

The Parliament of the Commonwealth of Australia

SESSIONAL ORDER 344

House of Representatives
Standing Committee on Procedure

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Canberra

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Contents

Membership of the Committee	v
Terms of reference.....	vii
Recommendation.....	ix
1 Introduction	1
Admission of visitors to committee proceedings.	1
Standing order 344	1
Interpretation and application of standing order 344.....	2
Replacement of standing order 344 with an amended sessional order	2
Reference of the matter to the Procedure Committee	3
The conduct of the inquiry	3
Outline of the report	4
2 History of standing order 344	5
Versions of standing order 344	5
The original version	5
Origin of the 1901 version	5
House of Commons precedent not authoritative.....	6
1994 version of standing order 344	6
1998 version of standing order 344	6
Practice in other jurisdictions	7
Senate practice	7
Practice in other Australian jurisdictions.....	7
Current United Kingdom House of Commons equivalent.....	8
Practice in the Canadian House of Commons	9
Conclusion.....	10

3 Observations on standing and sessional order 344	11
Relevant issues.....	11
Right of admission of visitors to hearings	12
Right of chair to request/direct visitors to leave a hearing.....	12
Right of any member to initiate the withdrawal of visitors.....	13
Conclusion in relation to initiative of individual member	15
Necessity of removing visitors during <i>in camera</i> hearings.....	15
The presumption that committee decisions will be by agreement and not by individual initiative.....	16
Appendixes.....	17
Appendix A—Submissions	17
Appendix B—Versions of former standing order 344.....	19



Membership of the Committee

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Terms of reference

Terms of reference of the committee

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.

Terms of reference of the inquiry

To oversee the operation of sessional order 344 and report on the effects of any changes.



Recommendation

The committee recommends that sessional order 344 should be made a standing order replacing former standing order 344.

The committee further recommends that the new standing order should be interpreted and applied in a manner consistent with the presumption that proceedings of committees should be by agreement. The next edition of *House of Representatives Practice* should make this clear.

Text of former standing order 344:

344 When a committee or subcommittee is examining a witness, or engaged in other proceedings for the purpose of gathering information, visitors may be admitted. They shall withdraw if requested by the chair or if any member of the committee or subcommittee asks the chair to request their withdrawal. All visitors must withdraw when the committee or subcommittee is deliberating or taking evidence in camera.

Text of sessional order 344:

344 When a committee or subcommittee is examining a witness, or engaged in other proceedings for the purpose of gathering information, visitors may be admitted. They shall withdraw if requested by the chair or if the committee or subcommittee resolves for their withdrawal. All visitors must withdraw when the committee or subcommittee is deliberating or taking evidence in camera.



Introduction

Admission of visitors to committee proceedings

Standing order 344

- 1.1 Until 5 February 2003, standing order 344 had provided for the admission of visitors to committee meetings at which witnesses were being examined or the committee otherwise engaged in gathering information, virtually without change, since 1901. The standing order did not apply to committees taking *in camera* evidence, such meetings by definition being closed to visitors. The text of the standing order was:
 - 344 When a committee or subcommittee is examining a witness, or engaged in other proceedings for the purpose of gathering information, visitors may be admitted. They shall withdraw if requested by the chair or if any member of the committee or subcommittee asks the chair to request their withdrawal. All visitors must withdraw when the committee or subcommittee is deliberating or taking evidence in camera.
- 1.2 In this report all references to standing order 344 refer to the above text unless it is clear from the context that an earlier version of the standing order is being discussed.
- 1.3 The standing order contained four elements:

- visitors could be admitted by a committee or subcommittee (but they had no automatic right of admission to hearings¹);
- the right of visitors to remain at a hearing was removed if the chair requested him/her/them to leave (withdraw);
- the right of visitors to remain at a hearing was also removed if any member asked the chair to request his/her/their withdrawal; and
- there could be no visitors at private meetings or *in camera* hearings.

