

Achievements

Introduction

- 3.1 This chapter assesses the performance of the Main Committee against the expectations held at its inception and a range of other quantitative and qualitative measures.
- 3.2 The establishment of the Main Committee was proposed as a solution to a perceived problem. However it was bundled with other proposals in a broad package which the Procedure Committee intended to address a range of other problems as well. The other proposals, principally those relating to the conduct of question time, underwent significant modification before the Government presented the package to the House for adoption. There was therefore disagreement in the ensuing debate about the extent to which the package conformed to the Procedure Committee's objectives. Any evaluation of what the Main Committee has achieved should allow for the range of expectations held by those involved in its establishment in addition to more objective measures.

First review

- 3.3 The Procedure Committee reviewed the operation of the Main Committee in 1995 as part of a broader examination of the implementation of its recommendations in *About time*. The report of the review was presented on 19 June 1995.¹ In summary, the committee found that:

1 VP 1993-94-95-96/2183

- the Main Committee had been a major contributor to a dramatic fall in the use of the guillotine;
- a different atmosphere prevailed in the Main Committee from that in the House itself;
- the Main Committee had settled into a routine of sitting which appeared to be working satisfactorily;
- the Main Committee offered a greater opportunity to debate motions to take note of papers and committee and delegation reports; and
- the rules of proceedings in the Main Committee did not need to be changed—

and recommended:

- clarification on whether attendance in the Main Committee constituted attendance in the House for constitutional or other purposes; and
- encouragement of visitors to observe the proceedings of the Main Committee.²

3.4 Apropos of the greater opportunity now available to debate committee reports, a motion to take note of *Time for review* was referred to the Main Committee and the entire 3-hour sitting on Thursday, 22 June 1995, was allocated to debate about the report.³

3.5 The Chief Government Whip, Mr McLeay, informed the Main Committee:

I do not think there has been any debate on legislation in the House that we have had to truncate since the Main Committee commenced operating.

The budget debate this year was probably the best example, with the government wanting to have the budget completed by a particular time and sent to the Senate. Had we not had the Main Committee, we would have had about eight hours less debate on the budget this year than we had. The Main Committee has been very useful for that.⁴

3.6 Mr Filing, one of the Members who had contributed to the dissenting report in *About time* confessed that ‘having been a critic in the first instance and having made a number of observations at the time of the tabling of the

2 *Time for review*, pp 17, 18

3 H. R. Deb. (22.6.1995) 2185-225

4 H. R. Deb. (22.6.1995) 2209

first report, I must say that I am now a fan of the Main Committee'.⁵ The committee chair, Mr R J Brown (Dr Blewett's successor), stated that 'the introduction of the Main Committee ... has been outstandingly successful'.⁶ Other Members believed it to be 'a tremendous step forward' and that 'the universal view' was that it was a success.

The current review

- 3.7 In November 1999, the committee commenced a broad review of the Main Committee. Submissions were sought, a questionnaire-based survey of Members was conducted and a round table discussion was convened involving the whips, members of the Speaker's Panel, the Clerk and Deputy Clerk and other interested Members and relevant staff. The committee has also closely examined detailed statistics for objective indicators of the Main Committee's contribution. Further details about the conduct of the review are set out in Appendix A.

Quantitative performance indicators

- 3.8 In recommending the establishment of the Main Committee, the committee implied that a measure of its success would be minimal use of the guillotine. If the House was not overloaded with legislation then the passage of fewer bills would need to be expedited through declarations of urgency and limitation of debate. The statistics show the desired outcome has been achieved. Not all of this can be attributed to the establishment of a second legislative stream: restructuring the parliamentary year into three sitting periods and the discipline of introducing legislation in the period of sittings preceding that in which it is intended to be passed, have also contributed. Figure 1 in Appendix B illustrates the sudden and continuing decrease in recourse to the guillotine since the inception of the Main Committee. From 132 and 111 bills in 1992 and 1993, respectively, the incidence fell to 14 in 1994,⁷ one in 1995 and 6 in 1996. The pattern which prevailed before 1994 has not recurred.
- 3.9 A second indicator of effectiveness is the House's confidence reflected in the quantity of legislation it refers to the Main Committee. A significant

5 H. R. Deb. (22.6.1995) 2196

6 H. R. Deb. (22.6.1995) MC2185

7 All 14 had been guillotined before the Main Committee first met on 8 June 1994.

diminution would suggest that the Main Committee was failing to meet the House's requirements. Figure 2 in Appendix B shows an annual progression of 45, 55, 52, 108, 76 and 75 bills referred to the end of 1999. While a cursory examination might suggest such a diminution, 1997 should be viewed as an exceptional year inasmuch as a number of large packages of legislation were being introduced by a new Government and many were referred to the Main Committee.

- 3.10 A more reliable indicator, perhaps, is the proportion of the House's legislation which it refers to the Main Committee. Figure 3 in Appendix B shows an annual comparison in percentage terms between the number of bills referred to the Main Committee and the number of bills introduced. The comparison is compromised to some extent because bills introduced towards the end of a year might not be referred to the Main Committee until early in the next year. Nevertheless, the figures suggest that about a third of the legislation dealt with by the House each year is referred to the Main Committee.
- 3.11 A final indicator of the effect on the House's legislative workload—and one which was cited in *About time*⁸ and again in *Time for review*⁹—is the relatively raw statistic of the proportion of total sitting time of the House to the number of Acts passed or bills introduced. Again the incidence of packages of legislation—that is, where a number of bills relating to a particular measure are introduced and considered together—may distort a perception of how much time is allocated to considering a typical bill. Figure 4 in Appendix B shows a general tendency for more time to be spent on each bill.
- 3.12 While it is clear that the Main Committee acts effectively as a parallel legislative stream, it is not at all apparent that its capacity to consider motions to take note of government papers and committee and delegation reports is being exploited to the extent it could be. Table 1 in Appendix B illustrates an early flush of enthusiasm and then a tapering off in the numbers of such items debated.
- 3.13 The introduction of Members' 3-minute statements and adjournment debate from 1998 has obviously increased opportunities for private Members. Table 2 in Appendix B shows that in 1999, 70 different Members made 173 three-minute statements for a total of 8 hours and 44 minutes and 59 different Members made 120 speeches in adjournment debate for a total of just over 9 hours. These opportunities would not have existed without the Main Committee. Figure 6 in Appendix B shows that over the
-

