

## Operation

### Introduction

- 5.1 This chapter examines how the Main Committee operates, whether there are problems in its operation and, if so, what steps might be taken to remedy those problems. Three principal aspects of the operation of the Main Committee are considered: coordination of the hours and duration of meetings, the management of business, the control of meetings and the facilities available.

### Hours and duration of meetings

- 5.2 Standing order 273 vests in the Deputy Speaker the power to fix the time when the Main Committee convenes. However, in practice the whips have been responsible not only for organising the agenda but also for determining the need for particular meetings and the duration of those meetings. Until the introduction of Members' 3-minute statements and adjournment debate, the standing and sessional orders were silent on the actual days and hours of Main Committee meetings.
- 5.3 After an initial settling-in period—in 1994 the Main Committee always met at 10 a.m. and usually adjourned before 1 p.m.—the hour of meeting and duration of meetings began to reflect the 'ebb and flow of legislation'.<sup>1</sup> While 10 a.m. to 1 p.m. on Wednesdays and Thursdays remained the conventional meeting pattern, an illustration of just how variable meeting

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1 *About time*, p 8

times became can be seen by comparing the time and duration of meetings shown in the annual charts in Appendix C. By 1997 it had become a common practice—when the workload required—to meet in the morning, suspend for question time and resume later in the afternoon. If the meeting proceeded into the evening then there would be a suspension for the dinner break.

- 5.4 The only constraints on times of meeting were first that the standing orders prescribed that the Main Committee could meet only when the House was sitting, and second that it was undesirable to be meeting during significant periods in the House like question time or adjournment debate. Programming could hardly have been more flexible.

### **Impact of Members' statements and adjournment debate**

- 5.5 The introduction of 3-minute statements and adjournment debate in 1998 brought with them specific references to days and hours. A maximum of 18 minutes worth of 3-minute statements could be made before 10 a.m. when the House met on a Thursday. Similarly, a conventional—that is to say free-ranging in terms of relevancy—adjournment debate of up to half an hour could be held before 1.30 p.m., also on Thursdays. Three-minute statements were later extended to each meeting of the Main Committee which commenced before 10 a.m., regardless of day of the week. Of course these provisions did not tie the Main Committee to meet at prescribed hours on prescribed days but they implied the existence of such a regime.
- 5.6 The committee supports the maintenance of a flexible approach to scheduling meetings of the Main Committee. To prescribe meeting times in the standing orders too specifically would inhibit the ability of the Main Committee to respond rapidly to sudden changes in the House's legislative workload. However, as the Main Committee takes on more forms of business it will be necessary to limit the potential for interference with its primary function and this will almost inevitably involve specifying the limits for additional business in terms of days and times.
- 5.7 The addition of Members' statements and adjournment debate has been a successful innovation. However, in practice the prescription of days and times in the standing orders has resulted in inflexibility which at times works to the disadvantage of Members wishing to exercise the additional opportunities the Main Committee offers them. A typical instance is where a meeting is suspended during Members' statements because of a division occurring in the House: if the division is not completed before 10 a.m. the remaining time for statements is lost. On other occasions when business has finished unexpectedly early an extended adjournment debate would

have been welcomed by Members but was not possible under the standing orders.

- 5.8 Bearing in mind that the Main Committee functions at all times on a presumption of consensus and that a single Member can bring proceedings to a halt, the committee believes—now that a framework has been established—that the timing and duration of both Members’ statements and adjournment debate could be left to convention rather than prescribed in the standing orders.
- 5.9 This approach would:
- simplify the standing orders;
  - provide the flexibility to adapt the time provided for statements or adjournment debates to suit circumstances which may arise on a particular day while retaining the stability of a conventional arrangement;
  - give the Chair discretion to extend debate slightly to deal with minor problems which sometimes arise, for example, the late arrival of the first speaker on the first business item of the day, or the wish of a Member to respond to criticism or a matter of special interest arising during the adjournment debate; and
  - provide Members with the ability to negotiate with business managers for additional opportunities for statements or adjournment debates, yet retain the control of business and sitting times in the hands of the whips.
- 5.10 It is important for Members in managing their own time that meeting times and business arrangements in both the House and the Main Committee remain relatively stable. Thus it would be expected that, under this proposal, the present arrangements would continue by agreement and convention—meetings commencing before 10 a.m. would usually start with Members’ 3-minute statements and on Thursdays a 30 minute adjournment debate would conclude the meeting. Agreement to vary this routine, for example to extend Members’ statements in the event of an intervening division, would be reached through the ‘usual channels’. It would always be open to the Chief Government Whip, or any other Member, to bring proceedings to a conclusion if it was felt that an agreement was not being honoured.