1.4 These four elements will be addressed in chapter 3.

Interpretation and application of standing order 344

1.5 The sections of standing order 344 which gave a power to initiate the withdrawal of visitors other than by committee agreement, were rarely (if ever) used until late in 2002 when they were invoked in contentious circumstances.² A committee member attempted to exercise an individual right under the standing order to remove visitors from a “public” hearing (i.e. it was not intended that the hearing take evidence *in camera* or that the evidence be kept confidential following the hearing). The hearing did not proceed so that part of the standing order relating to “any member” remains untested.

Replacement of standing order 344 with an amended sessional order

1.6 In response to the incident referred to above, the Leader of the House moved that the standing order be replaced by a sessional order, under which the decision to order the withdrawal of visitors would be a majority decision. The right of the committee chair to remove visitors without first consulting the committee was retained.

1.7 During debate on the motion a member moved an amendment to refer the matter to the Procedure Committee. The Leader of the House proposed that the Procedure Committee review the operation of the new sessional order but that it be introduced as originally drafted. Following debate the original motion to introduce sessional order 344 was agreed to by the House. The new sessional order came into effect on 5 February 2003 for the remainder of the session. The text of the sessional order is:

¹ The word “hearing” is used to cover formal hearings at which witnesses are examined and other proceedings during which a committee gathers information.

² House of Representatives Hansard, 5 February 2003, pp. 198-202.

344 When a committee or subcommittee is examining a witness, or engaged in other proceedings for the purpose of gathering information, visitors may be admitted. They shall withdraw if requested by the chair or if the committee or subcommittee resolves for their withdrawal. All visitors must withdraw when the committee or subcommittee is deliberating or taking evidence *in camera*.

- 1.8 All references to sessional order 344 are references to this text.

Reference of the matter to the Procedure Committee

- 1.9 At the conclusion of the debate on the introduction of sessional order 344 the Leader of the House asked the Procedure Committee to oversee the operation of the new sessional order and report on the effects of any changes before 19 June 2003.³

The conduct of the inquiry

- 1.10 The committee wrote to the chairs, deputy chairs and secretaries of all House standing committees seeking their help in assessing the operation of the sessional order. The committee also discussed issues relating to the standing and sessional order with the Clerk of the House, Mr Ian Harris.
- 1.11 The standing (and now sessional) order does not apply to joint committees because there is a potential conflict between the Senate and House standing orders on the issue. In such circumstances the Senate standing orders are followed by joint committees. The Senate assumes that all committee proceedings except *in camera* hearings and deliberative meetings will be held in public. Were this not to occur arrangements for the hearing would be made by majority decision of the committee.
- 1.12 Several committee chairs and secretaries responded to the invitation for information on how the sessional order affected their committees. All chairs and secretaries reported that the sessional order had not caused any problems. Indeed, it appears that the sessional order (with the possible exception of the provision allowing committees to decide to take evidence *in camera*, has not been invoked since its introduction four months ago.
- 1.13 The committee considers it valuable to review the history of standing order 344 and to address the relevant issues.

³ Hansard, 5 February 2003, p. 202.

Outline of the report

- 1.14 Chapter 2 presents a history of the standing order and a comparison with equivalent provisions in other jurisdictions.
- 1.15 Chapter 3 addresses the issues relevant to standing order 344 and the operation of sessional order 344. It concludes that the sessional order should be adopted as a standing order, and that a section should be included in the next edition of *House of Representatives Practice* to guide committees in their application of the provisions.
- 1.16 A list of submissions is at Appendix A. The three versions of standing order 344 in use since 1901 are reproduced at Appendix B.

History of standing order 344

Versions of standing order 344

The original version

- 2.1 The House of Representatives has had the equivalent of (former) standing order 344 dealing with visitors to committee hearings since its first standing orders (June 1901). The text was:
341. When a Committee is examining witnesses Strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chairman of the Committee, and shall always be excluded when the Committee is deliberating.
- 2.2 The essential elements of the first version of the standing order were the same as the version which stood until February 2003.

