>rd</sup> Parliament, House committees have taken on a greater role in the scrutiny of legislation. The Committee has previously noted the impact on the work of committees, including the potential for duplication of the work of House and Senate committees.<sup>13</sup> The burden placed on witnesses who may have to provide similar evidence to two separate inquiries has been remarked on. It has been suggested to the Committee that this issue could be addressed if standing orders were amended to provide for bills inquiries to be conducted by House and Senate committees meeting jointly. The Committee sees merit in the suggestion, noting as it has before, that the Committee from each house could then evaluate and report on the evidence separately. The Committee would wish to collect evidence before making any recommendations on the matter.<sup>14</sup>
- 4.18 It has also been suggested to the Committee that it would improve efficiency if provision were made to enable the expulsion of a Member from a committee if they were absent, without leave, for three consecutive meetings. This, it was said, would allow another Member to be appointed who has the time and interest to be involved. This would be a very significant change to current arrangements and, in the absence of evidence, the Committee does not wish to comment other than to say that members of committees are appointed by the House so it would be expected that they could only be removed by the House.
- 4.19 The Committee acknowledges that some of the issues raised in this chapter go beyond the technical and amount effectively to matters of policy. However, it wished to take the opportunity of this inquiry and report to alert Members to the possibilities and to encourage their consideration.

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13 Standing Committee on Procedure, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: Referral of bills to committees by the House Selection Committee*, June 2011, pp. 9-10; Standing Committee on Procedure, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament: The effectiveness of reforms to the House committee system*, February 2013, p. 20.

14 There have been past examples of informal cooperation between House and Senate committees. Current provisions allow a House committee to confer with a Senate committee (standing order 238). Senate committees may only confer or sit with a House committee by order of the Senate (Senate standing order 40(1)).

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