8 *About time*, p 4

9 *Time for review*, p 5

last three years the Main Committee has provided 15 per cent of the combined total sitting time of both streams.

A model for Westminster

- 3.14 There is another indicator of the Main Committee's success: its role as a possible solution for similar problems being experienced by other legislatures. In a 1998 report similar in scope to *About time*, the UK House of Commons Select Committee on Modernisation of the House of Commons considered the Main Committee as a model for a solution to that House's problems with legislative overload:

We want to look at the scope for reorganising the business of the House to allow for more flexibility in debates and to ensure there is proper scope for both the confrontational and non-confrontational types of debates, each of which has a role in our democratic system. The idea for a parallel chamber or "Main Committee" is a possible way of reconciling the various conflicting pressures.¹⁰

- 3.15 The modernisation committee concluded:

We are not at this stage advocating the introduction of a "Main Committee" even on an experimental basis. It is a radical innovation which all Members will wish to consider with care, not only as to the principle but as to how it might work in practice.¹¹

- 3.16 The modernisation committee sought Members' comments and was sufficiently encouraged by the response to pursue the proposal in a second report and recommend that 'the House should agree to a sessional order for Session 1999-2000 only which provides for the establishment of a parallel Chamber'.¹² On 24 May 1999, the House of Commons approved the modernisation committee's report and adopted the necessary sessional order. Westminster Hall met for the first time on 30 November 1999 and has continued to sit on Tuesdays, Wednesdays and Thursdays.
- 3.17 There are significant differences between the Main Committee and Westminster Hall, particularly in the range of business they deal with. However the existence of the former and testimony of its effectiveness—despite certain reservations occasioned by visual evidence of the

10 *Parliamentary calendar*, p vi

11 *Parliamentary calendar*, p xxii

12 *Westminster Hall*, p vii

Australian second chamber in action¹³—played some part in the establishment of the latter.

Qualitative performance indicators

- 3.18 In general terms, the Main Committee was established to minimise business overload in the House and increase opportunities for all Members to participate. Thus an important indicator of success is the opinion of those who organise the business of the House and, in particular, of private Members.
- 3.19 It was clear from the round table discussion—which was attended by, among others, both chief whips—that the whips are satisfied with the way the Main Committee operates and the contribution it makes to the workload of the House. From a whip’s perspective, one of the most important attributes of the Main Committee is its capacity to meet ad hoc. This ability was exploited, for example, to allow extended debate on the East Timor crisis. (A motion to take note of a UN Security Council resolution was referred to the Main Committee to enable a general debate to complement earlier debate in the House on a principal motion relating to East Timor.¹⁴ A whole day was set aside in the House for the original debate and a further 71 Members spoke in the Main Committee debate which continued over three meetings.) This ability to respond to sudden demand for additional speaking time is a valuable attribute of the Main Committee.
- 3.20 Certainly from the point of view of Members, the consensus remains unchanged from the 1995 review: the Main Committee has been a success. Nearly a third of all Members responded to a survey in which they were asked their opinion on a number of propositions relating to the Main Committee. Over 80 per cent of respondents agreed that, generally speaking, it had been a success. Those who attended the round table discussion endorsed a commonly made observation that debate in the Main Committee is more intimate and interactive. Certain steps might be taken to cultivate this quality.
- 3.21 While there was general satisfaction with the way the Main Committee has performed as it has grown, there was a significant body of discontent with matters relating broadly to public perception. There was a general

13 H. C. Deb (1998-99) 332, cc 98, 114

14 VP 1998-1999-2000/863, 865, 873, 891, 902

feeling that the name was inadequate, that there was a lingering problem in its relationship with the Chamber, that the venue could be improved and that certain innovations could be employed to improve debate. These matters will be explored in Chapter 4.

- 3.22 Members also had few complaints about the operation of the Main Committee as reflected in its practices and procedures. Nevertheless it is believed in some quarters that there is scope for further fine-tuning as well as minor improvements to facilities. These matters will be explored in Chapter 5.
- 3.23 The committee's attention was also drawn to a couple of problems which from its perspective have become hardy perennials: a purported inadequate allocation of time in the House to consider the work done by its committees and the limited life of private Members' bills. These matters will be explored in Chapter 6.

Conclusion

- 3.24 Those charged with organising Main Committee business and Members in general are satisfied that the Main Committee is a success. There is objective evidence to show that the operation of the Main Committee has contributed to:
- a reduction in the use of the guillotine;
 - more time being spent considering individual bills; and
 - more opportunities for private Members to participate.
- 3.25 The Procedure Committee of the 37th Parliament found three main areas for action: handling legislation, the structure and conduct of question time and the fortnightly sitting program. Having reviewed the performance of the Main Committee since its inception, this committee has also found three general aspects of the Main Committee which merit further action: its recognition, its operation and the range of business it considers.