Origin of the 1901 version

- 2.3 The standing order was modelled on the equivalent South Australian order. The South Australian Legislative Assembly (and some other state legislatures) still have a similar standing order. The text of the South Australian version is:
- “338. Admission of strangers
- When a committee is examining witnesses, persons other than Members of the committee and its advisers may be admitted but are excluded at the request of any Member or at the discretion of

the Chairman of the committee and are always excluded when the committee is deliberating.”

House of Commons precedent not authoritative

- 2.4 Because the House from its inception has had a version of standing order 344, the saving provision (standing order 1) which, in the absence of a standing order on any issue, provides for the House to have “resort” to the practice of the Commons House of the Parliament, does not apply.

1994 version of standing order 344

- 2.5 The original wording of standing order 344 remained unchanged until the version of the standing orders which applied from 9 November 1994. The changes were stylistic only with capitals being deleted and “Chairman” becoming “chair”. The text of this version was:

337. When a committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any member, or at the discretion of the chair of the committee, and shall always be excluded when the committee is deliberating.

1998 version of standing order 344

- 2.6 The most recent revision of standing order 344 dates from 1998. The text is set out again for ease of comparison with the 1994 version:

344. When a committee or subcommittee is examining a witness, or engaged in other proceedings for the purpose of gathering information, visitors may be admitted. They shall withdraw if requested by the chair or if any member of the committee or subcommittee asks the chair to request their withdrawal. All visitors must withdraw when the committee or subcommittee is deliberating or taking evidence in camera.

- 2.7 Although the standing order looks different, there is no substantive change to its operation. The word “strangers” is changed to “visitors” and the order is changed in that the chair’s request for withdrawal is placed before reference to “any individual member”. Also, members are to go through the chair in requesting visitors to leave. It is questionable whether there is a discretion for the chair to refuse the request.
- 2.8 For ease of comparison the original version of the standing order, together with the South Australian equivalent, is in Appendix B. The amendments introduced in 1994 and 1998 are also in Appendix B.

Practice in other jurisdictions

- 2.9 This section is for comparative purposes only. Any rules relating to visitors at hearings of House of Representatives committees is, of course, for the House to determine.

Senate practice

- 2.10 The original Senate standing order on the admission of visitors to hearings was in the same terms as the original House standing order (with “any Senator” instead of “any Member”).
- 2.11 The 6th edition of *Odgers’ Senate Practice*, 1991 [p. 764] included the following commentary on Senate standing order 305 (which was in the same terms as the House standing order 344 before the latter was amended in 1994):

It is submitted that this Standing Order should be interpreted as meaning that strangers may be excluded at the request of any Senator, but only following a majority decision of the committee. The Chairman should exercise his discretion to exclude strangers only in case of misconduct. This interpretation of the rule is consistent with the practice of the Senate, upon which committees should model their own procedures.

- 2.12 There is no longer a Senate equivalent to the House of Representatives (and South Australian) provision. The presumption in the Senate is that evidence will be taken in public. Senate standing orders and resolutions make it clear that evidence can be taken *in camera* though the assumption is that the whole committee would determine this (as in the House of Representatives).
- 2.13 The text of the current (equivalent) Senate standing order is:
- 36 Public and private meetings
- Persons other than members and officers of a committee may attend a public meeting of a committee but shall not attend a private meeting except by express invitation of the committee, and shall always be excluded when the committee is deliberating.

Practice in other Australian jurisdictions

New South Wales, South Australian and A.C.T. Legislative Assemblies

- 2.14 New South Wales has a similar provision to that in standing order 344. Its terms are:

335. At a hearing any person may be admitted but may be excluded at the discretion of the Chairman or at the request of any committee member.

- 2.15 As noted in 2.3 above, South Australia also has a similar provision. The A.C.T. Assembly has a similar standing order. [A.C.T. standing order 236.]

Western Australian Legislative Assembly

- 2.16 The Assembly assumes that hearings will be open to the media and public unless the committee determines that evidence will be taken in private session. [standing order 323.]

Tasmanian Legislative Assembly

- 2.17 The relevant Tasmanian standing order is in the same terms as the original House of Representatives, Senate and South Australian Legislative Assembly (see paragraph 2.3 above). [standing order 356.]