## Recommendation 4

The committee recommends that the provisions in the standing orders which restrict the occurrence of Members' statements and adjournment debate in the Main Committee to specific days and times be removed including amendments to the standing orders as follows:

- Standing order 81, paragraph (a) be amended to read '(a) on the question for the adjournment of the House or the Main Committee to terminate the sitting.'
- Standing order 274, omit the proviso in paragraph (e)
- Standing order 274A, omit the standing order, substitute 'The question—That the committee do now adjourn—shall be open to debate but no amendment may be moved to the question.'
- Standing order 275, add at the end 'or as specified in these standing orders.'
- Standing order 275A, omit the standing order, substitute 'With the agreement of the Committee, the Chair may call statements by Members. Members, other than Ministers, may be called to make statements, each not exceeding three minutes. For the purpose of this standing order a Minister does not include a Parliamentary Secretary.'

- 5.11 The introduction of this less formal approach will enhance the Chair's responsibility to manage proceedings to meet the conventional or agreed arrangements. For example, the removal of the automatic interruption for the adjournment debate on Thursday would give the Chair the ability to exercise his or her own judgment in some matters; for example to prompt the adjournment of an item of business after or during a Member's speech to allow the adjournment debate to commence. The duration of the debate, by convention, would comprise 30 minutes or six speakers and the Chair might cease to recognise Members seeking the call once the conventional limit had been reached unless an agreement was known to be in place.
- 5.12 This small move from a strongly rule-based form of control towards management by convention may need a little settling in but should allow the Main Committee to better fulfil its role in responding to the varying levels of demand for parliamentary time. It may also demonstrate the Main Committee's affinity for innovation in a similar way to the proposal for interventions discussed in Chapter 4.

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## Management of business

- 5.13 Because the Main Committee was developed initially as a parallel legislative stream, the respective chief whips have been responsible for the organisation of its agenda since its inception. The Chief Government Whip in consultation with the Leader of the House coordinates the reference of matters by the House, including government business and motions moved in connection with committee and delegation reports. On the one occasion that the House referred an item of private Members' business—the Euthanasia Laws Bill 1996—the Leader of the House moved the requisite motion.
- 5.14 As has been noted earlier, although the management of business is the responsibility of the whips, a spirit of cooperation and consensus is fostered by the ability of any Member to bring proceedings to a halt. It is therefore a prerequisite that some measure of consultation occur before business is referred. The committee strongly supports both the primary role of the whips in organising the business of the Main Committee and the preservation of the spirit of cooperation and consensus.
- 5.15 In the next chapter the committee examines extending the range of business dealt with by the Main Committee and the organisation of any added business. At the outset, the committee wishes to reiterate its support for the primary role of the whips in the overall coordination of business.

## Control of meetings

- 5.16 Most areas of practice and procedure in the Main Committee work well. As was noted in the first chapter, 'as a general rule, the practice and procedure observed in the chamber ... apply in the Main Committee unless the standing orders specifically provide otherwise'.<sup>2</sup> The standing orders provide that the Deputy Speaker shall preside<sup>3</sup> but implicitly limit the range of decisions required to be made by the Chair and therefore the powers exercisable in that office. For instance it is not open to the Chair in the Main Committee to name disorderly Members.

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2 See paragraph 1.3

3 SO 13A

## Dealing with disorder

- 5.17 It has been suggested that perhaps the power to order a disorderly Member to withdraw<sup>4</sup> should be extended to the Chair in the Main Committee. The argument for this rests on an assumption that, as in the House, the operation of the Main Committee should not be hampered by the actions of one Member. However this would interfere with the fundamental principle that a meeting of the Main Committee can only continue with the concurrence of all present. It is open to any Member to terminate proceedings by forcing an unresolved question on a motion 'That the Committee do now adjourn'.<sup>5</sup>
- 5.18 Furthermore, in the interests of fostering an informal and intimate atmosphere in the Main Committee, it is preferable that behaviour worthy of sanction be dealt with by the House and that the Main Committee itself not be the forum for any associated acrimony. The existing standing orders provide an adequate mechanism for preserving the dignity of the Main Committee by allowing the ultimate resolution of controversy elsewhere. On the only occasion of disorder arising in the Main Committee,<sup>6</sup> the Deputy Speaker dealt with the matter by suspending the sitting.<sup>7</sup>
- 5.19 There is a minor complication in the application of standing order 282 inasmuch as it enables the Chair only to suspend the sitting. This requires the sitting to be resumed at some later point in the day so that, subsequently, it can be properly adjourned. There is no provision in the standing orders for dealing specifically with the situation which might arise were a sitting of the Main Committee to remain suspended at the time the House itself resolves to adjourn (although it is assumed that standing order 274 would provide for automatic adjournment). Given that:
- the House may not be in a position to deal with a matter reported to it under standing order 282 before it adjourns;
  - the Main Committee may or may not be able to resume successfully before the House adjourns; and
  - the Deputy Speaker has the power to fix meeting times and can therefore cause a subsequent meeting on the same day before the House adjourns if matters have been resolved—
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4 SO 304A (implemented following a recommendation in *About time*)