Victorian and Queensland Legislative Assemblies

- 2.18 Victorian and Queensland committees admit visitors "at pleasure", that is, as directed by the majority of the committee. The relevant Victorian standing order is:

209. Admission of strangers to Committees.

When a Select Committee is examining witnesses, strangers may be admitted or excluded at pleasure; but shall always be excluded when the committee is deliberating. [Victorian standing orders 1996.]

- 2.19 The equivalent Queensland standing order is identical except that the word "select" is missing. [Queensland Legislative Assembly standing order 200.]

Current United Kingdom House of Commons equivalent

- 2.20 Visitors (strangers) are admitted to House of Commons standing committees while they are taking evidence unless the committee decides otherwise. That is, the presumption is that visitors will be welcome and the committee only needs to take action to prevent visitors attending hearings. In relation to select committees (which have a similar function to our standing committees) the committee has to take the initiative to admit visitors to hearings. The relevant standing orders are:

89 (2) Strangers shall be admitted to a standing committee unless the committee otherwise orders.

125. – (1) A select committee shall have power, if it so orders, to admit strangers during the examination of witnesses.

(2) A subcommittee appointed by such a select committee shall have a like power except as that committee otherwise orders.

- 2.21 Ancient (and continuing) practice in the House of Commons was that decisions regarding the admission of visitors were made by the whole committee (i.e. a majority). There was no right of an individual member (including the chair) to initiate such a result.¹ The current statement expressing the House of Commons procedures is:

Meetings at which evidence is being taken are, by custom, held in public and strangers are admitted. A committee may at any time, however, order that a meeting or part of a meeting be held in private, and strangers are then required to withdraw. Meetings at which committees deliberate are invariably held in private.²

Practice in the Canadian House of Commons

- 2.22 There is no equivalent to standing order 344 in the standing orders of the Canadian House of Commons. The standing order relating to proceedings in committee is:

116. In a standing, special or legislative committee, the Standing Orders shall apply so far as may be applicable, except the Standing Orders as to the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches.

- 2.23 The Canadian standing orders have no direct reference to the admission of visitors to proceedings except in relation to the removal of any stranger who “misconducts himself or herself, or does not withdraw when strangers are direct to withdraw”. [standing order 158]. Standing order 119(1) addresses “Any committee wishing to have its proceedings televised, other than by means of those facilities provided for that purpose by the House of Commons...” The assumption is that visitors would be welcomed at public hearings of committees and they would withdraw when requested (presumably at the will of the majority of the committee)

¹ See for example Redlich, *the Procedure of the House of Commons*, London 1908, p. 195: “The rules of the House as to the presence of strangers at meetings of committees are very liberal; until the committee withdraws for deliberation, while witnesses or experts are being examined, the proceedings are public.” Redlich also quotes a Speaker’s ruling cited in May, *Parliamentary Practice*, p. 408: “It is open to any select committee to exclude strangers at its own discretion...”.

² May, *Parliamentary Practice*, 22nd edition, p. 618.

or, in the case of misconduct, at the direction of the chair exercising the chair's responsibility for order in the committee.³ The chair would presumably have the support of the committee in exercising his or her responsibility for maintaining order.

Conclusion

- 2.24 Amongst the comparable jurisdictions surveyed there is a variety of provisions relating to visitors at committee hearings. The variation extends to whether visitors have a right to attend unless expressly excluded or whether the committee must initiate the admission of visitors. Once visitors are admitted there appears to be a variety of procedures for causing them to withdraw. In some cases it is clear that the decision is taken by the majority. In others (such as standing order 344) there is a provision for the withdrawal to be initiated by an individual member.
- 2.25 In the absence of examples in which standing order 344 has been applied, it cannot be assumed that a member may initiate the withdrawal of visitors in the absence of majority support. The chair's right to initiate the withdrawal of visitors can be differentiated from the right of any other member because of the chair's duty to maintain order. Presumably the chair, like the Speaker in the chamber, would have the support of the committee in initiating the withdrawal of visitors because of misconduct. Even if the chair's reason for requesting visitors to withdraw were for a reason other than misconduct, presumably the chair would be acting with the support of the majority because of the composition of committees.
- 2.26 One problem with standing order 344 was that it was not clear and its interpretation was untested in practice. Amongst other things, it was unclear whether the chair had any option to heed or not heed the request of any member who chose to initiate a visitor's withdrawal.
- 2.27 Standing order 344 did **not** spell out that generally decisions regarding the admission (or withdrawal) of visitors would be made according to the majority will of the committee. Nevertheless, this is the normal means by which committees make all decisions (including those regarding visitors to hearings). It was also the means by which parliamentary committees had made such decisions over the hundred years of the House's history.

³ Marleau R ed. *House of Commons Procedure and Practice*, p. 835 states "Committee meetings are ordinarily open to the public and the media. Simultaneous interpretation services are offered to committee members, witnesses and members of the public at all committee meetings. Public meetings are broadcast on the House of Commons' internal audio system to all Members of the House and the Parliamentary Press Gallery and may also be publicly televised over the CPcC network".

Observations on standing and sessional order 344

Relevant issues

- 3.1 Paragraph 1.3 above identified four elements of standing order 344. The elements were
- visitors could be admitted by a committee or subcommittee (but they had no automatic right of admission to hearings);
 - the right of visitors to remain at a hearing was removed if the chair requested him/her/them to leave (withdraw);
 - the right of visitors to remain at a hearing was also removed if any member asked the chair to request his/her/their withdrawal; and
 - there could be no visitors at private meetings or *in camera* hearings.
- 3.2 To these four can be added another element which, in the committee's view, underlies the four identified. The underlying element is that proceedings in committees should be made by agreement of committee members (i.e. a majority) subject to the standing orders of the House. These elements will now be examined further in order to reach a conclusion about whether it is desirable to change standing order 344, either to entrench the terms of sessional order 344 or to make other changes.

Right of admission of visitors to hearings

- 3.3 The House of Representatives standing order relating to the admission of visitors to committee hearings typifies the rules of a number of jurisdictions which, in theory, require action by the committee before visitors are admitted to public hearings (or informal occasions on which evidence is gathered). This is achieved by providing that [visitors] “may be admitted”. Further action would then need to be taken to exclude the visitors.
- 3.4 The jurisdictions which assume visitors do **not** have an automatic right to attend hearings may trace the assumption to the ancient rule of the United Kingdom House of Commons that strangers had no right to attend meetings of the House itself. Hatsell’s *Precedents of Proceedings in the House of Commons, Volume II* [1818, pp. 180 to 182] provides an explanation of the former rule (including its application to committee meetings).
- 3.5 By contrast, other jurisdictions (for example Canada and the current practice of the United Kingdom) start with the proposition that visitors will be admitted to hearings and action need only be taken by the committee to have the visitors excluded.
- 3.6 This issue has not caused any problems and it is not proposed that it be amended. In practice committees generally do not make decisions relating to the admission of visitors (except in relation to *in camera* hearings). The expression in standing order 344 preserves the concept of a committee being in charge of its own proceedings and the committee sees no reason to remove it.
- 3.7 Despite the wording of standing and sessional order 344 the House of Representatives, like other legislatures, has developed a philosophy and practice that assumes that when committees take evidence they will do so in public unless there are persuasive reasons not to do so.
- 3.8 In general committees have taken evidence in public and authorised the resulting transcript of evidence to be published. The transcript is generally placed on the Internet to encourage and facilitate public access to committee work.

Right of chair to request/direct visitors to leave a hearing

- 3.9 When sessional order 344 replaced standing order 344 in February 2003, the right of the chair to initiate the withdrawal of visitors (without having first consulted other members of the committee) was retained. The sessional order states that [visitors] “shall withdraw if requested by the chair or if the committee or subcommittee resolves for their withdrawal”.