5 SO 276

6 VP 1996-97-98/765

7 SO 282

the Chair should have the option of either suspending or adjourning a sitting when disorder arises.

### **Recommendation 5**

**The committee recommends that standing order 282 be amended to read:**

#### **Chair to suspend or adjourn sitting when disorder arises**

**282 If any sudden disorder arises in the Main Committee the Chair may, or on motion without notice by any Member shall, forthwith suspend or adjourn the sitting and shall report the disorder to the House. If the sitting is adjourned, any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting.**

### **Seating**

- 5.20 By longstanding convention, Members of the governing party sit on the right of the Chair in the Chamber and Members of the Opposition on the left. When the practices and procedures of the Main Committee were outlined at the commencement of its first sitting, the Deputy Speaker expressed an expectation that the convention would be observed in the second chamber.<sup>8</sup> Nevertheless, as was also noted at the time, no seats are reserved for specific Members and it is thus not disorderly for a Member to sit anywhere.
- 5.21 Some Members have expressed the view that the informal atmosphere of the Main Committee—not to mention more interactive debate—would be encouraged by allowing Members to sit on either side. There may be reasons why this would not be desirable in the Chamber proper but there seems no good reason to prevent Members from experimenting with this proposal in the second chamber.

### **Recommendation 6**

**The committee recommends that the convention by which Members of the governing party sit on the right of the Chair and others elsewhere be relaxed in the Main Committee.**

## Facilities

- 5.22 Notwithstanding the provisional aspect noted above, the refurbished committee room in which the Main Committee convenes is, by and large, well suited for the business transacted there. The horseshoe layout of the seating preserves some of the character of the Chamber while the reduced scale of the floor fosters more intimate and interactive debate. However, there are a number of deficiencies which could easily be rectified if the Main Committee were to be relocated. Some remedies may be more problematical if it stays where it is.

## Speech time clocks

- 5.23 Perhaps the easiest problem to solve is the replacement of the speech time clocks. There is a consensus among Members that it is easier to pace a speech against a spatial representation of the time remaining than to juggle the raw numbers in a digital readout. Analogue clocks, such as those employed in the Chamber, are a better guide to a Member speaking than the digital clocks currently used in the Main Committee. The digital clocks have a further problem in that they are programmable, and thus easily interfered with, which at times has led to unexpected outcomes.<sup>9</sup> It is disorienting for the Member speaking—and heart-stopping for the clerk at the table managing the clock—to watch the remaining time increase rather than decrease.

## Television coverage

- 5.24 A range of people, not least whips' staff, need to be able to check the whereabouts of Members. It is easy to ascertain whether a particular Member is present in the Chamber by looking at the House Monitoring System to see whether he or she is in his or her seat. It is not so simple in the Main Committee. Part of the problem is that Members are not allocated specific seats. While steps have been taken to improve the television coverage in the Main Committee, there remains a problem in being able to identify individuals.

## Modification to doors

- 5.25 The cost of the more intimate atmosphere in the confines of the Main Committee is that it is easier to cause inadvertent disruption. The opening and closing of the doors on either side of the Deputy Speaker's chair can
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be distracting and could be minimised if proceedings could be inspected briefly from outside.

## **Accommodation for ancillary staff**

5.26 With the increased activity of the Main Committee has come greater demands on support staff. The office behind the right corner provides adequate facilities for House staff but there is a need for more proximate access by the parliamentary liaison officer and the staff of whips.

### **Recommendation 7**

**The committee recommends that, subject to feasibility and reasonable cost:**

- **the digital speech time clocks in the Main Committee be replaced with analogue clocks similar to those in the Chamber;**
- **camera angles be rearranged to improve the identification on the House Monitoring System of individual Members in the Main Committee;**
- **glass panels be fitted to all doors in the Main Committee which are normally closed during proceedings; and**
- **the provision of better facilities for ancillary staff be examined.**