- 3.10 Retaining the right of the chair to take immediate action recognises the responsibility of the chair to act immediately in (for example) the following cases:
- to maintain order in the face of disruption from visitors;
 - to protect the dignity of the committee by excluding visitors in the event of disagreement amongst committee members;
 - to protect the interest of witnesses or other individuals in situations where the evidence indicates the witness should have (but did not) raise the option of giving evidence *in camera*; and
 - generally to be in charge of proceedings.
- 3.11 The need for the chair to act quickly in such situations is widely recognised and has been practised on many occasions in the history of committees. It mirrors the Speaker's role in keeping order in the chamber (standing order 52).
- 3.12 However, it need not be implied that the chair has a right to exclude visitors from an open (as opposed to an *in camera*) hearing against the wishes of the majority of the committee. Here the analogy of standing order 314 is apt. This standing order deals with the withdrawal of strangers from the House and Main Committee. This is effected by the Speaker or the Chair forthwith putting the question "That strangers be ordered to withdraw". It is only when the strangers are in the areas of the chamber (or Main Committee room) where they have no right to be that the Speaker or Chair may take unilateral action.
- 3.13 The committee considers that for the practical reasons outlined in 3.9 above, the initiative of the chair should be retained. In the event of the chair's acting without the support of the majority of the committee, it is always open to the committee to resolve to go into private session to consider the matter.
- 3.14 It is submitted that since arguments for retaining the initiative of the chair relate to the immediacy of the situation, once the visitors have withdrawn, the normal control of proceedings by decision of the majority should return. Put simply, the initiative of the chair as expressed in sessional order 344 should not be seen as overturning the presumption that all proceedings in a committee should be determined by the majority.

Right of any member to initiate the withdrawal of visitors

- 3.15 The introduction of sessional order 344 in February 2003 was a response to a dispute about whether an individual member has a right to effect the withdrawal of visitors in a hearing not intended to be *in camera*. There

would be no dispute about this if the individual member had the support of the majority since the matter would have been a routine decision by the committee about the conduct of proceedings.

- 3.16 It has been argued that the purpose of the rule is to support (and emphasise) a right of individual members. A member may wish to examine witnesses in private even though the evidence itself will be made public. This may be desirable, but if so, the normal presumption would be that the committee itself would so decide. It also undermines the presumption that evidence to committees should be public [see *House of Representatives Practice* pp. 659 and 676].
- 3.17 The trigger which would require visitors to withdraw under this part of the standing order is any member asking the chair to make such a request. It appears to have been assumed that if a member asks the chair, the chair has no option but to agree. This is arguable as it puts an individual member in the same position vis a vis the control of proceedings as the chair. In the comparable situation in the House, considered in standing order 314, an individual initiates notice that strangers are present but the Speaker and the will of the House effect a response.
- 3.18 There are other initiatives which may be taken by a single member including preventing leave being taken, calling for a quorum and sending business from the Main Committee to the Chamber. None of these are analogous to an individual member being able to control the proceedings of a committee against the will of the majority.
- 3.19 It was noted in chapter 2 that when the Senate had the same standing order there was an entry in *Odgers' Senate Practice* which interpreted the standing order as implying that the initiative of an individual member (or the chair) meant with the support of the majority of the committee. The 5th edition of *Odgers* stated:

It is submitted that this Standing Order should be interpreted as meaning that strangers may be excluded at the request of any Senator, but only following a majority decision of the committee. The Chairman should exercise his discretion to exclude strangers only in case of misconduct. This interpretation of the rule is consistent with the practice of the Senate, upon which committees should model their own procedures.¹

¹ *Odgers, Senate Practice*, 3rd edition, p. 503.

- 3.20 There is no applicable reference in the current *Odgers* since the standing order has been amended to remove doubt. The current Senate standing order is:

36 Public and private meetings

Persons other than members and officers of a committee may attend a public meeting of a committee but shall not attend a private meeting except by invitation of the committee, and shall always be excluded when the committee is deliberating.

- 3.21 In addition, Senate standing order 35 makes it quite clear that all decisions are majority ones (“The examination of witnesses before a committee shall be conducted by the members of the committee in accordance with procedures agreed to by the committee, subject to the rules of the Senate.”)
- 3.22 While there has been no test of the application of standing order 344 (so far as is known), there appears to have been an assumption that there existed an initiative for an individual member to exclude visitors without the support of the committee. A former Procedure Committee assumed this was so. The 1988 report *Ten years on: A review of the House of Representatives committee system*, commented on standing order 345 which provided that Members of the House attending a hearing “shall withdraw if the committee or subcommittee so resolves”. The comment on the proposal was that Members should only be excluded by resolution of the committee rather than at the request of an individual member.
- 3.23 Having had the opportunity to consider the matter further, the current committee does not accept that such a right ever existed.

Conclusion in relation to initiative of individual member

- 3.24 Decisions about the conduct of hearings should always be determined by the committee (i.e. by the majority of members of a committee). If the standing order appears to suggest a different view, it should be amended to remove doubt.
- 3.25 The committee is satisfied that sessional order 344 achieves this purpose. There should also be an entry in the next edition of *House of Representatives Practice* to clarify the fact that subject to the standing orders of the House, committees should proceed by way of agreement and sessional order 344 should be so interpreted.

Necessity of removing visitors during *in camera* hearings

- 3.26 There is no dispute about the necessity for committees, on occasion, to take evidence *in camera* and to keep the resulting transcript confidential. This point is highlighted to emphasise the fact that the second sentence of

standing (and sessional) order 344 does not relate to *in camera* hearings. It provides for visitors to be required to withdraw even though there is no assumption that the evidence will be confidential. The circumstances are distinct from those in which evidence would be taken *in camera*.

The presumption that committee decisions will be by agreement and not by individual initiative

3.27 As noted in 3.2 above, this presumption underlies the elements of standing order 344. All the submissions on the change to sessional order 344 supported this concept. Chairs affirmed that their committees worked cooperatively and the change to standing order 344 recognised the fact that committee members worked as a team.²

3.28 No evidence indicating problems with sessional order 344 was received.

- **The committee recommends that sessional order 344 should be made a standing order replacing former standing order 344.**
- **The committee further recommends that the new standing order should be interpreted and applied in a manner consistent with the presumption that proceedings of committees should be by agreement. The next edition of *House of Representatives Practice* should make this clear.**

MARGARET MAY
Chair
17 June 2003

² For example, Mr D Hawker MP, submission no. 3 and Ms K Hull MP, submission no. 1.



Appendix A

Submissions:

1. Ms K Hull MP
2. Hon B Bishop MP
3. Mr D Hawker MP

Plus e-mail responses from committee secretaries

Appendix B

Versions of former standing order 344.

Source: The House of Representatives Standing Orders (temporarily adopted by the House on 6 June 1901)

341. When a Committee is examining witnesses Strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chairman of the Committee, and shall always be excluded when the Committee is deliberating.

[Note: The original standing order was “borrowed” from the South Australian standing orders. The current South Australian version of the standing order is: “338. Admission of strangers (392)

When a committee is examining witnesses, persons other than Members of the committee and its advisers may be admitted but are excluded at the request of any Member or at the discretion of the Chairman of the committee and are always excluded when the committee is deliberating.”

Source: The House of Representatives Standing Orders (as at 9 November 1994)

337. When a committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any member, or at the discretion of the chair of the committee, and shall always be excluded when the committee is deliberating.

[Note: The changes are stylistic only – capitals are deleted and Chairman is changed to “chair”].

Source: The House of Representatives Standing Orders (as at 3 December 1998)

344. When a committee or subcommittee is examining a witness, or engaged in other proceedings for the purpose of gathering information, visitors may be admitted. They shall withdraw if requested by the chair or if any member of the committee or subcommittee asks the chair to request their withdrawal. All visitors must withdraw when the committee or subcommittee is deliberating or taking evidence in camera.

[Note: There is no substantive change to the operation of the standing order. The word "strangers" is changed to "visitors"; the order is changed in that the chair's request for withdrawal is placed before a similar initiative of an individual member. Also, members are to go through the chair in requesting visitors to leave. There appears to be no discretion for the chair to refuse the request].